...things, I suggest might be... Excellency the Governor.

"It was stated by the Hon. Minister for Finance that this may probably be the last budget session before the general election takes place."

MR. SPEAKER:—"Is that so?"

THE HON. SRI B. GOPALA REDDI:—"'May be' is what I said."

JANAB M. MUHAMMAD ISMAIL:—"The Hon. Leader of the House in his opening speech gave certain figures and made certain statements. When this Government have been in being for the last four years, they might have told the House definitely and clearly what are the things that they have accomplished so far. The figures given and the statements made by him do not give us any clear ideas of the things which we have got in our mind. For example, take the question of food. He did not tell us to what extent the shortage in food has been made up by the steps that have been taken by the Government all these years; he did not tell us whether we are the better for having spent all the moneys which the Hon. the Leader of the House has said the Government have spent. He has only told us that so many lakhs of rupees have been spent on Food, Public Health, Education and so on. He did not tell us what

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QUARTERLY JOURNAL

OF THE

LOCAL SELF-GOVERNMENT

INSTITUTE (BOMBAY).

Editor: CHUNILAL D. BARFIVALA, M...

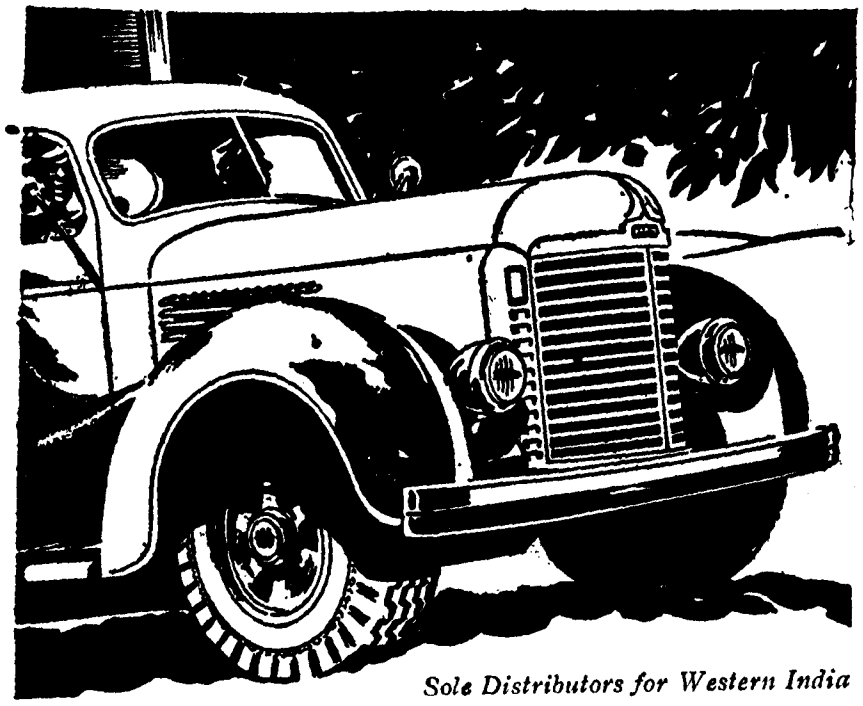
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The Local Self-Government Institute

(Bombay State)

REPORT

for

1945-50

*

Submitted on behalf of the Provincial Council of the Institute

By

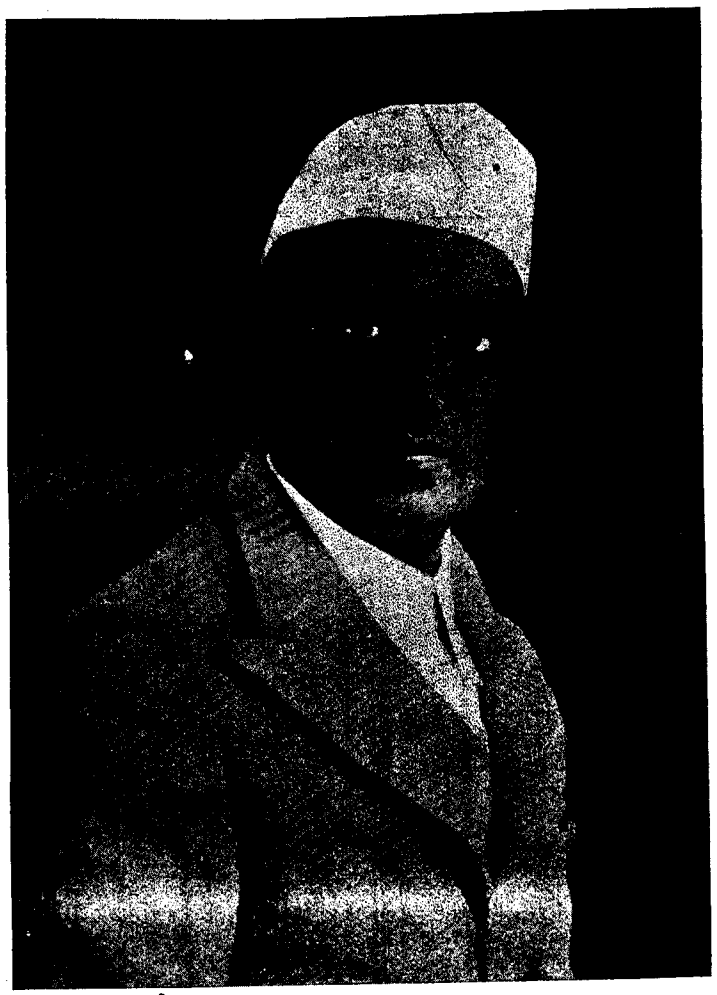
S. S. Naik

Honorary Secretary.

1st July 1950.

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The Hon'ble **Shri. L. M. Patil,** B.A., LL.B., M.L.A.,
Minister for Excise, Government of Bombay,
and President,
Local Self-Government Institute, Bombay.



The Hon'ble Shri. G. D. Vartak, B.A., M.L.A.,
Minister for Local Self-Government, Govt. of Bombay and
Vice-President, Local Self-Government Institute, Bombay.

The Local Self-Government Institute

(Estd. 1927)

Report for the Years 1945-1949

I have the pleasure to submit, on behalf of the Provincial Council of the Local Self-Government Institute, the report on the working of the Institute for the years 1945 to 1949 together with the audited statements of accounts and the Audit reports for 1944/45 to 1948/49. The last Triennial General Meeting was held on the 17th February 1945. On account of the merger of some of the former Indian States into the State of Bombay and of the pending elections to the local bodies, the Executive Committee of the Institute was obliged to postpone the date for holding the Triennial General Meeting from time to time with the result that this meeting has now been called on the 30th July 1950. The Executive Committee regrets this unavoidable delay.

1. Constitution.

(1) THE PROVINCIAL COUNCIL OF THE INSTITUTE.

The following persons were elected to the Provincial Council of the Institute at the Triennial General Meeting on the 17th of February 1945 The names of the persons elected together with the constituencies which they represented are given below :—

1. The President : L. M. Patil, Esq., B. A., LL. B., Minister for Excise & Reconstruction, Government of Bombay.
2. Vice-President : G. D. Vartak, Esq., B. A., Minister for Local Self-Government, Government of Bombay.
3. Secretary & Treasurer : S. S. Naik, Esq., B. A., B. SC., (Edin.) L. C. E. (Bom.).
4. Ahmedmiya Sherumiya Shaikh, Esq., B. A., LL. B., (Ahmedabad Municipality .)
5. G. S. Adkar, Esq., B. A., LL. B., (Poona Municipality)
6. Rao Bahadur N. A. Afzulpurkar (Sholapur Municipality)
7. Abdul Kadar Shaikh, Esq., B. A., (Surat Municipality)

8.	Mahamadkhan Valikhan Munshi, Esq.,	Representatives of Local Bodies in Gujarat.
9.	Padam K. Illava, B. A.,	
10.	Haribhai Sarabhai Patel, Esq.,	
11.	J. R. Tawde, Esq., B. A., LL. B.,	Representatives of Local Bodies in Konkan.
12.	R. S. S. B. Sawant, B. A., LL. B.,	
13.	S. V. Iyer, Esq.,	
14.	A. G. Awate, Esq.,	Representatives of Local Bodies in Maharashtra.
15.	Sardar Shivrao Bhawanrao Thorat.	
16.	N. S. Patil, Esq.,	
17.	S. T. Patil, Esq., B. A., LL. B., M. L. A.	Representatives of Local Bodies in Karnatak.
18.	M. N. Wantmurimath, Esq.,	
19.	S. S. Matti, Esq., B. A., LL. B.,	
20.	R. V. Parulekar, Esq., M. A , M. Ed., T. D. (Lond.)	Representatives of Individual Members.
21.	S. S. Pradhan, Esq., B. A., LL. B.,	
22.	Narayan Tukaram Sarnaik, Esq.,	Representative of Indian States.
23.	W. G. Shetye, Esq., B. A , LL. B.,	Representative of School Boards.

Some of these gentlemen ceased to be members of the local bodies they represented. They, therefore, ceased to be Members of the Provincial Council also.

(2) THE EXECUTIVE COMMITTEE.

The following persons acted as members of the Executive Committee :-

1. L. M. Patil, Esq., B. A., LL. B., M. L. A. President. (1945-49)
2. G. D. Vartak, Esq., B. A., M. L. A. Vice-President. (1945-49)
3. S. S. Naik, Esq., B. A., B .SC. (Edin.), L. C. E., Hon. Secretary & Treasurer. (1945-49)
4. S. S. Pradhan, Esq., B. A., LL. B. Jt. Hon. Secretary. (1945-49)
5. R. V. Parulekar, Esq., M. A., M. ED., T. D. (Lond.) (1946-49)
6. Annasaheb G. Awate, Esq., (1946-49)
7. S. S. Matti, Esq., B. A., LL. B. (1945-49)
8. Haribhai Sarabhai Patel, Esq., (1948-49)
9. M. N. Wantmurimath, Esq., (1946-49)
10. W. G. Shetye, Esq., B.A.,LL.B., (1946-49)
11. N. S. Patil, Esq.; (1947-49)

12. Sardar Shivrao Bhawanrao Thorat, Esq., (1945-49)
13. J. R. Tawde, Esq., B. A., LL. B. (1945)
14. Rao Bahadur Nagappa A. Afzulpurkar (1945)
15. S. T. Patil, Esq., B. A., LL. B., M. L. A., (1945)
16. Padam K. Illava, Esq., B. A., (1945-46)
17. Abdul Kadar Shaikh, Esq. B. A. (1945)

The following persons were the Office-Bearers during the period under report:—

President : L. M. Patil, Esq., B. A., LL. B., Minister for Excise & Reconstruction, Government of Bombay.

Vice-President : G. D. Vartak, Esq., B. A., Minister for Local Self-Govt., Government of Bombay.

Hon. Secretary & Treasurer : S. S. Naik, Esq., B. A., B. SC., L. C. E.

Asstt. Secretary : S. S. Pradhan, Esq., B. A., LL. B., (upto 13-7-1949) R. V. Parulekar, Esq., M. A., M. Ed., T. D., (Lond.) for further period.

Director Chunilal D. Barfivala, Esq., M. A., LL. B.

Hon. Auditor : R. N. Rajadnya, Esq.

The Provincial Council is extremely sorry to inform the General Body that Mr. S. S. Pradhan, the Asstt. Secretary, suddenly died of heart failure on 13th July 1949. The Provincial Council and the Executive Committee of the Institute have placed on record their deep sense of sorrow at his sad demise.

As provided by the Constitution, Mr. R. N. Parulekar, M. A., M. Ed., T. D. (Lond.) was appointed by me as Assistant Secretary in his place.

(3) MEMBERSHIP

The membership of the Institute is distributed as under :—

1.	Special Municipalities	4
2.	Borough Municipalities	32
3.	District Municipalities	129
4.	District Local Boards	23
5.	Village Panchayats	117
6.	School Boards	7
7.	Individuals	15

It may be mentioned here that eight new districts have been added to this State with the result that new Local Boards and Municipalities are being enlisted as Members of the Institute. Recently the jurisdiction of the Corporation of Bombay has been extended so as to absorb four borough municipalities, one district municipality, one sanitary beach committee and one village panchayat. These local bodies have, therefore, ceased to be members of the Institute from the date of merger. As far as the Bombay Municipal Corporation is concerned, it has resolved to enlist itself as a member by paying Rs. 500/-as annual subscription. Unfortunately, however, some legal technicalities have come in the way of their paying the subscription and it may be found necessary to take steps to get the Bombay Municipal Act amended to enable it to join the Institute as Member. It is hoped that in the due course the necessary steps will be taken in the matter. Recently the Poona and Ahmedabad Corporations have been constituted with enlarged areas. This also has curtailed membership of the merged area. The annual membership subscription is therefore proposed to be revised by prescribing a slightly higher scale of subscriptions. The present schedule of subscriptions was fixed in the year 1927 and has so far remained unchanged ever since. The expenses of the Institute and its expanded activities during this long period of about 25 years have increased considerably and therefore the schedule has got to be revised. It is hoped that the local bodies will not mind a small but necessary increase.

As regards membership of School Boards, the regretable position to-day is that the Government in the Educational Department is not pleased to permit the payment of annual subscription to the Institute and T. A. to their members to attend meetings to be made out of P. E. Fund. The Provincial Board of Primary Education sometime back passed an unanimous resolution recommending that School Boards should be allowed to join the Local Self-Government Institute and the said expenditure be allowed to be admitted for Government Grant. The Provincial Board had also added that it was its opinion that such a step would enable the School Boards to join the Institute which will then become a representative Institution of Local Authorities and School Boards together, and the Board further recommended that the Government should be pleased to recognise the Institute as a representative agency for consultation whenever Government desires to invite opinions of Local Authorities and School Boards on matters relating to Primary Education. Government not having accepted the recommendations, the School Boards have found it almost impossible to join the Institute. Some seven School Boards, however, in spite of this difficulty, joined the Institute by paying the annual subscription through and from the funds of the Local Authorities to which they were attached. It is trusted that the Government will ultimately be pleased to revise their policy and permit the School Boards to enjoy its share in the deliberations and activities of the Institute. In the meantime the Institute is thankful to those local authorities which permit out of their own funds payment of subscription by their School Boards.

Lastly, it may be added that the Union of Saurashtra which geographically formed a part of the then Province of Bombay has now been separated with the result that some Local Bodies of the States of Saurashtra which were formerly members of the Institute have ceased to be so. It is therefore proposed to amend the constitution to enable the former local bodies in Saurashtra to become members of the Institute. Fortunately Deccan States have merged in the State of Bombay and therefore similar difficulty has not been felt in respect of local bodies in these states.

The Institute proposes to launch publication of Monthlies in regional languages and make them interesting to Village Panchayats. This activity, when started, will bring many Panchayats in the list of members.

2. The Institute and the Government Administrative Enquiry Committee.

The Government of Bombay appointed on 28th November 1946 an Administrative Enquiry Committee under the Presidentship of Dr. Jivraj Mehta whose place was ultimately taken by Principal Karve, the other members of the Committee being: (1) Sir Ivon Taunton, (2) Mr.S.B. Tayabji, (3) Mr. J. Santos and (4) Mr. M. V. Tilve. Your Director, Mr. Barfivala, submitted a detailed written memorandum of evidence and he was thereafter called for oral evidence as well. The written evidence has been published in the January 1948 issue of our Quarterly Journal to which the attention of the members is invited. The recommendations of the Committee are highly appreciative of the work of the Institute. The Committee has proposed quite a number of welcome administrative reforms. Some of these recommendations as far as they relate to the Institute deserve to be reproduced here for the benefit of the members who have had no opportunity of perusing them elsewhere.

A. Approach from three different angles.

"We have conceived our task as embracing the whole field of administration, and have approached it from different angles, namely, efficiency, economy and association of the public with the administration."

B. Local Bodies can be made an efficient instrument of Administration.

"In Chapter XII we have shown how, with adequate supervision and guidance, the local bodies can be made an efficient instrument both for decentralization and for the association of the non-official element with district administration."

C. Establishment of the Local Self-Government Institute—a landmark in the history of Local Self-Government in the Province.

"Another landmark in the history of local self-government in this Province was the establishment of the Local Self-Government Institute, the first of its kind in India, in 1927. This Institute has done useful work in co-ordinating the activities of local bodies and assisting them in their dealings with Government. It has also conducted a training class for executive officers of local bodies and educates public opinion in matters of local self-government by literature and propaganda. In another chapter we have recommended that Government should give legal recognition to this Institute and make use of it as part of the machinery for controlling local bodies."

D. Transfer of Commissioner's certain duties to the Local Self-Government Institute—a better agency for supervision of Local Bodies.

"When the Commissioners cease to exist.....the supervision which the Commissioner exercises over local bodies has also tended to become formal in proportion to the direct pull which the members of a local body have with Government. We recommend in a later Chapter that the composition of the Local Self-Government Institute, Bombay, should be so altered and its functions so enlarged as to invest it with certain powers of supervision and control over the local bodies. The powers of the divisional commissioners in respect of the local bodies can then be suitably handled by the Chief Executive Officer of the Institute, except in cases where Government finds it advisable to exercise control either through the Collectors or the Board of Revenue. Under the Bombay District Local Boards Act and the District and Borough Municipal Acts the Commissioner has to keep constant watch over the expenditure of local bodies and prevent extravagance, and his prior sanction is necessary for the sale of immovable property or its lease or transfer by a local body for a period exceeding seven years.

While the former function should be delegated to the Local Self-Government Institute, the latter should remain with the Board of Revenue.....the co-ordinating influence of the Commissioners has been much reduced in practice, and a better agency has been suggested by us for the supervision of local self-governing bodies."

E. Abolish Rural Development Boards—the District Local Boards should be the principal agency for District Administration.

"Non-official advice is at present secured through rural development boards, the abolition of which we have recommended in the chapter on Local Self-Government. We suggest that the district local board should be the principal agency for the association of the non-official element with district administration, as it has a representative character which is lacking in the rural development boards. We accordingly recommend that some members of the district local board should be invited to the periodical meetings of the district officers. A representative of the municipality concerned may be invited when questions relating to a municipal area are to be discussed."

F. Government's present policy regarding Primary Education assented to in the special circumstances of the time-but ultimate return of control to local bodies essential.

"It is evident that under the new Primary Education Act, the whole responsibility for this kind of education will rest with Government and the local authorities who were at least in partial control since the Act of 1923 was passed, will have practically no concern with it. We agree with this reversal of policy in the special circumstances of the time. When Government is providing almost the whole of the funds needed for compulsory education, they must obviously retain in their own hands the direction and fulfilment of the programme. And this becomes all the more necessary when a concerted drive for the removal of illiteracy throughout the Province has to be completed within a fixed period. But when this goal has been reached, or even at an earlier stage when the path towards it has been clearly defined and obstacles overcome, we feel that primary education should again be entrusted to local control and that sufficient sources of revenue should be made available to local bodies to enable them to bear the cost. Such decentralisation would accord with modern thought and practice in other countries and would relieve Government of a burden which there would then be no need for them to carry, besides encouraging local enthusiasm and sense of public duty.

Meanwhile, however, so long as the participation of local authorities in primary education is practically in abeyance we can see no reason why the administrative officers,' posts need continue. It appears that they are to be kept in existence in deference to local sentiment and as a kind of pledge to the local authorities that their control over primary education will one day be restored. We do not think that such considerations warrant the retention of unnecessary posts. The duties of an administrative officer run parallel to those of the deputy educational inspector and are thus redundant. The School Boards cost nothing and may continue with such functions as the Act allows. But expenditure of the unnecessary duplication involved in retaining the administrative officers' posts appear to us waste of money, and we feel that these posts should be abolished. Their disappearance should cause no hindrance to the return of control over primary education to local authorities if and when Government decide that this should be done."

G. Day to day guidance and supervison of Local Bodies should be through statutory non-official Board representative of Local Bodies themselves.

"It has been rightly contended that the powers with which Government have armed themselves in respect of local self-government institutions are more in the nature of a "pole-axe when rein and spurs are needed". The three Acts under which the local boards and the district and borough municipalities have been constituted in this Province contain special chapters through which Government have taken powers to order the performance of certain duties in the event of default by local bodies, to enquire into local administration, and to impose the penalty of supersession in case of gross mismanagement. Added to these are the emergency powers of the collectors to suspend the execution of the decision of a local body which is likely to cause injury or annoyance to the public or lead to a breach of the peace, or is unlawful, and to provide for the immediate execution of works necessary for the health and safety of the public which a particular local body has refused to perform. There is no machinery provided through which Government can wield a wholesome influence on the local bodies by way of timely advice and correction. Owing to overwork in connection with their multifarious duties rather than lack of interest, the collectors have been prevented from devoting much attention to local self-government affairs. We have carefully considered whether this want of day-to-day supervision and guidance should be supplied by a Government agency under a Local Self-Government Commissioner or through a statutory non-official board representative of the local bodies themselves and commanding their confidence and co-operation. We recommend to Government the latter course, as external control, however helpful and beneficient, is likely to be resented by the local bodies and would not be so effective as self-imposed discipline."

H. To achieve the object mentioned above the Local Self-Government Institute should be converted into a Local Self-Government Board by modifying its Constitution. The objects of the Local Self-Government Institute are comprehensive enough to take up additional work.

"But instead of setting up a new *ad hoc* body Government should consider whether they could utilise the services of the Local Self-Government Institute which has already done valuable work in the cause of local self-government. We have been told that even though membership of this Institute is voluntary, all the local bodies in this Province, with the exception of a few district municipalities, have become members of the Institute by paying the annual subscription.....The governing body of the Institute is known as the Provincial Council, on which the representation is on a territorial basis, the Gujarat, the Konkan, the Maharashtra, and the Karnatak Divisions being represented by three members each. In addition to these, important local bodies like the municipalities of Poona, Sholapur, Ahmedabad and Surat have been given special representation of one member each, while the school boards are represented by two members. The Provincial Council elects an executive committee which is charged with the day-to-day administration of the Institute."

"The objects of the Institute as given in clause 3 of the constitution are :—

(*a*) to further the growth of local self-government institutions by training people in the principles and practice of local self-government ;

(*b*) to promote the study of problems connected with local self-government and act as a centre of information and advice for local self-government bodies.

(*c*) to strengthen and improve local self-government institutions by co-operation and other means and to bring them together for common endeavour by organising periodical conferences ;

(*d*) to undertake on behalf of the local bodies any services such as purchase of stores, book depot, printing press, etc., ; and

(*e*) to adopt any other measures necessary for the furtherance of the interests of local self-government and the promotion of efficient administration.

" Thus the objects of the Local Self-Government Institute are comprehensive enough to include all the duties that Government may think fit to delegate to it. In fact, our proposal is so to modify the constitution of that body as to make it an instrument whereby it can more fully achieve its object of promoting efficient administration in local bodies and advise Government in Local Self-Government matters. The Institute will continue to perform all the activities which it is at present conducting, in addition to those recommended by us, and we think it would not be necessary to alter the constitution of the general body except to the extent mentioned below".

"We feel that the objects we have in view will be promoted by making the Minister for Local Self-Government the *ex-officio* president and the Chief Engineer and the Director of Public Health *ex-officio* members respectively of the general body. The vice-president should, however, be elected, and provision may be made for the appointment of an honorary secretary, in which case the assistant secretary will have to be a paid servant. It will be necessary to call at least one meeting of the general body annually, and provision should be made for the holding of the special meetings if called by the Executive Committee, whose constitution we advocate in the succeeding paragraph or on a requisition signed by one-forth of the members".

" With this altered constitution it should be possible for the Local Self-Government Institute to exercise adequate supervision over the local bodies through an Executive Committee which should be constituted as follows :—

The district local boards, the district municipalities and the borough municipalities should be represented by two members each on this committee, and the Chief Engineer and the Director of Public Health should be *ex-officio* members, so that their experience and advice may be available to the executive committee. With a view to giving to the executive committee the benefit of outside experience and knowledge, it would be desirable to have one of the individual members of the Institute on the executive committee. The executive committee should be presided over by an officer more or less of the rank at present held by a divisional commissioner, who will thus be the chief executive officer of the Institute in respect of its administrative duties of supervision and inspection. The chief executive officer will have to be given a suitable staff, both for his own office and for the several divisions of the Province. For every Revenue division the Institute, which may be given legal status as the Local Self-Government Board, should form a small committee, of which a divisional officer will be appointed the chairman. This officer, advised by his committee and assisted by a divisioual staff, will be responsible for the day-to-day supervision and inspection of the local bodies. The gazetted staff of the board will be appointed by the executive committee and will be under the control of the chief executive officer, while for the non-gazetted staff the chief executive officer will be both the appointing and controlling authority. It will not be possible to finance the scheme through the membership fees which are now charged by the Institute. In order not to place a financial burden on the local bodies, at least to start with, by asking them to share the full expenditure incurred on the maintenance of the major portion of the staff, we recommend that the cost of the administative staff should be substantially borne by Government. The Institute should be able to finance its educative and propaganda activities by raising subscriptions and by obtaining voluntary contributions".

I. If Local Bodies and the Local Self-Government Institute do not co-operate or if 5 years' trial of such transfer of powers to the Institute is not successful, Government may establish its own agency for guidance and supervision of Local Bodies.

" These recommendations have been made in the hope that both the Local Self-Government Institute and the local bodies will co-operate with Government in making this scheme a success. It is intended to be a compromise between the demand of the local bodies for complete autonomy and the proved necessity of central control. It has the added advantage that the powers entrusted to the Board could be withdrawn or increased according to the degree of success attained by it. But if for some reason or other the required co-operation is not forthcoming or if after giving this scheme a trial for a period of, say, five years it appears to Government that not much progress has been made, then it would be open to Government to appoint their own agency for the guidance and supervision of local bodies. A nucleus for this will already have been provided by the Chief Executive Officer of the Board with the divisional staff under him, who would have acquired by that time adequate knowledge and experience of local self-government problems. This would also entail the provincialisation of the higher local services to be administered and controlled by Government through the Chief Executive Officer, who could then be designated as Local Self-Government Commissioner."

3. Conferences.

The following Conferences were held during the period under report :—

1. Provincial Conference of local bodies was held at Bombay in the lecture hall of the Institute on the 17th and 18th February 1945 under the presidentship of Shri L. M. Patil, B. A., LL. B., M. L. A., the then Minister of

Local Self-Government, Government of Bombay, and President of the Institute. It was very largely attended and the delegates took great interest in its deliberations. A very large number of Gram Panchayat delegates also attended the session.

2. Conference of Members of Local Bodies in the Bombay Suburban District was held in the Institute's premises on 1st December 1945 to consider the question of Greater Bombay. It was presided over by Mr. Chunilal D. Barfivala, M. A., LL. B., Director of the Institute, who was then the President of the Bombay Suburban District Local Board.

3. Conference of the Presidents of the Local Boards and Chairmen of the School Boards of the Marathi-speaking Districts was organised by the District Local Board, Ahmednagar and was presided over by S. S. More, Esq., B. A., LL. B.. Sardar S. B. Thorat took keen interest in organising this Conference.

4. Conference of Chairmen of Local Authorities and School Boards was held at Poona in Khan Bahadur 'Moledina' Hall of Poona Suburban Municipality on 5th May 1946 under the Chairmanship of Shriyut C. A. Vyas, the then President, District Local Board, Kaira.

5. Konkan Divisional Conference of Local Bodies was held at Thana in the Municipal Hall under the Presidentship of Shrimati Hirabai P. Bhapkar, the then President, District Local Board, Ahmednagar. It was inaugurated by Shriyut G. D. Vartak, B. A., Minister for Local Self-Government, Government of Bombay.

6. Maharashtra Divisional Conference of Local Bodies at Ahmednagar. This Conference was held on the 24th & 25th of January 1947. The President-elect Shri Bhausaheb Raut was unfortunately involved in a motor accident and could not therefore preside on the occasion. Presidentship was offered by the Delegates to Shri S. S. More, B. A., LL. B., who presided in the absence of Shriyut Raut.

7. Gujarat Divisional Conference of Local Bodies at Nadiad. This Conference was held on the 1st and 2nd of February 1947 under the presidentship of Dr. Chandulal M. Desai of Broach.

8. Karnatak Divisional Conference of Local Bodies at Hubli. This Conference was held on the 1st and 2nd of March 1947, under the Presidentship of Shri. S. K. Patil, Stet President, Bombay Provincial Congress Committee.

9. Conference of the Municipalities merged in the Deccan States was held at Sangli on 24th August 1948 under the Presidentship of Shriyut G. D. Vartak, B. A., Minister for Local Self-Government, Government of Bombay.

10. Conference of Presidents of Municipalities in Poona District was held at Baramati on 20th July 1949 under the Presidentship of Shriyut Chunilal D. Barfivala, M. A., LL. B., Director of the Local Self-Government Institute.

At these Conferences questions affecting local bodies are discussed and suitable resolutions are sent to the Authorities concerned. These resolutions include all phases of Local Self-Government. Wherever there are any encroachments on the powers of the Local Bodies, wherever any measure increases their financial responsibility, or affects their financial resources prejudicially, suitable representations are made to the Government. It was at the persistent requests of such Conferences that the Local Self-Government Enquiry Committee known as the Kale Committee was appointed and several of the recommendations of the Committee were given effect to, an important instance being, the government assignment to the Local bodies 15% of land revenue and 75% of the N. A. assessment and 2% of the forest revenue. Similarly the right of appointing their own Secretaries was granted to the Village Panchayats by the present ministry. Grant of D. A. was also due to demands of local bodies at such conferences. It is indeed a matter of gratefulness to the present Ministry who thus responded favourably to the requests of local bodies and came to their assistance in times of dire necessity. It would not be possible to give here numerous other important instances nor does it seem to be necessary to do so because the value of these Conferences is by now known to all Local bodies.

A special advantage which is not generally known of holding such Conferences is the education in Local Self-Government and the contacts which they establish among the Local Self-Government workers. These advantages cannot be estimated in terms of rupees, annas and pies.

4. Training Classes.

The Institute has been conducting classes for Officers of the Local Self-Government Service since 1927 under the joint auspices of the Government of Bombay and the Institute.

The object of holding these classes is to train those students, who having completed their scholastic or University education, aspire to join services in a local body, and those, who being already in the service of the local body, desire to qualify themselves for higher posts. Persons holding important offices are expected to possess general knowledge of the basic principles of Local Self-Government underlying the systems prevailing in India and in principal foreign countries. Such Officers should be conversant with ordinary provisions of law and procedure affecting local bodies. They

are, moreover, expected to know something of Accounts, Public Health and Sanitation without being Accountants, Health Officers and Sanitary Engineers or Inspectors and something of Engineering and Town Planning without being Engineers or Town Planning experts. What is being attempted in these classes is to train the students to grasp intelligently the general principles of these subjects within the shortest possible period.

The subjects taught at these classes include:

1. Principles of Local Self-Government and various types of Local Bodies and Legislative Powers of Local Bodies in the matter of Rules, Regulations and By-Laws.
2. Acts relating to Local Self-Government, Local Board Account Code and Primary Education Act and Rules thereunder.
3. Accounts with special reference to Accounts of Local Bodies.
4. Rating and Assessment, Town Planning and Land Acquisition.
5. Public Health and Acts relating to Public Health and Sanitation.
6. Engineering including Public Safety and Conveniences.

Over a thousand students have been trained in our Classes by now and about 60% of them are from the State of Bombay and the remaining are from all over India. The former Indian States from Kashmir from the North and Cochin to the South recognised the Diploma, some of them insisting upon their new staff to obtain the Diploma. Thus about 80% of the Diploma holders have succeeded in obtaining posts and promotions in the services of the local bodies. It is proposed to reopen the branches in the different divisions as soon as suitable facilities are available.

In this connection thanks of the Institute are due to a number of Honorary Lecturers who have given their valuable time for giving tutions to the students of the Institute from time to time. Amongst them may be mentioned the following :—

1. Principal D. R. Gadgil, M.A., M. Litt.
2. Prof. V. G. Kale, Esq., Ex. Member, Tariff Board.
3. Iswarlal Ranchhodlal Bhagat, Esq., B.A., LL. B., Ahmedabad Municipality, Hon. Organiser, Training Classes.
4. E. A. Nadirshah, Esq , B.A., F.E. (Bom.), B.Sc. (Edin.), A.M. Inst. C. E. (Lond.), A.M.I.E. (Ind.) F.S.I.E. (Lond.) Engineer, Bombay Municipality.

5. N. S. Koushik, Esq., B.A., Retired Assessor and Collector, Bombay Municipality.
6. P. E. Golwala, Esq., M.C.E., A.M.I.C.E., Engineer, Bombay Port Trust.
7. S. E. Wadia, B.E., Asstt. Engineer, Poona Water Works, Dt. Poona.
8. B. M. Gupte, Esq., M.A., LL.B.
9. R. A. Collet, Esq., A.M.I.C. Executive Engineer, Poona Water Works Division, Poona.
10. Chandulal Bhagubhai Dalal, Esq., B. Com., D.P.A., (Lond.), Chief Officer, Ahmedabad Municipality.
11. G. J. Desai, Esq., B.E., Special Land Acquisition Officer, Poona.
12. G. S. Gupte, Esq., B.A., L.C.E., Ex-Superintendent, City Survey & Records.
13. R. V. Parulekar, Esq., M.A., M.Ed., (Edin), T. D. (Lond.), Ex-Secretary, Schools Committee.
14. S. S. Pradhan, Esq., B.A., Chief Officer, District Local Board, Thana.
15. A. P. Saldhana, Esq., B.A., Store-Keeper, Bombay Municipality.
16. B. R. Gholap, Esq , B.A., LL.B., Chief Officer, District Local Board, Poona.
17. S. T. Karnik, Esq., B A., G D.A., Asstt. Auditor, Poona City Municipality.
18. Girishchandra S. Desai, Esq., B.E., L.S.G.D., Sp. Relief Road Officer & Mill Valuation Officer, Ahmedabad Municipality.
19. Pranlal Kirparam Desai, Esq., B.A., S.T.C.D., School Board Administrative Officer, Ahmedabad Municipality.
20. Mukundray K. Adhyaru, Esq , B.A. (Hon.), L.S.G.D., Secretary, Ahmedabad Municipality.
21. J. S. Malik, Esq., B.Sc. (Eng.), L.S.E., Municipal Engineer, Ahmedabad Municipality.
22. H. M. Patel, B.Sc., B.E.
23. Shankarlal Panachand Shah, Esq., B.A., Personal Asstt. to Chief Officer, Ahmedabad Municipality.
24. P. J. Patel, Esq., B.A., L.S G.D., Building Supervisor.
25. B. L. Patel, Esq., G.D.A., L.S.G.D., Head Clerk, Accounts Department, Bombay Municipality.
26. Dr. V. C. Bhide, M.B.B.S.
27. L. H. Marathe, Esq., B.A. (Hons.), B. Sc., LL. B., Assessor & Collector Poona Corporation.
28. J. P. Moole, Esq., Dy. Chief Auditor, Bombay Municipality.

29. J. P. Naik, Esq., B.A., Secretary, Indian Institute of Education.
30. D. D. Daulbhakta, Esq., B.E.
31. S. S. Naik, Esq., B.A., B.Sc. (Edin), L C.E. (Bom.), Hon. Secretary, Local Self-Government Institute, Bombay.
32. C. D. Barfivala, Esq., M.A., LL.B. Director, Local Self Government Institute, Bombay.
33. S. V. Samant, Esq., B A. (Hons.), B.T., Asstt. Director, Local Self-Government Institute, Bombay.

Ministers of Local Self-Government from time to time have shown their appreciation of the training classes and the tuition imparted therein and have sometimes prescribed L. S. G. D. qualifications for some of the posts e. g. Inspectors of Village Panchayats. Local bodies have indeed given every kind of encouragement to their staff to study for the Diploma. They have for example granted study leave, borne expenses for fees, books etc., have given promotions and increments to their successful Diploma-holder-employees and have also given special preference when considering respective claims of applicants for higher posts. Even such big Corporations as Bombay, Ahmedabad and Poona have got a good number of employees trained in the Institute's classes by giving special promotions and increments. At present Bombay Corporation has been sending on more than a hundred employees per year. The value of the Diploma therefore has been so universally recognised that virtually it has become a compulsory qualification for all entrants to service in Local bodies.

During the period under Report, the number of students who passed the Diploma Examination is as under:—

1944-45: 52, 1945-46: 60, 1946-47: 37, 1947-48: 54, 1948-49: 88

5. Post-Graduate studies.

Post-graduate studies for the M. A. and Ph. D. Degrees of the University of Bombay are undertaken by some graduate research students who study in the Institute's Library which is recognised for the purpose by the University of Bombay. Students of Municipal Engineering are guided by Mr. Naik, the Honorary Secretary, and those of Municipal Constitution, Administration and Finance are guided by Mr. Barfivala, the Director.

6. Library.

The Institute's Library consists of a huge collection of books on all phases of Local Self-Government published in India and abroad. There are valuable reference books. Such a collection of books on these subjects does not seem to be available anywhere in India. Distinguished Visitors

to the Institute have been full of admiration about this splendid collection. Government of Bombay also has been pleased to appreciate the benefits of this Library and Government officials have been making constant use of our reference books.

For the last four years, Government of Bombay have been giving a special grant of Rs. 1,000/- per annum earmarked for Library and Equipment. It is hoped that within another ten years, if this grant continues, the collection in the Library will be simply invaluable. Members of the Institute are requested to make it a point to consult the Library when they are on visit to Bombay. A catalogue of books contained in the Library is being sent to the Press and is expected to be ready by the time the General Meeting is held i. e. 30th July 1950.

7. Employment Bureau for Local Self-Government Diploma-holders.

Those students who succeed in obtaining the L. S. G. D. Diploma awarded by the Institute are continuously assisted in obtaining services suitable for their qualifications. There was a time when there were many Diploma-holders who were in search of higher jobs and the Institute was able to help them in obtaining them. Now that the Diploma and its value have been so widely recognised, the position has been reversed and a number of local bodies are asking this Institute to find for them candidates suitable for certain posts. In spite of the fact that there are so many Diploma-holders, the unemployment amongst them is so rare, that the demand of local bodies for suitable Diploma-holder-candidates is not satisfactorily met by the Institute. It is indeed gratifying to witness the evergrowing demand on the part of the local bodies in this respect as it shows a better appreciation of the merits of Diploma-holders and anxiety for achieving better efficiency in local administration.

8. Book-Depot.

The Institute has decided to add a new item of service to local bodies, *viz.* supply of Allopathic and Ayurvedic Medicines and medical stores to Local Bodies. Hitherto several Local Bodies used to invite tenders for their medical requirements through the Institute. They have found that quotations collected by the Institute from several competing firms resulted in economic purchases by local bodies. The Institute has, however, discovered that the laying down of a 'systematic modus operandi' was necessary for a variety of reasons.

Government medical stores cannot be expected to be able to meet all the needs of all Dispensaries, Hospitals, Maternity homes and other institutions run by Local Bodies at all times of the year and Local Bodies

brought upto date as early as possible and circulated to local bodies for their selection. In every Municipality a library of books on Local Self-Government subjects is recognised as a dire necessity and it is hoped that the list when completed will guide every local body in the matter of purchasing suitable books for its library.

9. Journals.

Periodicals:—For the last twenty years, the Institute has been publishing the Quarterly Journal of the Local Self-Government Institute. It is edited by Mr. Chunilal D. Barfivala, M. A., LL. B., Director of the Institute. It has established its reputation as the best periodical published in India on the subject of Local Self-Government. No research scholar either in India or in foreign countries can afford to omit referring to this Journal for almost every phase of interest in the domain of Local Self-Government. Esteemed Writers of first class reputation from all over India and from all English speaking countries have been contributing to this Journal. Thesis accepted for M. A. & Ph. D. have been published in this Quarterly *in extenso* for the benefit of students and scholars. Journals in the regional languages-Gujarathi, Marathi and Kanarese, publication of which has been suspended owing to paper and printing difficulties, are proposed to be republished forthwith. Editorial Committees for each regional Journal have been formed and the first issue may be published within a couple of months.

10. Publications.

The Institute has published about forty books on different phases of Local Self-Government. They have been found useful not only to L. S. G. D. students, for whom some of them were primarily meant, but they have been widely used by those interested in Local Self-Government not only in the State of Bombay but throughout India. Some of the larger works such as the Directory of Local Self-Government have acquired great reputation not only in India but in foreign countries as well.

The work is of a kind which compares favourably even with standard Directories published in the Western countries. The following information about the Institute's publications will give some idea regarding the importance of this branch of our activities. With each title, a brief description is also given which will better introduce these works to our members:—

Directory of Local Self-Government in India **Rs. 20**

Edited by CHUNILAL D. BARFIVALA, M.A., LL.B.

An encyclopaedia on Local Self-Government in India.

Though published in 1941, this unique publication retains its freshness today and will continue to remain a useful reference work for years to come. The following extracts from a few of the numerous opinions will show its vast usefulness.

"The compilation has been done with skill and great labour and forms a landmark in this kind of publishing in India."—Dr. H. I. Shorely, C.I.E., I.C.S.

"It has no parallel in the history of Local Self-Government in India".—M. D. Bhatt, I.C.S.

"The precision with which statistics have been prepared do credit to the compiler and must prove a veritable mine of information to all interested in the advancement of the Local Self-Government in this Country".—Jamshed Nusserwanji Mehta of Karachi.

"The invaluable reference book for all students of local finance and other problems of local Government".—Dr. V. R. K. V. Rao, M. A. (Bom.), B.A. (Cantab.), Ph.D. (Cantab.).

"As a *vade mecum* for the student of Municipal Government it is invaluable."—*Times of India.*

"The Directory is a huge tome (1100 pages) which is nearly 10 inches long and 6½ inches broad and four inches thick, and is truly encyclopaedic in its scope. It omits practically nothing that is worth knowing about every municipality and District Local Board in the province and embraces important items regarding these units throughout India ..... a veritable mine of information, etc."—*The Bombay Chronicle.*

Cases on Local Self-Government Acts Part I **Rs. 20**

Do. Do. Part II **Rs. 10**

(Parts I & II combined) **Rs. 25**

By CHUNILAL D. BARFIVALA, M.A., LL.B.

Summary of cases on Local Self-Government decisions by Bombay High Court for about last 50 years.

The Hon'ble Mr. L. M. Patil, B.A., LL.B., M.L.A., the then Minister for Local Self-Government, Government of Bombay, writes:—

"Mr .Barfivala's Volume on 'Cases on Local Self-Government Acts' is a unique publication. It is the first of its kind in India. The Summaries of Cases are quite exhaustive. Judgments are reproduced in extenso, practically in the words of the eminent judges who delivered them. The indices are helpful.

"I have no doubt the Volumes will be useful to the Local Bodies. Those who are interested in running the administration of these bodies will heartily welcome this publication. I congratulate Mr. Barfivala on accomplishing this laborious task in a competent manner."

Local Self-Government in Different Countries **As. 10**

By MONTAGUE HARRIS, M.A., O.B.E., Bar-at-Law,
Vice-President, International Union of Local Authorities.

This booklet contains a collection of three instructive lectures which Mr. Montague Harris, M.A., O.B.E., Bar-at-Law, Vice-President of the International Union of Local Authorities, delivered, in Bombay under the auspices of the University of Bombay. Mr. Montague Harris who was specially invited to India by the Local Self-Government Institute, is an eminent authority on Local Self-Government subjects. He is the author of the standard work 'Local Government in many Lands'.

The Growth of Local Self-Government in the Porvince of Bombay **Re. 1**

By RASIKCHANDRA G. SHAH, B.Com., L.S.G.D.

This is a valuable thesis on the history and the working of the Local Self-Governing Institutions of the Province—the Bombay Corporation, the Borough, and the District Municipalities, the Local Boards, the Notified and Sanitary Committees, the Village Panchayats, etc.— covering the period 1858 to 1940.

The Development of Local Boards in the Madras Presidency (1940) **Rs. 4**

By Prof. M. VENKATARANGAIYA, M.A.,

This is a valuable publication by the well-known author, Mr. Venkatarangaiya, who has brought to bear considerable research on the evolution of Local Boards in the Madras Province. The book is of all-India interest. We strongly recommend it to all persons interested in the study of the administration of Local Boards in India. The price is very moderate, looking to the amount of information collected in the Volume, to the valuable and enlightened comments of the author and to the excellent get up.

Village Self-Government in Bengal **As. 8**

By Prof. NARESHCHANDRA ROY, M.A.

This booklet contains reprints from the Quarterly Journal of the Local Self Government on the important subject of Village Self-Government in Bengal. It gives a vivid history and an excellent account of the Village Chaukidary System of Bengal.

The Bombay Village Panchayat Manual **Rs. 5**

By CHUNILAL D. BARFIVALA, M.A., LL.B.

This is a most useful publication on the law of Village Panchayats in the Province of Bombay. Complete exposition of the Village Panchayat Law—including Statutory provisions and the rules framed by Government are admirably analysed and recast with a view to their intelligent understanding. No student of the subject—no administrator who is connected with the administration of the Village Panchayats—can afford to be without a copy of the book.

Rural Government in the United Provinces **Rs. 4**

By Dr. ZAHURHUL HASAN, M.A., Ph.D., LL.B.

This is an excellent thesis written by the Author and approved by the Lucknow University for the degree of Ph.D. in Political Science. The thesis deals exhaustively with the problems of Rural Government in the U. P.—including administration of Village Panchayats and Local Boards, and also problems of rural economy, education and reconstruction, etc. The book deals with these problems in a comprehensive manner and is a valuable addition to the scanty literature available on the subject.

History of the Local Fund Cess in the Province of Bombay Re. 1-8

By J. P. NAIK, B.A.

with a Foreword by Dr. D. R. Gadgil.

Mr. J. P. Naik is well-known as an erudite writer who brings to bear on his writings an amazing amount of industry and commands lucidity of expression. He is the Joint author with Sayed Nurulla of the History of Education. In the History of Local Fund Cess, he has lifted the subject of the cess from comparative obscurity and brought to light interesting details which have a considerable bearing on the present day controversies. History of the Local Fund Cess is traced from 1839 to 1938, a period of 100 years.

Principles of Rating in England and India **Rs. 12**

By N. S. KOWSHIK.

This work by Mr. Kowshik, formerly Assessor and Collector of Municipal Taxes of the City Corporation of Bombay, has now become a standard work on the subject of Rating. The second edition which is just published is thoroughly revised and brought up-to-date.

"A very complete digest of the law and exposition of the Principles and Practice of Rating."—*Times of India.*

"The Lawyers also will find this book of fresh professional value."—*Sunday Chronicle.*

"An extremely useful book of reference for Municipal officials, house and land Agents, Solicitors, Advocates, and Ratepayers' Associations."—*The Hindu.*

Municipal Finance (2nd Edition) **Re. 1**

By CHANDULAL B. DALAL, B.Com. (Bom.), D.P.A. (Lond.),

Chief Officer, Ahmedabad Municipality.

This valuable booklet has been specially prepared for L.S.G.D. Students by the writer who has the requisite training and considerable experience on the subject. There are few books on the subject of Local Finance for the general reader or Municipal employees who have not enough time to read voluminous books on the subject. They will find this small book of much interest.

Borrowing by Local Bodies (1946) **Re. 1**

By S. S. MORE, B.A., LL.B.

This is a valuable and scholarly survey of borrowings by Local Bodies in the Province of Bombay for fifty years from 1890 to 1940 by Mr. Shankerrao S. More of Poona. The survey is carried out with great patience and much research work. Classical Authors on Public Finance have been freely quoted to explain the principles of borrowing and repayment.

A Lecture on Accounts **As. 4**

By D. S. NAGARKATTI

This is a pamphlet containing a small but very interesting lecture on the Audit of Accounts relating to Local Bodies by the late Mr. Nagarkatti who was for long Examiner of Local Funds.

Rural Finance in British India **Rs. 2**

By BIMLA KANTA SARKAR, M.A.

This is a valuable research work, in which Mr. Sarkar traces in simple language the lines of Rural Development in relation to Provincial and Central Governments upto 1930. Much valuable information not easily available, has been collected in this thesis by the Author.

The Financial Administration in the Madras District Municipalities **Rs. 2**

By V. VENKATA RAO, M.A., M.Litt.

Mr. Venkata Rao has compressed in this admirable book details regarding Budget, Revenue Administration, Grants-in-Aid, Loan Administration, Expenditures, Purchasing, Accounting, Audit, etc. of District Municipalities in Madras. The treatment of the subject is lucid and intelligent.

Municipal Finance and Accounts **Rs. 2**

By B. L. PATEL, G.D.A., L.S.G.D.

Mr. Patel is a superior old officer of the Bombay City Corporation and has been a lecturer in the L.S.G.D. Class for a great number of years. He knows the intricacies of Finance and Accounts and Audit of Accounts relating to Local Bodies as well as the difficulties of the students. His cyclostyled notes are specially prepared to meet the difficulties of such students.

Notes on Municipal Finance and Accounts (1946) **Re. 1-8**

By P. V. SHETH, Ph. D., L. S. G. D.

These notes are cyclostyled notes for the students of the L. S. G. D. Classes covering the course in this subject in short compass.

Studies in Primary Education (First Series) (1942) **As. 10**

By J. P. NAIK, B. A.

Here is a valuable collection of five lectures delivered on Primary Education by Mr. Naik. The subject includes Primary Education in Bombay, 1823–1941; a case for comprehension, the case of the poor parent, finance of compulsory education, etc.

Mass Education in India (1941) **Re. 1**

By R. V. PARULEKAR, M. A., M.Ed. (Leeds), T.D. (Lond.)

This publication of the Institute by this esteemed authority on Primary Education in India, created an uproar in the official circles. It

The 'Bombay Law Reporter' writes—

> This analysis of a rather intricate branch of the Law will be of practical use to those for whom it is prepared.

This book is well spoken of by the Government Officers of the highest rank who are concerned with land acquisition.

Control of Municipal Administration in Madras Presidency

By V. VENKATA RAO, M.A., M. Litt.

This is a thesis of special importance on a much debated problem of control of local bodies as applicable to the State of Madras.

Lecture on Rating and Assessment

By L. H. MARATHE, B.Sc., LL. B.

This is an admirable synopsis of the Law and Practice of Rating by an experienced officer who is a lecturer to the students of the Local Self-Government Institute.

Social Services Administration

By V. VENKATA RAO, M.A., M. Litt.

This is a useful Thesis by a reputed research Scholar and deals with Social Services like Education, Public Health, Maternity and Child welfare, Housing, Town Planning etc.

Self-Governing Aundh.

This is a translation of a valuable Report based on detailed survey made by competent Committee presided over by the Veteran Scholar Shri. N. G. Chaphekar. It contains very valuable information regarding the principles which governed the small but progressive Deccan State. The Self-Governing principles of Village Panchayat were specially approved by Mahatmaji.

N. B. There are several other works which are under preparation e. g. "Notes on Town and Country Planning" by Mr. C. D. Barfivala and Primary Education" by Miss Navalkar, B. A., M. Ed. and by Shri Venkata Rao, M. A., M. Litt.

11. Information & Advice to Local Bodies.

Local Bodies are offered free advice on various problems of administrative, legal and technical nature which they refer for opinion to the Institute from time to time. This service is availed of very widely by all classes of local bodies. The office of the Institute disposes of a large number of such references every month and consults experts, whenever necessary.

The old retired veteran Chief Officer of the Ahmedabad Municipality, Mr. I. R. Bhagat, has been taking great pains to answer numerous complicated querries put up by many local bodies for replies. Mr. Jhinubhai Thakore, Ex. Chief Officer of Broach District Local Board and Dy. Secretary to the Govt. of Saurashtra, Local Self-Government Department, and the late Mr. S. S. Pradhan of Thana District Local Board, our Assistant Hon. Secretary rendered enormous help in this direction. Shri R. V. Parulekar my Joint Honorary Secretary and the Director of the Indian Institute of Education and Mr. J. P. Naik, the well-known Educationist and Joint Hon. Secretary of the Institute of Education have been offering advice on Educational matters.

12. Survey.

It is proposed to take surveys of special problems affecting local bodies and when funds permit and services of experts are available. With the help of Sheth Topiwalla's donation, a Survey of Primary Education in Rajapur Taluka under the expert guidance of R. V. Parulekar, Esq., M.A., M.Ed., T.D., was completed, under this scheme.

This survey has been very highly spoken of and appreciated by Government, who, it is understood, propose to undertake such surveys on larger scales.

13. Institute's Printing Press.

The Provincial Council of the Instiute is glad to inform local bodies that in spite of vaious difficulties regarding unavailability of accomodation of skilled labour, Machinery, Electric Power and other printing requirements, the Institute has been successful in establishing its own Press which began to function on a very modest scale on the 1st of June 1948. These difficulties are experienced normally by every one starting any new venture in these days but those of starting a modern Power Printing Press are particularly onerous. The Institute was however able to overcome these difficulties, with the help of the President of the Institute, Shri. L. M. Patil. The Council cannot help experessing their appreciation of the tenacity of purpose with which your Secretary Mr. Naik and your Director, Mr. Barfiwala acted in this matter as in all others in shaping the destinies of Local Self Government of your Province. Mr. Barfivala's generous assistance in solving the difficulties connected with accommodation is particularly noteworthy.

The Institute's Press has been established with a view to assist Local Bodies in getting all their printing work done economically, efficiently and speedily and to achieve a certain degree of uniformity. The Press has

propounded the ideas which were then unacceptable to the official world in Bombay. But the 'Facts' of the situation forced at first a recognition of the importance of the recommendations made by the author, and then an unwilling and halting acceptance and today many of them are accepted and put into practice. A very interesting and original contribution. A few copies only are available.

N. B.—A Marathi translation of the above work *is also published* by the Institute.

As. 12

History of Primary Education in the Province of Bombay from 1815 to 1940 *(1941)*

Rs. 2

By B. N. VAIDYA, B.A., M. Ed.

This is an excellent thesis by the able and experienced writer, Mr. Vaidya. A Lucid history of Primary Education from the Pre-British period down to the present day has been traced with rare insight and scholarly analysis. The problem of Primary Education has now assumed great importance. The book therefore is of topical interest and must be read by all who are actively connected in the administration of Primary Education.

Water Supply, Parts I & II (1946)

Rs. 5-4

By S. S. NAIK, B. A., B.Sc. (Edin.), L. C. E.

This book has attained the reputation of a standard work on the subject of Water Supply throughout India. Mr. Naik is a Recognised Consultant on Water Supply and other subjects of Municipal Engineering. He has dealt with the problem of Water Supply very comprehensively. It may be consulted by Technicians, Administrators and even by laymen with advantage. There are few works on Water Supply which enjoy such a reputation amongst students.

Roads (1947)

Rs. 2

By S. S. NAIK, B.A., B.Sc. (Edin.), L.C.E.

This book deals with the day-to-day problem of Roads facing the Engineer, the Overseer and in fact everyone connected with the problem of communications. It deals with 'Roads' both from the view point of the Engineer as well as from that of the Administrator. It is essential even that laymen like members of Local Bodies should know the elementary principles explained in the popular style of the Author. Comprehensive information on the subject has been given in a nutshell.

Lighting Problems of Towns in India (1940)

As. 10

By S. S. NAIK, B.A., B.Sc. (Edin.) L.C.E.

Municipal Authorities and officials who have to handle lighting problems will find this small book of much use. All problems which confront them—kinds of lights, standards in lighting, co-relation of traffic conditions and street lights, requisites of efficient lighting, cost of street lighting, programme of street lighting, etc. are dealt with in a popular style by the author.

The Problems of Regulating Buildings in Towns and Cities (1941)

As. 12

By S. S. NAIK. B.A., B.Sc. (Edin.), L.C.E.

Mr. Naik has given an excellent exposition of the subject of Building Bye-laws—both the technical and administrative aspects are dealt with very ably.

Notes on Conservancy & Drainage (1947)

Re. 1

By S. E. WADIA, B.E , A.M.I.E., M.R.SAN.I.

The Author, an eminent Government Official has at the request of the Local Self-Government Institute prepared these valuable notes for the pupils under training for Local Self-Government Service in the L.S.G.D. Classes which are conducted under the joint auspices of the Government of Bombay and the Local Self-Government Institute. A series of diagrams are inserted in the book making the study of this important subject very easy for a student of average capacity.

Drainage (1946)

Re. 1

By E. A. NADIRSHAH, B.A., B.E., B.Sc. (Eng.), (Edin.), Asso. M.I.E. (Ind.), F.I.S.E. (Lond.)

Mr. Nadirshah is well-known to the Engineering World, particularly in the Province of Bombay. His masterly analysis of the problem of Drainage in this booklet is confidently recommended to the students interested in the subject.

Handbook of the Law of Land Acquisition (1939)

Rs. 2

By CHUNILAL D. BARFIVALA, M.A., LL.B.

This book has been written by the author for L.S.G.D. Students and for officers of Local Bodies who have to deal with the subject of Compulsory Land Acquisition.

now been equipped with electrically worked modernised Machinery to cope with all the requirements of local bodies.

About a hundred thousand rupees have been already invested and further amount will be invested as and when required. The Press is daily being equipped with urgent requisites. The enormous printing work is being rushed in from local bodies with the result that the Printing Machines and the staff are kept very busy often working double shift and sometimes treble. You will also be much interested to know that the Government of Bombay have entrusted exclusively to this Institute the printing of Municipal Account Code forms in English and other regional languages. A circular issued by the Institute to all the municipalities in this respect is reproduced below.

LOCAL SELF-GOVERNMENT PRESS

ANDHERI

To,

THE PRESIDENT,

Re:—Rules prescribed by the Government under Government Resolution No. 5472 dated 5-8-47 called the Municipal Account Code.

Re:—Printing Works.

Forms under Municipal Account Code, Authorising the Local Self-Government Institute to print the—

Re:—Government Circular, H. & L. G. D. No. 6148/33, dated 5-11-48.

Sir,

I have the honour to invite your attention to the Rules framed by Government under Government Resolution No. 5472 dated 5th August 1947 called the Bombay Municipal Account Code under which Government have prescribed about 110 Forms and Registers.

These Forms provide for account transanctions and procedure relating to all Municipalities, District as well as Boroughs.

Under Rule 2, no addition or alteration in the Forms can be made without sanction from the Government.

The Accounts & Registers prescribed may at the discretion of the Municipality be maintained in English or in the Regional Languages (Rule 8).

The Forms and Registers were ordered to be used with effect from 1st April 1948 (Rule 1).

Government Press, however, was unable to print these Forms and supply them to the Municipalities and the Institute was approached by a number of Municipalities to procure Forms for them.

With a view to meet this important Municipal requirement, the Institute undertook to print these Forms and sought Government authorisation for the purpose, with the result that Government Circular H. & L. G. D. No. 6148/33 dated 5th November 1948 was issued. A copy of the said Circular will be received by your Municipality in due course through the Collector of your District to whom spare copies of the said Circular have been supplied by the Government for distribution. In the meantime for your ready reference, a true copy of the said Government Circular is sent herewith.

You will be pleased to observe from the said Circular:—

(1) that the Local Self-Government Institute has been expressly and exclusively authorised by the Government to print and supply them to all the Municipalities the various Forms and Registers prescribed under the Municipal Account Code on the conditions mentioned in the said Government Circular.

(2) That there will not be any question of inviting quotations and tenders for prices and the forms can be ordered out straightaway as Local Bodies have been hitherto doing from the Yeravada Prison Press. It is expected that the Examiner of Local Funds to whom the abovementioned Government Circular has been sent by the Government will raise objection if Forms are printed in a manner not conforming to the said Government Circular.

(3) That the difficulty of fixing the prices has been obviated by the procedure prescribed under conditions Nos. 1 & 2 of the said Government Circular under which reasonablness of the price will be duly assured under Government control.

(4) That authorised translations alone are permitted to be used and no others.

The combined effect of the Government Circular and the Rules is that no unauthorised party could print and supply these forms to Municipalities nor unauthorised alterations can be permitted nor unauthorised translation can be brought into use.

Under the circumstances I have the honour to request you to prepare a consolidated Indent of Forms and Registers required by your Municipality and to send the same immediately to this Office for supply thereof.

Please note the following points :—

(1) Mention along with each form required whether the same are to be printed in English or in any Regional Language and name the Language.

(2) As authorised translation which the Oriential Translator to Government is expected to supply to this Institute will take some time to be ready, the Municipalities are advised to take in the first instance as many English Forms as they can so that their work may not suffer.

(3) The municipalities are assured that the prices will be charged as per the conditions 1 & 2 of the said Government Circular.

(4) As per procedure of the Yeravada Prison Press, all transactions will be on cash basis i. e. the Forms will be sent by V. P. P. except where Local Bodies have an advance account with the Institute for this purpose.

(5) Orders will be executed as far as possible in the order in which they are received.

Immediate attention is requested to be paid to the sending of Indent of Forms required.

Yours faithfully,

C. D. BARFIVALA.

Director,

Local Self-Government Institute.

Printing Works.

Forms Under Municipal Account Code, Authorising the Local Self-Government Institute to print the.....

Government of Bombay.
Health & Local Government Depratment,
Circular No. 6148/33,
Bombay Castle, 5th November 1948.

GOVERNMENT CIRCULAR.

Since the Government printing presses do not print the various forms prescribed under the Municipal Account Code, Government is pleased to allow on the following conditions the Local Self-Government Institute to print these forms at its press and supply them to the Municipalities :—

(*i*) The Institute will fix the prices of forms in the first instance in consultation with the Superintendent, Government Printing & Stationery, Bombay. The Superintendent will be consulted also for any increase in these prices provided that the Institute will have the discretion to increase them upto 10% without such consultation if and when justified The Institute will be allowed to charge an anna for fraction of an anna.

(*ii*) The prices fixed by the Institute will be exclusive of the Sales Tax and forwarding, packing, freight and coolie charges which will be payable by local bodies.

(*iii*) The Institute will print the regional language forms according to the translations authorised by Government.

The Oriental Translator to Government is requested to furnish the Institute, with the translations in regional languages of the forms prescribed under the Municipal Account Code.

By Order of the Governor of Bombay,
P. V. RAO.
Assistant Secretary to Government.

To

All Commissioners of Divisions,
All Collectors (with spare copies for supply to Municipalities.)

The Superintendent, Government Printing and Stationery, Bombay,
The Oriental Translator to Government,
The Accountant General, Bombay,
The Examiner, Local Fund Accounts,
The Finance Department,
The Director, Local Self-Government Institute (by letter).

True Copy,

Bombay,
6th Nov. 1948.

CHUNILAL D. BARFIVALA,
Director,
Local Self-Government Institute.

Moreover, the Government of Bombay have also been pleased to provide under P. E. Rule 55 that the School Boards are not required to resort to the procedure of inviting tenders etc. if orders for printing of forms and supply of stationery have been placed with this Institute. The relavant Rule is reproduced hereunder :—

55. When tenders to be invited.— Purchase of forms and stationery, furniture and equipment which are estimated to the cost more than Rs. 500 shall be made after inviting tenders. Articles costing less than Rs. 500/- may be purchased by the school board by inviting tenders or quotations. Provided that the provisions of this rule and of rules 56 to 59 (relating to inviting of tenders) shall not apply in the case of purchases made from Government or from the Local Self-Government Institute, Bombay.

In addition to this, the Institute's Press has undertaken printing of 'Sanjivan' in Gujarati, a monthly magazine issued by the Provincial Prohibition Board established by the Government of Bombay. The question of entrusting exclusively to this Institute's Press the printing of Forms and Registers under the Local Boards Account Code is also under the consideration of the Government. A large number or Village Panchayat and School Board forms are being printed at this Institute's Press at the request of local bodies concerned. It is hoped that the Press would be able to render a much needed service to the local bodies of our State on an ever expanding scale.

The Institute is aware that some inconvenience has been caused to some of the local bodies in getting their forms printed in time. It should however be remembered that the delay was not due to any laxity on the part of the Press but due to circumstances beyond its control. The standard forms and their authorised translations were not available to the Institute for a very long time. Even now they have not been available in one of the regional languages at all. Some of the ordered Machinery was not received in time. It took months to procure the Government sanction for obtaining electric energy and sanction for further power supply is yet needed, and is applied for. The difficulties of procuring the transport facilities, packing and printing materials had all to be overcome within a very short space of time. Now that most of the initial difficulties have been overcome, the Institute would be able to meet demands of Local Bodies more quickly and efficiently and at notices shorter than normally required. In order however that complete satisfaction may be obtained, full co-operation of the Executive Authorities of Local Bodies is essential. Most of the printing requirements are such as can be anticipated sufficiently in advance. Indents for such forms could and should therefore be given say six months in advance. The Institute's Press tries to execute all such orders in the order in which they have been received. It therefore causes some inconvenience to those whose indent finds a lower place in the list of orders. For those forms which cannot be anticipated so much in advance, the Institute will on receipt of the information for urgency try to keep the time by employing special staff and paying extra, if necessary, for the purpose.

As regards the printing rates, Government Authorities have certified as reasonable rates chargeable by the Institute and therefore Local Bodies have been saved a good deal of worry in the matter of fixation of rates. In the matter of School Board forms, the Primary Education Rule 55 has obliterated the necessity of inviting tenders.

It is necessary here to draw the attention of Local Bodies to one more feature of this activity. The Government circular G. D. No. 3303/33/1939/-C Dated 5-1-46 Local Bodies have been enjoined to purchase from the Institute alone all papers required for writing and printing. As the Institute executes the printing work of local bodies, the difficulty of transport of paper in the initial stage is avoided. It is due to all these advantages that most of the Local Bodies are getting all their work done by this Institute.

Just when this report is being sent to the Press Government permission to publish vernacular Monthlies has been received. The work will be commenced soon.

The Institute's Press is placed under a very capable Manager—Mr. R. G. Patel, Esq., B.A., L.S.G.D. His work has been found highly satisfactory.

14. Distribution of Papers.

For the last eight years, this Institute has been supplying papers to local bodies with the continued co-operation of the Government of India and Bombay. In order that the day-to-day administration of Local Bodies may not suffer inconvenience and papers may be purchased at reasonable rates this Institute had approached Government authorities to secure allotment of available paper of assorted qualities in time. Sometimes it was found that the Mills were not in a position to produce the required paper on account of shortage of raw materials, strikes, enormous transport troubles etc. but this Institute has done its best to overcome these unforeseen difficulties and secured a steady flow of papers to Local Bodies. The papers were supplied to local bodies at less than the maximum controlled rates and their wants in paper were satisfied as best as the circumstances permitted. Local Bodies have fully utilised these services and have saved hundreds of thousands of Rupees and continue to save huge amounts every year. This is in addition to the avoiding of dangers which threatened the administrative machinery of local bodies for want of supply at certain stages. A copy of a circular sent round to Local Bodies regarding supply of paper is given below. It will narrate the method of working out the paper supply scheme.

LOCAL SELF-GOVERNMENT INSTITUTE

11, Elphinstone Circle, Fort,

Bombay, 15th December 1949.

To,

The Presidents of Municipalities and Local Boards,
The Chairmen of District and Municipal School Boards,
The Chief Executive Authorities and Administrators of Local Bodies and Cantonment Boards.

PAPER SUPPLY: 1950/51 Circular No. P/S-1

Sir,

I have the honour to inform you that arrangements for the supply of papers to Local Bodies for the year 1950/51 between the Institute and Government authorities have been practically concluded, paper control having been continued. In order to enable me to allocate papers to Local Bodies, I have to request you to give your immediate and careful attention to the contents of this Circular and to act upon it at your earliest convenience.

2. Please send me a statement of Demand of the quantity of papers required by you under the following headings:—

(1) (*a*) Badami,
(*b*) Unbleached,
(*c*) White or Bleached
} whichever is available.

(2) Kraft. (3) Typewriting. (4) Duplicating. (5) Ledger Paper. (6) Blotting Paper. (7) Coloured Paper. (8) Straw Boards. (9) Pulp Boards.

NOTE :—

(1) Please note that ordinarily F' Cap 10 lbs. and Double F' Cap 20 lbs. are the only sizes and weights available in Badami or White Papers.

(2) Please include in the Demand-Statement requirements of all your Departments upto 31st October 1951, because further allotment may not be available upto that date. Please include also the requirements of (i) Schools, (ii) Dispensaries—human as well as animal, and (iii) *all other institutions run by your Local Body.*

(3) District Local Boards are requested to include the requirements of Gram Panchayats in their respective districts.

(4) Sometimes Local Bodies are indenting for sizes, quantities, qualities, weights etc. which are not available with the Institute at particular times. It is understood that the Institute is authorised to use its absolute discretion to send such sizes and qualities, etc., as it thinks proper.

3. Please note that papers will be supplied in one or more instalments as may be found convenient by the Institute, as deliveries are dependent upon factors, which are generally not under the Institute's control. Deliveries will be made by passenger trains or by motor lorries or by sea whichever mode of transport is found suitable at the time of dispatch. *Local Bodies will have to accept the bill of costs for the mode of transport which the Institute is able to utilise and also all risks incidental to the journey. The mode of transport, if any recommended by Local Bodies, cannot be adhered to.*

4. Please send along with your reply a cheque to cover the approximate costs of the paper required by you in advance on the basis of the prices paid by you last year, plus a reasonable margin for incidental expenses calculated in advance of roughly at 10 annas per lb. may be sent. This is necessary because the Institute is required to make immediate *advance* payments.

The deposits made by Local Bodies will be subject to adjustment against the dues of the Institute in respect of Printing work or stationery or other supplies made to them by the Institute or on any other account.

If within 10 days from the receipt of bills, any amount remains unpaid by a local body, a duplicate copy of the bill will be forwarded by V. P. P. to recover the amount of such outstandings and the Local Body concerned will be expected to clear the V. P. P. In order however to avoid this contingency, local bodies are required to maintain adequate deposits with the Institute.

Please note that those Local Bodies, which fail to send a statement of their demand together with the advance on receipt of this Circular will be very much inconvenienced because distribution will be made firstly to those who comply with this request in time. Where there is delay in sending the statement and advance, Local Bodies are likely to receive papers after considerable time.

5. If any payments of Bills in respect of Paper Supply are not made in advance and if in any case the Institute forwards papers to save inconvenience to Local Bodies—the amounts due for such bills must be remitted on receipt of such bills. Expenses for Telegrams despatched for recovery or dues or Special messenger sent to recover them will have to be paid by the Local Body causing such delay. Besides interest at the rate of 6% will be charged from the date of the receipt of the bill to the date of payment. It may be mentioned that the Institute is not able to pay for all those Local Bodies who fail to make payment in advance because, as mentioned above, the Institute has to make advance payments sometimes more than 6 months before the receipt of papers.

6. It is distinctly understood that the Institute has undertaken the work of distributing papers to Local Bodies on the condition that it will not be responsible in any way for accidents, shortage, pilferage, etc., in transit or otherwise or losses due to any reasons whatsoever; ordinarily 2% to 3% shortages under normal weights or number are to be accepted as a matter of routine. Some damage is also incidental to packing and rough handling during transit. Such losses fall on the Local Bodies in respect of whose consignment or allotments such losses have been incurred.

7. It should also be clearly understood that such qualities, sizes, weights and quantities of papers delivered at such time and prices and costs which the Institute is able to offer will have to be accepted by Local Bodies **without any objection.**

NOTE:—

(*a*) Sometimes a supplementary Bill of increase in price is sanctioned by Government to Mills and therefore supplementary Bills for increment in prices plus incidental charges are liable to be sent to Local Bodies.

(*b*) Sometimes prices are not sent by Government or bills are not submitted by Mills for long periods. Institute is under the circumstances not able to adjust accounts of advances by Local Bodies but Local Bodies will under such circumstances be asked to pay approximate advances.

(*c*) It should be borne in mind that transport charges which appear excessive in the bills include costs relating to transport from Upcountry Mills, Godown Rent, Insurance charges, internal City-Suburban Godown transport charges, packing, forwarding, Governmental or Distribution charges, hamalage at several stages and other incidental expenses, etc. This explanation is inserted here in order to avoid correspondence.

8. Government have issued orders (G. D. No. 3303/33/1939 1-C dated 5-1-1946) to the effect that all Local Bodies are precluded from purchasing papers from sources other than the Institute and thereby from encroaching upon papers meant for use of civil population. *All papers required by Local Bodies should be purchased only from the Institute and none from outside.* Even when Local Bodies give printing work to private presses, the Government order stipulates that the requisite paper should be supplied by Local Bodies from the stock of paper purchased by them from the Institute. They should *effect their purchases sufficiently in advance* so that they may not be handicapped when they wish to effect their printing work. Government have asked this Institute to impress upon the Local Bodies the necessity of due observance of these Government orders.

9. **Institute's Printing Press:** For all printing work which the Institute's Printing Press may carry out on behalf of Local Bodies the prices charged will be inclusive of cost of paper unless otherwise mentioned. When placing order for papers they should not include quantities of papers to be consumed by their Printing orders with the Institute's Press.

In the case of School Boards, attention is specially invited to Rule No. 55 of the P. E. Rules—under which they can place orders with this Institute for purchase of forms, stationery etc. without undergoing the procedure laid down on P. E. Rules 55 to 60.

10. The Institute is sometimes asked to supply papers directly to the Printers to whom Local Bodies give printing works (other than Municipal Account Code Forms). Sometimes instructions are issued to the Institute to deliver papers to different schools, dispensaries etc., managed by Local Bodies. In all such cases, Local Bodies will remain responsible for all risks in the same way as in the case of deliveries to be made to them directly. Institute will not be accountable for any complaints received from persons to whom deliveries are to be made for shortage or on any other ground.

11. There are difficulties too numerous to be mentioned, regarding posting of Railway Receipts on the day the parcels are despatched. Sometimes they have therefore got to be posted on the following day. Postal irregularities have also to be taken into account. It is therefore likely that sometimes demurrage charges are incurred by Local Bodies because of the late receipt of the Railway Receipts. The Institute, while it regrets this, cannot hold itself responsible for such delays and their consequences. The Institute, however, informs the Local Bodies that it is taking precautions to avoid these consequences–but this precaution is not always effective.

12. All supplies made by the Institute are strictly on conditions mentioned in this Circular. These conditions are enumerated here so that Local Bodies may be made fully aware of these terms of Contract and much unnecessary correspondence may be avoided. No writings from Loca Bodies which increases monetary liabilities of the Institute will be considered as modifying this Contract.

I have the honour to be,
Sir,
Your obedient servant,
Chunilal D. Barfivala,
Director,
Local Self-Government Institute.

A copy of the Institute's Circular, along with Govt. circular-letter regarding paper supply given below will show how Government helped the Institute in rendering this valuable service to Local Bodies:—

True Copy.

No. 3303/33/19391-C,
General Department,
Bombay Castle, 5th Jan. 1946

From

The Under-Secretary to the Government of Bombay,
General Department,
Bombay.

To

The Director,
Local Self-Government Institute,
Bombay.

Subject :— PAPER— Encroachment by Government and semi-Government agencies on the stocks reserved for the public.

Sir,

I am directed to forward herewith a copy of Government Circular, General Department, No. 3303/33, dated the 14th December 1945, and to request that similar orders may kindly be issued to all the Local Bodies which receive paper through the Local Self-Government Institute.

Your obedient servant,
(Sd) **E. B. Patell,**
Under-Secretary to the Government of Bombay,
General Department.

True Copy.

Paper:– Encroachment on Stocks reserved for the public.

GOVERNMENT OF BOMBAY, GENERAL DEPARTMENT

Circular No. 3303/33. Bombay Castle, 14th December 1945.

Circular of Government.

In Government Circular, General Department, No. 3303/33 dated 20th June 1945, it has been directed that all supplies of paper required for Government work should be drawn only from the stocks reserved for

Government use. It has been noticed however that instances still occur where the stocks reserved for the public, are encroached upon by officers of the Government or semi-Government agencies. The encroachment usually takes place in one of the following ways :—

(1) Purchase of paper in the open market.

(2) Placing of a printing order with a printer, it being a part of the arrangement that the paper should be supplied by the printer.

(3) Inviting tenders for any work, in which it is stipulated that the paper or board required will be supplied by the agency which undertakes the work.

(4) Requisitioning.

2. Government, therefore, wishes to impress once more upon all officers that the paper required for Government work should be obta ined only from the Superintendent, Government Printing and Stationery, Bombay, and that in no case should any encroachment be made on the stocks reserved for the public. Petty purchases from the market may, however, be made occasionally if their aggregate value does not exceed Rs. 10/-a year.

By Order of the Government of Bombay.
(Sd) **E. B. Patell,**
Under-Secretary to the Government.

LOCAL SELF-GOVERNMENT INSTITUTE

Bombay Presidency.

Bombay, 15th January 1946.

Important Government Orders regarding Paper Supply to Local Bodies.

To

The Presidents of Municipalities and Local Bodies,
The Chairmen of District and Municipal School Boards,
The Chairmen of Committee of Management, and
The Chief Executive Authorities and Administrators of Local Bodies, and Contonment Boards.

Sir,

I have the honour to invite your immediate attention to the letter No. 3303/33/19391-C, dated the 5th instant printed overleaf from the

Secretary to the Government of Bombay, General Department, asking the Institute to issue mandatory instructions to all Local Bodies to buy all papers required by them from the Institute alone and not to buy any quantity from the open market and thereby encroach upon the stock reserved by the Government of Bombay for the public.

From the G. R., G. D., No. 3303/33, dated 14th December 1945, which is also printed overleaf it will be notified that these instructions are very comprehensive and include prohibition to purchase papers even in respect of orders, contracts or tenders given to printers. It has been made abundantly clear that no Local Body shall purchase any piece of paper from agency other than the Local Self-Government Institute. As these orders are issued under the authority of Paper Control Ordinance, Local Bodies are requested in their own interest to avoid breaches of the same and to conform strictly to these instructions.

Your obedient servant,
(Sd.) **Chunilal D. Barfivala,**
Director,
Local Self-Government Institute.

N.B.:—District Local Boards are requested to bring these orders to the notice of Village Panchayats within their respective jurisdiction.

15. Stationery Supply.

Special arrangements made with Manufacturers of Carbon Papers, ink and other stationery articles have been found to be very useful to Local Bodies as greater advantage of this service is being taken by Local Bodies. A copy of the circular to local bodies in respect of this service is given below.

LOCAL SELF-GOVERNMENT INSTITUTE

11, Elphinstone Circle, Fort.

Bombay, 20th April 1950.

To,

The Presidents of all the Local Boards and Municipalities and Chairmen of School Boards.

Subject :— Supply of Stationery Articles at special rates.

Sir,

In response to requests from Local Bodies for supply of stationery special arrangements have been made with first class Stationery Manu-

factures. One of the best qualities of carbon papers sold in the Indian market for procuring a high class standard quality with a special mark "L. S. G." perforatted thereon has been secured at a rate which merchants could not be expected to offer for a similar quality.

Item No. 1 The price at which this special "L. S. G." quality can be sold to Local Bodies is Rs. 4–12–0 per box of 100 sheets of 13″×8½″.

The above "L. S. G." quality is a very superior quality. For those Local Bodies who do not require such quality and can use other utility qualities we have also arranged for those qualities which can be had from the Institute at following rates:—

Item No. 2 Quality 'B' Typewriter carbons	@ Rs. 3–14–0 per box.
Item No. 3 ,, 'C' ,, ,,	@ Rs. 2–12–0 ,, ,,
Item No. 4 Pencil carbons per box of 100 sheets	@ Rs. 4—4–0
Item No. 5 Typewriter Ribbons	@ Rs. 20—0–0 p. dozen
,, ,, for less than 1 Doz.	@ Rs. 1–11–0 ,, ,,
Item No. 6 Stamp Pad No. 1	@ Rs. 6—8–0 ,, ,,
,, ,, for each	@ Rs. 0—9–0
Item No. 7 Stamp Pad No. 2	@ Rs. 8—8–0 p. dozen
for each	@ Rs. 0–12–0
Item No. 8 Writing Inks 32 Oz. Blue Black	@ Rs. 24—0–0 p. dozen
,, ,, ,, each bottle	@ Rs. 2—4–0
,, ,, ,, Red	@ Rs. 26—0–0 p. dozen
,, ,, ,, ,, each	@ Rs. 2—6–0
Item No 9 Stamping Inks 1 oz. bottles	@ Rs. 3—8–0 p. dozen
,, ,, ,, each	@ Rs. 0—5–0
Item No. 10 Duplicator Ink ½ lb. Tubes	@ Rs. 20—0–0 p. dozen
,, ,, ,, ,, each	@ Rs. 1–12–0

For the last four years several Local Bodies are taking due advantage of these arrangements.

It may be noted that the above arrangements are made in the interests of Local Bodies. The Institute cannot obviously take back articles ordered out or be responsible for anything going amiss in the transaction. Orders will be executed in the order which they are received.

The above prices are net. Extra will be charged for packing, postage, sales tax etc.

The above prices for carbon papers are for the size 8½″×13″. They are also available in 13″ ×17″ at double the price mentioned above.

Goods purchased cannot be taken back on whatever account.

Goods are despatched by the Institute at buyers risk.

Bills will be debited to the account of Local Bodies against their deposits. Local Bodies are requested to send adequate deposits to cover the cost and expenses etc. of goods ordered.

Yours faithfully,
Chunilal D. Barfivala,
Director,
Local Self-Government Institute.

Another activity of this Institute consists of supplying huge quantities of envelopes at reasonable prices. The Institute has been getting prepared and supplying these envelopes in different sizes to Local Bodies, with or without printing as may be required. A copy of the Circular sent round to Local Bodies is reproduced hereunder :—

LOCAL SELF-GOVERNMENT INSTITUTE

11, Elphinstone Circle, Fort,

Circular No. CE 50/1 Bombay, 20th April 1950

ENVELOPES AVAILABLE FROM THE INSTITUTE.

In order to enable Local Bodies to avoid buying envelopes at exhorbitant prices and thereby indirectly buying papers also at prices which are comparatively very heavy or getting envelopes manufactured after incurring wastage of papers and excessive labour cost, and to effect savings in cost and in paper, the Institute has decided to continue to supply envelopes to Local Bodies at reasonable prices. Hereunder are given the prices at which envelopes, which the Institute is getting manufactured from government allotted Kraft Paper, can be supplied by the Institute to Local Bodies.

Size		Price per thousand (Minimum 1000)	
$4\frac{1}{2}'' \times 3\frac{3}{4}''$	.....	Rs. 6-0-0	Packing, Transport and Sales Tax charges extra.
$6'' \times 3\frac{1}{2}''$	.....	,, 6-8-0	
$9'' \times 4''$	.....	,, 10-0-0	
$10'' \times 4\frac{1}{4}''$	.....	,, 12-8-0	
$11'' \times 5''$	.....	,, 13-0-0	
$16'' \times 5''$	.....	,, 16-8-0	

The above sizes are generally kept in stock and the orders will be executed in which they are received.

If the envelopes are required with words printed thereon like 'On Local Board Service', 'On Municipal Service', or 'On School Board Service', or 'From the Surat Borough Municipality, Surat', an extra charge at Rs. 3 per thousand or part thereof will be levied.

Every printed envelope supplied by the Institute may bear initials or a monogram " L.S.G.I. " if possible.

Prices quoted above will be found favourable as compared with rates quoted in the Bombay Market.

It may be noted that Kraft papers used at present are of a superior type.

Chunilal D. Barfivala,
Director,
Local Self-Government Institute.

To

The Presidents, Administrators or Chairmen of the Committees of Management, of Local Bodies and Chairmen of School Boards or their Committees of Management, or Cantonment Authorities, etc.

P. S.:—(1) The costs of envelopes ordered out by Local Bodies which are maintaining paper account with the Institute for paper supply, etc., will be debited to the said account. Others are requested to open such account to save correspondence and expenses incidental thereto.

(2) Supplies are made on the same conditions as are laid down in respect of Paper Supply (vide Circular No. P. S./1 dated the 15th December 1949).

The rate of printing has since been reduced from Rs. 3/- per 1000 to Re. 1/- per thousand because, the printing work will now be done by the Institute's Press.

16. Medical Stores.

Arrangements have been made to contact the Standard Manufacturers of medical stores in order that Local Bodies may secure best possible medicines through the agency of this Institute at rates which cannot be obtained by Local Bodies from whole sellers or retail merchants or from any other party. Local bodies have been requested to send their Indents of Medicines to this Institute. I am glad to note that an increasing number of Local Boards and Municipalities have commenced taking advantage of this Institute's useful service. The following copy of a Circular sent round to these Local Bodies by the Institute will indicate the advantages and the method of rendering service to Local Bodies in this behalf.

LOCAL SELF-GOVERNMENT INSTITUTE

11, Elphinstone Circle, Fort,

Bombay, 1st July 1949.

To,

The Presidents of Municipalities and Local Boards
in the Province of Bombay.

Subject :— Supply of Medical Stores to Local Bodies.

Dear Sirs,

The Institute has decided to add a new item of service to local bodies, *viz.* supply of Allopathic and Ayurvedic Medicines and medical stores to Local Bodies. Hitherto several Local Bodies used to invite tenders for their medical requirements through the Institute. They have found that quotations collected by the Institute from several competing firms resulted in economic purchases by local bodies. The Institute has, however, discovered that the laying down of a 'systematic modus operandi' was necessary for a variety of reasons.

Government medical stores cannot be expected to be able to meet all the needs of all Dispensaries, Hospitals, Maternity homes and other institutions run by Local Bodies at all times of the year and Local Bodies

have, therefore, to go to the open market for purchase of stores. The officers of Local Bodies who invite tenders, naturally have not enough information in their possession regarding the particular brands of medicines which are genuine products of standard manufacturers. The dealers who fill up tenders are not interested in supplying the costlier products of superior class of manufacturers and prices are quoted either without the manufacturers' names or with names of only cheaper makes. Supplies are sometimes of spurious drugs, quantities are not properly measured and there are several undesirable practices incidental to the present method of purchases.

What Local Bodies require and what they should insist upon having, is:—

(1) that they must be able to buy the *best medicines* from the principal party directly as far as possible,

(2) that thay should receive their *invoices also directly from the principal party,*

(3) that they should be able to obtain from the suppliers their requirements at the *lowest possible prices,*

(4) that the *necessity of inviting tenders should vanish* where they buy products directly from the principal parties selected by themselves, because they undertake to allow the Local Bodies the maximum discount available on their respective purchases, so that no outside straight forward dealer could afford to sell genuine drugs of their makes at lower prices. Inviting of tenders under these circumstances would be meaningless and unnecessarily involve avoidable expenses and labour to the staff. In order to ensure supplies satisfying the abovementioned desiderata the Institute has made special arrangements with the following firms of standing reputation:

1 Burroughs Wellcome & Co.
2 May & Baker (India), Ltd.
3 Chemo-Pharma Laboratories, Ltd.
4 Birla Laboratories.
5 The Zandu Pharmaceutical Works, Ltd.
6 Abbott Laboratories (India), Ltd.
7 Crookes Laborâtories, Ltd.
8 Smith Stainstreet & Co., Ltd.
9 The East Asiatic Company (India), Ltd.
10 The Chemical Industrial & Pharmaceutical Laboratories, Ltd. (Cipla).
11 Ciba Pharma, Ltd.
12 Dhootpapeshwar Sales Corporation Ltd.
13 D. K. Sandu Brothers, Chembur, Ltd.
14 Ayurvedashram Pharmacy, Ltd., Ahmednagar.

Negotiatons are proceeding with other firms and it is expected that they would be pleased to fall in line with the esteemed firms mentioned above.

The arrangements made are to the following effect :—

(1) Medicine manufacturers who have entered into the arrangement will be requested to send a copy of the catalogue of their medicines and medical stores to each of the Dispensaries, Hospitals, etc. managed by Municipalities and Local Bodies.

(2) That a copy of their catalogues will also be forwarded to the Presidents of all Municipalities and Local Boards for their office use.

(3) The Municipalities and District Local Boards will be good enough to send their indents of medicines, annually, six monthly or quarterly as they may deem fit to the Office of the Institute.

(4) The Local Bodies will remit to the Institute advance along with the Indents to cover the cost approximately.

(5) The Institute will forward all these Indents to Suppliers' Head Office in Bombay with a request (1) to forward their goods direct to the Dispensaries etc. as per instructions given by Local Bodies in the Indent and (2) to submit directly to the indenting Local Bodies invoices in respect of each supply with a duplicate copy to the Institute's Office.

(6) On receipt of the proof of such despatch of goods by the Suppliers the Institute will make payment to the parties of the value of their invoices out of the advance paid by the respective Local Bodies.

(7) The Local Bodies will receive either directly from the Suppliers or through the Institute highest possible discount so that dealers cannot compete.

(8) At the end of a year the Institute hopes to obtain from these parties small overriding discount to cover its distribution charges and incidental cost. It is also hoped that if Local Bodies give sufficient response, those of them who place substantial orders may be able to obtain from the Institute a moity of the small overriding discount which the Institute may succeed in obtaining from the parties. This fraction of the discount will be in addition to the full discount which every indenting Local Body will get on every indent, either directly from the parties or through this Institute.

The above arrangements are calculated to ensure (1) Purchase directly from the principal parties, (2) at rates which cannot be competed by any

one and (3) on discount which is maximum and (4) with a guarantee of obtaining genuine qualities (5) and without risk of any intermediate handling by any party and therefore (6) avoiding all trouble and expense of inviting tenders.

The main care which all Local Bodies will have to take is (1) to place indents with names of suppliers against each item of their Indent out of the names given above or subsequently notified by the Institute, or better still to write out indent for each maker separately and send all such indents *in duplicate* to this office and (2) secondly to send adequate advance to this Institute to enable it to make payment with promptitude.

The Institute is fully confident that Local Bodies will find this Scheme of much benefit to them and that they will welcome it wholeheartedly and follow the procedure laid down above.

This Circular is being issued to Local Bodies after consulting the Examiner, Local Fund Accounts. It is also proposed to contact the appropriate Government department for necessary advice and assistance.

It is, therefore, requested that on receipt of this circular, local bodies will send to this office a list of Dispensaries, etc. under their control so that the firms mentioned above may be advised to send their literature to the Medical officers in charge of these institutions. These Officers may be instructed by you to submit their Indents to this Office through you.

Yours faithfully,

Chunilal D. Barfivala,
Director,
Local Self-Government Institute.

17. Miscellaneous Purchases.

A copy of the Circular regarding this activity is also given below :—

LOCAL SELF-GOVERNMENT INSTITUTE

11, Elphinstone Circle, Fort.

Bombay.

FOR THE IMMEDIATE ATTENTION OF THE EXECUTIVE AUTHORITIES OF LOCAL BODIES

I have the honour to draw your attention to the following few lines in the intetest of your Board and in the interest of economy and standardisation resulting from co-operation between Local Bodies.

This is the time when local bodies are taking steps to collect information regarding various stores and materials that they would require during the forthcoming year commencing from 1st April. Tenders for supply are about to be published. Inquiries for rates are sent round and all steps that conduce to the purchase of best materials at competitive rates are taken.

It is essential for achieving this double object that your tenders and inquiries are sent to merchants and contractors of repute who know that the buying agency is likely to go in for purchase after thorough investigation and any unsatisfactory supply at one place is likely to affect their other customers. Merely sending an inquiry to certain known merchants, either local or outside, does not serve the purpose. These merchants generally know the limited sphere in which your inquiry has been circulated and they make offers after considering what their neighbours are likely to do. The competition is very often only in name.

In order therefore that your Board should succeed in obtaining the best economic value we advise you to follow the undermentioned suggestions. A large number of discerning Local Bodies—from the smallest to the biggest—have benefitted by following them:

(1) Whenever Local Bodies desire to purchase any of their requirements to send a few copies of the list of articles required to this Institute's Bombay Office.

(2) The Institute will collect quotations from several reputed firms and send them to Local Bodies for their consideration, comparison and selection.

(3) Local Bodies may then place their orders either through the Institute or directly as they like.

(4) Payment for the orders executed may again be made either through the Institute or directly. In the former case the Institute will obtain due receipts from the merchants concerned.

(5) In case tenders are invited by public advertisement, local bodies should mention in their advertisements that copies of tenders will be available also from the Local Self-Government Institute, 11, Elphinstone Circle, Fort, Bombay. The Institute will sell copies of tenders at the rates specified and send the amount to the Local Bodies concerned.

(6) It should be noted carefully that Institute has NO FINACIAL INTEREST whatever in the matter. It only aims at serving Local Bodies.

A copy of the letter of the Poona Municipality giving their opinion about this service of the Institute is enclosed herewith for your information. Will you be good enough to spare a couple of minutes to read the same? You will be obliging the Institute and serving the interest of your Board if you do.

May I expect you to kindly respond to this appeal and resolve to take whatever assistance this Institute may be able to render to you? It matters not that your orders are very small—the Institute will be the better pleased because the small bodies require better support. At the same time bigger bodies need not think us utterly incapable of serving them. We will strive to satisfy them as we did in the case of the Chief Engineer, Poona Municipality, who has been pleased to send his appreciation, and of so many other bodies who are keen to avail themselves of this service.

This appeal is issued in full confidence that the executive authorities will offer needed co-operation.

Any further information required will be gladly supplied.

I have the honour to be,
Sir,
Your most obedient servant,
Chunilal D. Barfivala,
Director,
Local Self-Government Institute.

18. Scrutiny of forms required by Local Bodies.

In order to effect Paper economy and prevent wastage Government have asked all Local Bodies to submit their requirements of all kinds of forms required by them before they are submitted to Government. The performance of this duty has definitely prevented making of exaggerated demands of these forms.

Co-related Aetivities.

The Institute has always been prepared to lend its support to activities having a bearing on allied subjects with the result that two other Institutions are offered full co-operation and guidance in their establishment.

1. The Indian Institute of Education.

This Institute has been doing Research in Education and conducting M.Ed. classes recognised by the University of Bombay. Your Director,

Mr. Barfivala, is one of the Hony. Secretaries of this Institute. The objects of the Institute are as under:—

(*a*) To conduct research in educational problems in general and those connected with educational administration in particular;

(*b*) to publish a magazine devoted to the study of educational problems in India and to publish an annual year book of Indian education;

(*c*) to publish books dealing with educational problems in India and, in particular, to publish the results of the researches conducted by the Institute;

(*d*) to conduct classes for post-graduate degrees in education and to give guidance to students who have undertaken research work for post-graduate degrees in education;

(*e*) to maintain an up-to-date library of books on the subject of education in general and educational administration in particular;

(*f*) to arrange conferences, lectures, discussions and seminars for the study of educational problems;

(*g*) to undertake experiments in education, to encourage the undertaking of such experiments by Government, Local Bodies and managements of private schools, and to co-ordinate and publicise the results of such experiments; and

(*h*) generally to undertake all such activities as will tend to expand and improve education in India.

2. Indian Town & Country Planning Association.

This has been established to be of use in the regeneration of our Country. You will be glad to learn that Mr. Barfivala is one of the Hony. Secretaries of this Association also. The objects of the Association are as under:—

(*a*) To promote and extend the knowledge and study of the science and art of Town and Country Planning;

(*b*) to arouse, form and educate public opinion on matters relating to Town and Country Planning and allied subjects;

(c) to provide a centre for information on Town and Country Planning, a clearing house for inquiries on subjects within the scope of its objects and a meeting ground for all those who are interested in subjects relating to Town and Country Planning;

(d) to hold conferences, to organise meetings, public lectures, debates, tours of inspection and studies etc. on Town and Country Planning subjects;

(e) to bring together officials, experts and professional persons engaged in the administration and practice of Town and Country Planning subjects with the non-officials, and organisations and individuals interested in these subjects, to establish a close contact between these parties, to co-relate their experiences and to facilitate understanding and appreciation of their respective viewpoints, with a view to obtain, by such comprehensive contacts, an all-sided support for fostering the growth of the Town and Country Planning movement in India;

(f) to establish and maintain contact with Governments both at the Centre and in the Provinces and offer observations on their legislative, sub-legislative and administrative measures or schemes relating to Town and Country Planning and allied subjects, and to assist and offer advice in an honorary capacity to Local Authorities, Trusts, Universities, Colleges, Schools and other Institutions on these subjects;

(g) to publish or co-operate with others in publishing bulletins, journals, annuals, books, plans, texbooks, statistics and other literature (both in English and in modern Indian languages) pertaining to Town and Country Planning subjects;

(h) to establish and maintain a library on Town and Country Planning subjects;

(i) to provide for studies, research, teaching, holding of examinations and awarding Diplomas or Certificates or scholarships and medals for proficiency in subjects relating to Town and Country Planning and for obtaining recognition from Government and other authorities of such Diplomas and Certificates;

(j) to co-operate with other organisations in all matters falling within the scope of the objects of this Association,

(k) to establish branches and affiliate organisations interested in Town and Country Planning subjects; and

(l) to take all steps as are necessary or incidental or conducive to the attainment and furtherance of the aims and objects of the Association.

Explanation:—The following matters among others shall be considered as falling wlthin the sphere of activities of the Association:—

Planning and Redevelopment of Cities, Towns, Villages and the Country side; Civic survey; Provision of amenities and sanitary conditions; Roads, footpaths, Prevention of Ribbon Development, Traffic control and transport services; Garden cities, Garden suburbs and Green belts, Community Centres; Parks, Recreation grounds and open spaces; Zoning, Housing, Abolition of slums, Betterment and compensation; Location and decentralisation of Industries; Dispersal of population, laying down of standards suitable to Indian conditions in matters relating to Town and Country Planning subjects e.g., Density of population, widths of streets; Legal and Administrative aspects of Town and Country Planning etc.

An Important activity of All-India Institute.

All India Institute of Local Self-Government

It is proposed to take a lead in the establishment of an All-India Institute of Local Self-Government in order to promote a comparative study of the working of Local Bodies in the different States and Unions and to secure co-ordination of efforts for improvement by establishing all-India contacts. It is also proposed that Bombay should be made Headquarters of the location of its office. Shri. Mavlankar has accepted the Presidentship of the proposed All India Institute and Ministers of Local Self-Government in different states in India are expected to offer their full co-operation. Under the Scheme of establishing this Institute, the following are stated to be the aims and objects of this Institute:—

(1) Collection and study of all Acts, Rules, Bye-laws and Regulations of all the States and Unions and of the different systems of Local Self-Government prevailing therein and publication of memoranda on the salient features of each of them from time to time.

(2) Publication of abstracts from Government Gazettes, Resolutions, Orders and Circulars issued by all the States and Unions of items of general interest on Local Self-Government subjects.

(3) Publication of a Quarterly Digest of Local Self-Government cases decided by different Courts throughout India, and of some very important decisions of Courts in other Countries.

(4) Publication from time to time of a bibliography of all articles, thesis, books and other literature published in Indian and Foreign Periodicals on Local Self-Government subjects.

(5) Publication of Quarterly, Half-yearly or Annually a review of the progress of Legislation in Local Self-Government subjects in different States and Unions.

(6) Running of Training Classes for higher studies in Local Self-Government subjects and awarding to successful students, of Certificates, Diplomas or Degrees for which recognition may be obtained from the Government of India and the States.

(7) Organisation of Local Self-Government Institute or Associations of Local Bodies in individual States in order to decentralise the work of public education of Local Self-Government subjects and use such Associations as Local Agencies for the purpose of disseminating knowledge of Local Self-Government subjects.

(8) Organisation of All India Conferences of Local Self-Government to focuss attention on important Local Self-Government problems.

(9) Participation in International Conferences of Local Self-Government and

(10) To do any and all other things considered necessary to carry out the objects of the Organisation.

Local Finance Enquiry Committee

You will be much interested to learn that Mr. Barfivala has been appointed as the non-official representative of our Province on the Local Finance Enquiry Committee appointed by the Government of India. It is

expected that its Report will be out in or about September 1950. The terms of reference of this Committee are as under:—

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 (*i*) assessment and (*ii*) collection of taxes.

Audit

Audit Remarks of the Hon. Auditor Mr. R. N. Rajadnya for the years 1944-45 to 1948-49 along with statements of Accounts audited by him and the Examiner, L. F. Accounts, Bombay, are appended herewith.

The Staff

Institute's Office Organisation.

The organisation consists of the following personnel:—

(1) Director — Shri. Chunilal D. Barfivala, M.A., LL.B.

(2) Asstt. Director— Shri. S. V. Samant, B.A. (Hons.), B.T.

(3) Superintendent - Shri. S. M. Gangoli

(4) Dy. Superintendent & Actt. — Shri. L. M. Ranadive, L.S.G.D.

(5) Senior Clerk — Shri. M. N. Shah, B.A., LL.B.

(6) Asstt. Accountant — Shri. V. S. Mudvedkar.

(7) Clerk-Typist — Miss Sullivan

(8) Training Class Clerk (Part-time) — G. O. Mehta

(9) Typist (Part-time) — T. M. Sundaram

(10) Godown-Keeper — V. B. Narkar
and three peons.

The remarks of the Auditor from year to year which are appended to this Report will bear ample testimony to the capabilities and efficiency of the staff. Every Local Body knows what quantity of work, the Institute's office has been able to put in. The full personnel is given above only with a view that Local Bodies may know and appreciate how so small a staff turns out such huge work and will readily forgive whatever shortcomings are found. I do not claim that there are no drawbacks. There are sometimes delays and errors of omissions also. Despite these I do claim and I confidently believe that you will agree with me that quantity to quantity and quality to quality the staff works can compare favourably with any well-managed and highly paid, and fully manned office.

Hon. Auditor's Remarks on the Accounts of the Local Self-Government Institute, Bombay Province, Bombay for the years

1944-45.

" I have greater pleasure to certify that I audited the accounts of the Local Self-Government Institute for the year 1944-45 from the 27th to the 31st October 1945 and found them correct and well maintained. The volume of work has increased vastly and also intricacies of accounts. The task of systematic maintenance of registers and accounts is correspondingly heavy and of greater responsibility. The fact that this responsibility is satisfactorily discharged speaks volumes for those who are in charge of the Institute.

From what I have seen from the accounts, I estimate that Local Bodies have benefited by the war-time activities of the Institute regarding paper supply, etc., at controlled rates, to the tune of thousands of rupees. This is a matter of legitimate pride and more than justified payment of small annual membership contribution by Local Bodies.

I add my word of tribute to the organising abilities of Mr. Chunilal D. Barfivala, the Director and Mr. S. S. Naik, the Honorary Secretary of the Institute."

1945-46

"I have great pleasure to certify that I have audited the accounts of the Institute for the year 1945-46 on the 19th, 20th, 21st and 22nd June 1946 and that I have found them correct and well maintained.

I repeat my words of high appreciation to the work of the Institute's Office which I used in my last year's audit remarks."

1946-47.

"I examined the accounts of the Institute for the year 1946-47 for four days from the 28th to 31st July 1947, and found them well maintained and in order. The work has tremendously increased and it does great credit to Honorary Secretary Mr. Naik and Director, Mr. Barfivala, and to the small staff that they are able to manage the work so efficiently. Every one of them must have put in at least double the quantity of the usual work and the quality has been maintained to such a high pitch."

1947-48.

"I have examined the Accounts of the Institute for the year 1947-48 on the 13th to 16th September 1948 and found them correct. I wish to add that the work of the Institute has increased considerably. There is a further increase during the year under Audit, and further activity in the shape of Printing Press is organised which means a substantial increase in work. The Staff remains practically the same with but little addition. I suppose some concrete appreciation of the present Staff is certainly called for. What shape it should take is the concern of the Provincial Council to whom I strongly recommend my suggestion. The efficiency has been maintained to its high level as usual. Mr. Naik, Mr. Barfivala and the Staff, all deserve compliments for this state of affairs."

1948-49.

"I have examined the accounts of the Institute including Press accounts for the year ending 31st March 1949 and found them most satisfactorily maintained. The major portion of the activities of the Institute was in the direction of paper supply for the last five or six years and therefore, 1/3rds to 2/3rds of expenditure was incurred towards the support of that activity. It is only now that circumstances permit other activities to be revived and therefore expenditure towards this revival will be incurred in greater proportion from year to year. I have no doubt Government will ultimately come to the aid of the Institute as it has done in case of other Departments. It is indeed surprising that a small staff of the Institute should form the foundation and the fountain source of such huge structure and flow of tremendously beneficial activities in the cause of Local Self-Government. All credit therefore goes to the staff whereof each member handles varying duties because strict division of labour cannot be made when the hands are so few and the activities so numerous.

I must emphasise that the able direction of Mr. Barfivala is responsible for these splendid results of which Local Bodies have by now become so very familiar."

The Remarks of the Examiner, L. F. Accounts, Bombay, are also given hereunder :—

1945-46.

No. L. 23/A-1526

Office of the Accountant General,
Local Audit Department,
Bombay, 19th September 1946.

From

The Examiner,
Local Fund Accounts, Bombay.

To

The Secretary to Government,
General Department, Bombay.

The accounts of the Local Self-Government Institute, Bombay Province, for the year 1945-46 were audited between the 21st August and 2nd September 1946.

2. The accounts were found to have been well maintained and call for no remarks.

3. It is gratifying to note that there was full co-operation and the minor points were settled on the spot.

4. A statement of accounts of the Institute for the year 1945-46 prepared in the form approved by Government is appended to this note duly certified as correct.

T. N. S. Ratnam,
Examiner.

No. L. 23/A.

Copy forwarded to :—

The Honorary Secretary & Treasurer, Local Self-Government Institute, Bombay.

The Senior Auditor, Bombay III Circle (V.G.P.).

T. N. S. Ratnam,
Examiner.

1946-47

Office of the Accountant-General,
Local Audit Department,
Bombay, November 21st, 1947.

No. L.23/A-2922 of 1947-48.

From,

The Examiner,
Local Fund Accounts,
Bombay.

To,

The Secretary to the Government,
Health and Local Government Department,
Bombay.

The accounts of the Local Self-Government Institute, Bombay Province, for the year 1946-47, were audited between 27th August and 1st September 1947.

2. The accounts were found to have been well maintained and no remarks are called for.

3. It is gratifying to note that there was full co-operation and the minor points were settled on the spot.

4. A statement of accounts of the Institute for the year 1946-47 prepared in the form approved by Government is appended to this note duly certified as correct.

For (T. N. S. RATNAM)
Examiner,
Local Fund Accounts.

No. L.23/A-2923 of 1947-48.

Copy forwarded to :—

The Honorary Secretary & Treasurer,
Local Self-Government Institute.
The Senior Auditor, Bombay, III Circle (V.G.P.).

(Sd.)
Examiner.

LOCAL SELF-GOVERNMENT INSTITUTE
(Bombay Province)

Statement of Accounts for the year 1944–45

Particulars	Receipts Rs.	as.	ps.	Particulars	Expenditure Rs.	as.	ps.
*Opening Balance	18,735	8	6	Primary Education Scheme	550	0	0
Membership Subscription	9,401	14	0	Journals & other publications	3,853	12	6
Bank Interest	956	14	6	Training Class Deposit	10	0	0
Government Grant-in-Aid	3,000	0	0	Rent	1,008	0	0
Training Class Fees	4,754	14	6	Training Class Travelling	455	12	0
Income from sales of Journals and other publications including advertisement, revenue ...	4,746	4	9	Provident Fund Loan	173	0	0
Recoupment of Paper Supply expenses included under expenditure side under various heads and Paper Supply Receipts	5,840	5	9	General Administration Contingencies	1,539	1	4
Provident Fund Loan	20	0	0	Stationery & Printing	1,549	2	0
Provident Fund Account:—				Training Class Advertisement	613	6	0
Employees' Contribution	414	0	0	Establishment	11,052	10	6
Institute's Contribution	634	11	6	Postage	987	7	0
Unpaid Bills	13,102	14	0	Audit Fees	[illegible]3	7	0
Suspense Account	15,652	15	9	Travelling and Meetings	7[illegible]8	15	0
Dead Stock	750	0	0	Library and Equipment	190	9	0
Directory Publication Fund	6,000	0	0	Telephone	373	5	0
				General Administration Conference	347	10	0
				Institute's General Provident Fund	611	11	6
				Provident Fund Account	46	3	4
				‡Balance	59,806	7	1
Total...	84,010	7	3	Total...	84,010	7	3

*The Opening Balance of Rs. 18,735-8-6 is exclusive of Government Securities of Rs. 24,000 and inclusive of Rs. 4,145-4-1 being Provident Fund Account. This also includes Rs. 7,480-3-9 being deposit under Suspense Account and Rs. 5000 as Primary Education Survey Advance.

‡The Closing Balance of Rs. 59,806-7-1 is exclusive of Government Securities of Rs. 24,000 and inclusive of Rs. 4,994-12-3 being Provident Fund Account. This also includes Rs. 23,133-3-6 being deposits under Suspense Account and Rs. 4,450 as Primary Education Survey Advance.

Examined and found correct.

R. N. RAJADNYA,
Hon. Auditor.

S. S. NAIK,
Hon. Secretary,
Local Self-Government Institute.

LOCAL SELF-GOVERNMENT INSTITUTE
(BOMBAY PRESIDENCY)

Statement of Accounts for the year 1945–46

Particulars	Receipts Rs.	as.	ps.	Expenditure Rs.	as.	ps.	Establishment Rs.	as.	ps.	Stationery and Printing Rs.	as.	ps.	Postage Rs	as.	ps.	Miscellaneous Rs.	as.	ps.
Opening Balance:																		
Head Office ... 59,692 2 7																		
Branches ... 114 4 6	59,806	7	1	.....			.....			.....			.....			.....		
Subscription	8,321	8	0	.....			.....			.....			.....			.....		
Government Grant-in-aid	3,000	0	0	.....			.....			.....			.....			.....		
Publication	2,323	3	6	2,302	0	0	12,001	1	0	808	5	0	837	13	0	1,351	14	0
General administration	.....			17,021	2	0	.....			.....			.....			.....		
Library and Equipment	.....			461	5	0	.....			.....			.....			.....		
Unpaid Bills	.....			13,102	14	0	.....			.....			.....			.....		
Conference	.....			54	8	0	.....			.....			.....			.....		
Investments	.....			15,240	0	0	.....			.....			.....			.....		
Miscellaneous	7,622	0	4	2,400	12	10	.....			.....			.....			.....		
Training Classes	4,685	0	0	1,051	7		.....			.....			.....			.....		
Deposits	1,128	0	2	.....			.....			.....			.....			.....		
Advances	39	0	0	35	0	0	.....			.....			.....			.....		
Closing Balance:	86,935	3	1	51,669	0	10												
Head Office ... 34,571 12 3																		
Branches ... 694 6 0				36,226	2	3												
Total ...	86,935	3	1	86,935	3	1												

The Closing Balance of Rs 35,266-2-3 includes Rs. 6,031-8-7 being Employee's Provident Fund Account. It also includes Rs. 21,554-4-6 being deposits for paper supply etc., from Local Bodies and Rs 4,161-14-0 being Primary Education Advance.

The Closing Balances exclude the following investments :—

3½% Government Securities (Face Value) Rs. 39,000
One Share of Poona Central Co-operative Bank Rs. 50
——— Rs. 39,050

Verified and found correct.

T. N. S. Ratnam
Examiner, Local Fund Accounts, Bombay.

LOCAL SELF-GOVERNMENT INSTITUTE

(Bombay Presidency)

Statement of Accounts for the year 1945-46.

Particulars	Receipts	Particulars	Expenditure
	Rs. a. p.		Rs. a. p.
Opening Balance ...	*59,806 7 1	Primary Education Scheme ...	288 2 0
Membership Subscription ...	8,321 8 0	Rent ...	1,016 0 0
Interest ...	1,235 5 4	T. C. Travelling ...	598 9 0
Government Grant ...	3,000 0 0	Journals & other publications ...	2,013 14 0
T. C. Fees ...	4,695 0 0	General administration contingencies ...	1,351 14 0
Income from sales of Journals & other Publications including advertisement Revenue ...	2,323	Stationery & Printing ...	808 5 0
		T. C. Advertisement ...	452 14 0
		Establishment ...	12,001 1 0
Recoupment of Paper Supply expenses included under expenditure side under various heads and paper supply Receipts ...	6,386 11 0	Postage ...	837 13 0
		Audit Fees ...	100 7 0
Provident Fund Loan ...	29 0 0	Suspense Account ...	1,578 15 0
T. C. Deposits ...	10 0 0	Travelling & Meetings ...	586 1 0
Provident Fund Account:—		Library & Equipment ...	461 5 0
Employees' Contribution ...	449 6 5	Government Securities ...	15,240 0 0
Institute's Contribution ...	678 9 9	Telephone ...	420 0 0
		Unpaid Bills ...	13,102 14 0
		Conference —	54 8 0
		Institute's General Provident Fund —	636 3 0
		Provident Fund Loan —	35 0 0
		Provident Fund Account —	85 3 10
		Balance —	‡35266 2 3
	86,935 3 1		86,935 3 1

* The Opening Balance of 59,806-7-1 is exclusive of Government Securities of Rs. 24,000- and inclusive of Rs. 4,994-12-3 being Provident Fund Account. This also includes Rs. 22,133-3-6 being deposits under Suspense Account and Rs. 4,450/- as Primary Education Survey Advance.

‡ The Closing Balance of Rs. 35,266-2-3 is exclusive of Government Securities of Rs. 39,000/- and a share of Poona Central Co-operative Bank, Poona of Rs. 50/- and exclusive of Rs. 6031-8-7 being Provident Fund Account. This also includes Rs. 21,554-4-6 being deposits under Suspense Account and Rs. 4,161-14-0 as Primary Education Survey Advance.

(Sd.) **R. N. RAJADNYA,**
Honorary Auditor,
Local Self-Government Institute.

(Sd.) **S. S. NAIK,**
Honorary Secretary,
Local Self-Government Institute.

LOCAL SELF-GOVERNMENT INSTITUTE

(Bombay Province)

Statement of Account for the year 1946-47

Particulars	Receipts	Expenditure	Expenditure Classified by Sub-heads: Establishment	Stationery and Printing	Postage	Miscellaneous
	Rs. a. p.	Rs. a. p	Rs a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Opening Balance :—						
Head Office ...	34,571 12 3					
Branches ...	694 6 0					
	35,266 2 3					
Subscription ...	10,114 6 0					
Government grant ...	3,000 0 0					
Government grant for Books ...	1,000 0 0					
Public Education ...	2,266 11 0	2,531 11 0				
General Administration ...		18,911 6 0				
Library and Equipment ...		1,368 1 0	13,030 4 0	729 1 6	933 8 0	1,443 4 0
Unpaid bills ...	2,334 2 9					
Conferences ...		361 10 3				
Investments ...		11,013 12 0				
Miscellaneous ...	14,233 4 9	312 9 3				
Training classes ...	3,318 0 0	572 7 6				
Deposits ...	34,396 14 10	561 8 2				
Advances ...	111 0 0					
Closing Balance :—						
Head Office ...	70,120 6 2					
Branches ...	287 3 3					
	Rs. 1,06,040 9 7	1,06,040 9 7				

The Closing Balance of Rs. 70,407-8-5 includes Rs. 6,431-4-5 being Employees' Provident Fund Account. It also includes Rs 55,652-7-6 being deposits for paper supply etc., from Local Bodies and Rs. 3,966-11-0 being Primary Education Survey Advance.

The Closing Balance excludes the following investments :— Rs. a. p.

3% conversion 1946/86 (Face Value)	...	39,000 0 0
One share of Poona Central Co-operative Bank	...	50 0 0
2% loan 1961 (Face Value)	...	11,000 0 0
	Rs.	50,050 0 0

Verified and found correct.

(Sd.) **T. N. S. RATNAM,**
Examiner, Local Fund Accounts, Bombay.

LOCAL SELF-GOVERNMENT INSTITUTE
(Bombay Province)
Statement of Account for the year 1946-47.

Particulars	Receipts			Particulars	Receipts		
	Rs.	a.	p.		Rs.	a.	p.
Opening Balance	* 35,266	2	3	Primary Education Scheme	195	3	0
Membership Subscription	10,114	6	0	Rent	1,023	4	0
Interest	1,098	10	0	T. C. Travelling	138	8	6
Government Grant	3,000	0	0	Provident Fund Payments	561	8	2
T. C. Fees	3,318	0	0	General Administration :—			
Dead Stock	290	0	0	Contingency	996	15	0
Government Grant for Books	1,000	0	0	Stationery & Printing	729	1	6
Income from sales of Journals and other Publications including advertisement Revenue ...	2,266	11	0	T. C. Advertisement	433	15	0
Provident Fund Loan	111	0	0	General Administration :—			
T. C. Deposits	10	0		Establishment	13,030	4	0
Unpaid Bills	2,334	2	9	Postage	933	8	0
Suspense Account	34,098	3	0	Audit Fees	243	7	0
Directory Publication Fund	6,000	0	0	Travelling and Meetings	1,778	5	6
Recoupment of Paper Supply expenses included under Expenditure side under various heads and Paper Supply Receipts	6,844	10	9	Library and Equipment	1,368	1	0
Provident Fund Account :—				2½% Government Securities	11,013	12	0
Employees' Contribution	219	9	7	Journals and other Publications	2,336	8	0
Institute's Contribution	69	2	3	Institute's General Provident Fund	69	2	3
				Telephone	420	0	0
				Conferences	361	10	3
				Balance	†70,407	8	5
	1,06,040	9	7		1,06,040	9	7

* The Opening Balance of Rs. 35,266-2-3 is exclusive of Government Securities of Rs. 39,000/- and a share of Poona Central Co-operative Bank, Poona of Rs. 50/- and inclusive of Rs. 6,031-8-7 being Provident Fund Account. This also includes Rs. 21,554-4-6 being deposits under Suspense Account and Rs. 4,161-14-0 as Primary Education Survey Advance.

† The Closing Balance of Rs. 70,407-8-5 is exclusive of Government Securities of Rs. 50,000/- and a share of Poona Central Co-operative Bank, Poona of Rs. 50/- and inclusive of Rs. 6,431-4-5 being Provident Fund Account. This also includes Rs. 55,652-7-6 being deposits under Suspense Account and Rs. 3,966-11-0 as Primary Education Survey Advance.

(Sd.) **R. N. RAJADNYA,**
Honorary Auditor,
Local Self-Government Institute.

(Sd.) **S. S. NAIK,**
Honorary Secretary,
Local Self-Government Institute.

1947-48.

No. L.23/A-2537 of 1948-49.
Office of the Accountant General,
Local Audit Department,
Bombay, December 16th 1948.

From

The Examiner,
Local Fund Accounts,
Bombay.

To

The Secretary to Government,
Health and Local Government Department,
Bombay.

The accounts of the Local Self-Government Institute, Bombay for the year 1947-48 were audited between the 26th and 29th October 1948.

2. The accounts were generally well maintained and call for no remarks. Minor points were settled on the spot.

3. A statement of accounts of the Institute for the year 1947-48 duly certified as correct is appended.

(S. Vaidyanathan.)
Examiner, Local Fund Accounts.

No. L.23/A-2538 of 1948-49.

Copy forwarded to :—
The Honorary Secretary & Treasurer,
Local Self-Government Institute, Bombay.
The Senior Auditor, Bombay III Circle, (A.D.'S).

Sd/. (S. Vaidyanathan.)
Examiner, Local Fund Accounts.

1948-49

No. L. 23-A-2532 of 1949-50.

Office of the Accountant General
Local Audit Department,
Bombay, 15th December 1949.

From

The Examiner,
Local Fund Accounts, Bombay.

To

The Secretary to Government,
Health and Local Government Department,
Bombay.

The accounts of the Local Self-Government Institute, Bombay for the year 1948-49 were audited between the 14th and the 19th September 1949.

2. Advance receipts are issued for the subscriptions of such Local bodies as want them, duplicate receipts from the same books being again issued when the amounts are actually received. As this system involves the risk of original receipts being erroneously marked as duplicates, amounts thus remaining out of account only certificates of credit may in future be issued when required instead of duplicate receipts.

3. Service books should be maintained in future for all the staff.

4. The accounts were generally well maintained. Minor points were settled on the spot.

5. A statement of accounts of the Institute for the year 1948-49 duly certified as correct is appended.

(T. N. S. Ratnam.)
Examiner, L. F. Accounts.

No. L. 23-A- 2533 of 1949-50,

Copy forwarded to:

The Honorary Secretary and Treasurer, Local Self-Government Institute, Bombay.

The Senior Auditor, Bombay III Circle (A. D'S.)

Sd.
Examiner.

Conference of Local Bodies
of
The State of Bombay

WELCOME SPEECH

Delivered By

The Hon'ble Shri. G. D. VARTAK,

Minister for Local Self Government,
Government of Bombay.

Hon'ble Shri. Mavalankar, Hon'ble Shri. Patil and Delegates,

It is with great pleasure that I welcome you to this Conference of our Local Bodies which is being held under the auspices of the Local Self-Government Institute. A Conference of this kind is being held for the first time after the attainment of Independence by us. The changed circumstances have brought us certain precious privileges which always come in the wake of freedom but with them have also come heavy responsibilities which as a free nation we must be prepared to shoulder. In this task of shouldering these responsibilities, our Local Bodies have a great part to play. Local Bodies, as you all know, are accepted all over the world, as primary units of a democratic state. This is no platitudinous statement. It has a much deeper significance. We should look upon the Local Bodies not merely as replicas of our legislative bodies but as institutions in which the minds of our great masses in villages and towns who are the main pillars of our democracy are imperceptibly moulded into the habits of democratic thought and practice. It is the mind of a people and not merely their numbers that determines the form and decides the texture of their Government which in their turn mirror the political sagacity and maturity of that people. Since, our political ideal is the establishment of a free democratic state and since, as I have just pointed out, the Local Bodies are the vehicles through which the minds of the people are moulded into democratic thought, I would

impress upon you as representatives of our Local Bodies, the great responsibility that lies upon you. If we realise this, and act accordingly we shall be laying the foundations of our democratic state on a sound basis.

Government for their part are fully alive to the role that our Local Bodies will be called upon to play, in the near future. Our aim has, therefore, all along been, to build them up in such a way that they should be able to play this role effectively and in a successful manner. Our policy which has been directed to this end, can be summed up in the following words:—

Democratisation, Decentralisation and sound local finance.

We have been endeavouring to achieve these ends in various ways but we have mainly concentrated on the third aspect, namely, local finance. On the assumption of power in 1946, we soon realised that unless financial aid was extended to local bodies, they would not be able to pull through their financial difficulties and stand on their legs. Government therefore decided to rehabilitate their finance by assigning to them a certain portion of state revenue and by adequate grants.

As the difficult financial position of local bodies did not permit them to pay the dearness allowance to their staff at adequate rates, their staff became very dissatisfied. Payment of dearness allowance at adequate rates, however, was bound to put a considerable strain on the finances of Local Bodies. Government, therefore, decided in 1946 to bear 50% cost of the dearness allowance paid by local bodies to their sanitary staff. This decision was immediately implemented which gave a great relief to Local bodies. This policy was, later on, extended also to the other staff of the Local Bodies.

Government's decision to rehabilitate the finances of Local Bodies has since been implemented in various other ways. The financial help given according to that decision has been continued from year to year and I might, with your permission, quote some of the figures of grants provided for, in this respect, in this year's budget and those of 1945–46. In this year's budget, provision has been made of Rs. 48,00,000, for payment of 50% dearness allowance grant, and 15% land revenue and 75% non-agricultural assessment grant to the municipalities. Provision has also been made in the current year's budget for grants of Rs. 5,00'000 and Rs.2,00,000 to the municipalities on account of their Housing Schemes for their Harijan employees and their slum clearance schemes respectively. Municipalities were not getting any of these grants in 1945–46. The grant to the Municipalities on account of their water supply and drainage schemes has been increased from Rs. 5,00,000 in 1945–46 to 18,00,000, this year.

As far as District Local Boards are concerned a provision has been made in this year's budget for payment to them of Rs. 50,00,000/- on account of 15% land revenue grant, of Rs. 10,83,000/- on account of 50% dearness allowance grant and of Rs. 5,50,000/- on account of Forest Revenue grant. The District Local Boards were not getting any of these grants in 1945–46. The Local Public Works grant has been increased from Rs. 10,71,000/- in 1945–46 to Rs 22,00,000/- this year. Similarly the Village Approach roads grant has been increased from Rs. 3,50,000/- in 1945–46 to Rs. 16,40,000-in 1950–51.

The amount of grants to Village Panchayats has been increased from Rs. 3,38,000/- in 1945–46 to Rs. 33,73,000/- in 1950–51. The current year's provision covers the following three items :—

(*i*) Provision of Rs. 11,00,000/- as grant on account of Village Panchayat Secretaries' pay,

(*ii*) Provision of Rs. 17,00,000/- on account of 15% Land Revenue grant and

(iii) Provision of Rs. 5,50,000/-on account of 50% dearness allowance grant.

Provision of village water supply is one of the obligatory duties of Local Bodies like the District Local Boards and the Village Panchayats. Government was not making any substantial grants on this account formerly. Of late Government has been making a large provision for village water supply and an amount of Rs. 45,00,000/-has been provided for, in this year's budget on this account.

In 1945–46, Government made a provision of Rs. 1,37,13,400/-for payment of grant to Local Bodies (excluding Bombay Municipality) on account of Primary Education. This year's provision on this account is Rs.6, 39,09,000/-

I hope that the few comparative figures I have just quoted are sufficient to convince you that Government is doing all that they can to put them on their legs. They will also show that Government has not only given financial help to Local Bodies in various new ways but has also increased the previous grants very substantially. After all that it has done, Government naturally expected Local Bodies to do their part. But whenever I think of our Local Bodies, I feel, all is not well with some of them. I wish their affairs were managed much more satisfactorily than they are at present. Many a time, their working is guided not by a sense of public service but by personal considerations arising out of party factions. This has lowered the tone of the working of some of our Local Bodies. If we, however, have the ultimate good of our Local Bodies at heart, we must

LOCAL SELF-GOVERNMENT INSTITUTE
(Bombay Presidency)

Statement of Accounts for the year 1947–48.

Particulars.		Receipts.			Expenditure.		
		Rs.	As.	Ps.	Rs.	As.	Ps.
Opening Balance .....Rs.							
Head Office ..... ,, 70,120–5–2 } ...		70,407	8	5	...	...	...
Branches ..... ,, 287–3–3 }							
Subscription		9,261	2	0	...	...	...
Government Grant		3,000	0	0	3,996	6	0
Public Education		6,005	4	3	22,459	10	9
General Administration					1,241	4	0
Library & Equipment							
Unpaid Bills		6,776	7	3	94,147	1	11
Miscellaneous		60,833	6	5	663	6	0
Training Classes		5,280	0	0	4,119	12	5
Deposits		1,192	15	8	29	0	0
Advances		36	0	0	36,136	2	11
Closing Balance							
Head Office	36,851–15–8						
Branches	284—3–3						
Total...		1,62,792	12	0	1,62,792	12	0

The Closing Balance of Rs. 36,136–2–11 includes Rs. 7,541–0–0 being Employees' Provident Fund Account and exclude Rs 37,652–2–8 being Advances and dues under Suspense Account. It also excludes the following Investments:—

3% conversion 1946/86 (Face Value)	... Rs.	39,000–0–0
One share of Poona Central Co-operative Bank	... Rs.	50–0–0
2½% loan 1961 (Face Value)	... Rs.	11,000–0–0
	Total	50,050–0–0

Verified & found correct
(Sd.)
Examiner, L. F. Accounts,
Bombay.

eschew such ideas of personal advancement and be solely guided by devotion to duty. I would have liked to dilate upon this aspect but I will not do it in this welcome speech. I have made the above remarks not with a view to criticise the working of any Local Bodies but because the hopes, I have entertained as a life long worker in the field of local self-government, about our Local Bodies have not yet been fully realised. I shall feel satisfied if what I have just now urged, produces tangible results in practice.

I feel the Local Self-Government Institute has also a great part to play in bringing about a change in this mental attitude. And looking to the past record of service in the field of local self-government of our two trusted stalwarts who are at the helm of this Institute, namely, Messrs. Naik and Barfivala, I am fortified in my belief, that the Local Self-Government Institute will not fail to answer my call and concentrate its attention and energies on this great and solid work.

Once again, I welcome you all who have come from distant places at great personal inconvenience in this inclement weather. I fully hope, with your hearty co-operation, this Conference will be an unqualified success.

Before I close, I have to perform a pleasant function, to request the Hon'ble Shri. Mavalankar to inaugurate this Conference.

No better person could have been found to inaugurate the proceedings of this Conference and I feel happy that he accepted the Institute's invitation without any hesitation. His long and wide experience of the working of Ahmedabad Municipality with which he was intimately associated for a long time as President and in other capacities and his keen interest in the problems of local bodies has secured for him a position of authority in the field of Local Administration. I am sure you will greatly benefit by the richness of his experience and his mastery of practical problems in this particular sphere. We are grateful that he made it convenient to spare some time from his very busy life to inaugurate this Conference. I request him on behalf of the Local Self-Government Institute and on behalf of you all to inaugurate this Conference.

G. D. Vartak.

LOCAL SELF-GOVERNMENT INSTITUTE
(Bombay Presidency)

Statement of Accounts for the year 1947-48.

Particulars.	Receipts. Rs.	as.	ps.	Particulars.	Expenditure. Rs.	as.	ps.
Opening Balance	* 70,407	8	5	Primary Education Fund	3,966	11	0
Membership Subscription	9,261	2	0	Rent	989	5	0
Interest	2,258	4	11	T. C. Advetisement	663	6	0
Government Grant	3,000	0	0	Provident Fund Loan	29	0	0
T. C. Fees	5,280	0	0	Gen. Adm. Contingency.	1,329	2	0
Income from sales of Journals & other Publications including advertisements Revenue	6,005	4	3	,, ,, Stny. & Ptg.	1,495	0	6
Provident Fund Loan	36	0	0	Establishment	15,925	11	0
Directory Publication Fund	10,000	0	0	Postage	1,087	8	9
T. C. Deposits	90	0	0	Travelling	1,212	15	6
Unpaid Bills	6,776	7	3	Audit Fees	243	7	0
Ptg. Press Fund	35,000	0	0	Suspense Account	93·304	13	2
Conference	10	0	0	Telephone	420	0	0
Paper Supply Supense A/c.	4,565	1	6	Library & Equipment	1,241	4	0
Recoupment of paper supply expenses included under expenditure side under various heads & Paper Supply receipts	9,000	0	0	Journals & other Publications	3,996	6	0
				Institute's General Provident Fund A/c. ...	598	13	9
				Provident Fund Payments	153	1	5
Provident Fund Account:—				Balance	**36,136	2	11
Employees' Contribution.	504	1	11				
Institute's Contribution	598	13	9				
Total...	1,62,792	12	0	Total...	1,62,792	12	0

*The Opening Balance of Rs. 70,407-8-5 is exclusive of Government Securities of Rs. 50,000/- and a share of Poona Central Co-operative Bank, Poona of Rs. 50/- and inclusive of Rs. 6,431-4-5 being Provident Fund Account. This also includes Rs. 55,652-7-6 being deposits under Suspense Account and Rs. 3,966-11-0 as Primary Education Survey Advance.

**The Closing Balance of Rs. 36,136-2-11 is exclusive of Government Securities of Rs. 50,000/- and a share of Poona Central Co-operative Bank, Poona of Rs. 50/- and Rs. 37,652-5-8 being advances and dues under Suspense Account and inclusive of Rs. 7,541-4-1 being the balance of Provident Fund Account.

(Sd.) **R. N. RAJADNYA,**
Honorary Auditor,
Local Self-Government Institute.

(Sd.) **S. S. NAIK,**
Honorary Secretary,
Local Self-Government Institute.

LOCAL SELF-GOVERNMENT INSTITUTE
(BOMBAY PRESIDENCY)

Statement of Accounts for the year 1948-49

Particulars	Receipts	Expenditure	Expenditure classified by Sub-Heads: Establishment	Stationery and Printing	Postage	Miscellaneous
	Rs. as ps.	Rs. a. p	Rs. as. ps.	Rs. as. ps.	Rs. as. ps.	Rs. as. ps
Opening Balance :						
Head Office ... 31,216 9 11						
Branches ... 284 3 3	31,500 13 2					
Subscription	10,135 14 0					
Government Grant-in-aid	3,000 0 0					
Government grant for Library ...	2,000 0 0					
Publication Education ...	5,785 11 2	1,336 2 0				
General administration	.....	28,186 3 10	2c,6c8 9 6	1,215 9 3	1,153 3 6	5,188 13 9
Library and Equipment	.....	2,961 3 0				
Unpaid Bills	18,868 4	97,258 8 9				
Miscellaneous	68,275 6	814 12 0				
Training Classes	7,540 0 0	...				
Deposits	90 0 0	.....				
Receivable Bills	.....	[87,265 3 0				
Suspense Account	40,208 10 11					
Closing Balance :						
Head Office ... 19,299 10 10						
Branches ... 283 0 9	.....	19,582 11 7				
Total ...	1,87,404 12 2	1,87,404 12 2				

The Closing Balance of Rs 19,582-11-7 includes Rs. 2,556-5-3 being deposits under Suspense Account and Excludes the following investments :—

3% Conversion 1046/86 (Face Value)	...Rs.	39,000 0 0
2½% Loan 1961 (Face Value)	...Rs.	5,000 0 0
One Share of Poona Central Co-operative Bank	...Rs	50 0 0
		44,060 0

Verified and found correct.
T. N. S. Ratnam
Examiner, Local Fund Accounts, Bombay.

LOCAL SELF-GOVERNMENT INSTITUTE
(Bombay Province)

Statement of Accounts for the year 1948-49

Particulars	Receipts Rs.	as.	ps.	Particulars	Expenditure Rs.	as.	ps.
Balance	* 31,500	13	2				
Membership Subscription	10,135	14	0	Journals & other publications	1,336	2	0
Interest	1,423	2	11	Rent	989	4	0
Government Grant	3,000	0	0	Printing Press Machinery & Types	54,890	5	6
do for improvement of Library ...	2,000	0	0	do Expenses	41,206	4	2
Income from sales of Journals, Envelopes, Stationery and other Miscellaneous Publications including advertisement Revenue ...	5,785	11	2	do Receivable Bills	37,265	3	0
				General Administration Contingencies	1,411	9	9
				do Stationery & Printing ...	1,215	9	3
				do Establishment	20,628	9	4
Government Securities	3,000	0	0	Training Class Advertisement	814	12	0
Printing Press Revenue	41,435	13	6	Postage	1,153	3	6
Printing Press Unpaid Bills	5,500	0	0	Audit Fees	243	7	0
T. C. Fees	7,540	0	0	Travelling	2,124	9	0
T. C Deposits	90	14	0	Library and Equipment	2,961	3	0
Suspense Account	40,208	10	11	Telephone	420	0	0
Recoupment of Paper Supply Expenses & Receipts...	22,416	6	1	Institute's Provident Fund Contribution ...	1,161	15	1
Unpaid Bills	13,368	4	5	By Balance	‡ 19,582	11	7
Total...	1,87,404	12	2	Total...	1,87,404	12	2

*The Opening Balance of Rs. 31,500-13-2 is exclusive of Government Securities of Rs. 47,000/- and a share of Poona Central Co-operative Bank, Poona and Rs. 37,562-5-8 being advances and dues under Suspense Account.

‡The Closing Balance of Rs. 19,582-11-7 is exclusive of Government Securities of Rs. 44,000 and a share of Poona Central Co-operative Bank and inclusive of Rs. 2,556-5-3 being deposits under Suspense Account.

Examined and found correct.

R. N. RAJADNYA,
Hon. Auditor.
Local Self-Government Institute

S. S. NAIK,
Hon. Secretary,
...al Self-Government Institute.
...s the balance

Conference of Local Bodies
of
The State of Bombay

INTRODUCTORY SPEECH

By

Shri. S. S. NAIK,

Honorary Secretary,
Local Self-Government Institute, Bombay.

The Hon'ble Shri. Mavalankar, Shri. Patil and Shri. Vartak & Friends,

It would be normally expected from me as the Hon. Secretary and Treasurer of this Institute to introduce the three great men who have graced this occasion and who are to address you to-day. I would not however do so because all of them are so very well known to you. The Hon. Shri. G. D. Vartak has acquired very vast experience as Sarpanch of a Gram Panchayat and President of a District Local Board. He has as Minister of Local Self-Government strived to do his best for Local Bodies. He has kindly consented to deliver the welcome address. The Hon. Shri. G. V. Mavalankar, the President of the Indian Parliament was for a very long period President of the Ahmedabad Municipality, a member of the Provincial Council of this Institute and the Speaker of the Bombay Assembly and then of the Central Assembly at Delhi. We are grateful to him for consenting to deliver the inaugural address. The Hon. Shri. L. M. Patil was formerly in charge of the portfolio of Local Self-Government and has been the President of this Institute for the last 14 years and his guidance has always been of the greatest value.

We are meeting today for the first time after we have attained our freedom under the guidance of that great Saint and Philosopher—Mahatma Gandhiji — whose spirit of selfless service to humanity must be an ideal

which we must follow in our work for Local Self-Governing Institutions. Difficulties of Local Bodies are so colossal that even with the best and co-ordinated efforts of all concerned, the task will take a long time before tangible results can be achieved. When compared with rich countries and the ordinary amenities of corporate life which they possess our Local Bodies are in the worst condition. Our poverty is so great that only 3% of our population have been provided with pipe water as against 57% of the population in U. S. A. In most places this water is neither purified nor sufficient. Drainage is provided in very few towns. There is generally, filth, squalor and insanitation everywhere and these conditions are the worst in those places where slum areas have developed in all towns and villages. There is no medical relief in most of the places. The rural areas are particularly in the most miserable condition perhaps because the people there are not vocal. Education is at the lowest level amongst the civilised countries. A bright ray of hope is seen in the awakening of public consciousness which now demands all these amenities and this demand will force us to find ways and means to satisfy them. The delay and difficulties towards improvement are enhanced because the cost of labour and materials are very high and are becoming higher because the cost of living is increasing so that what could be done in old days for Rs. 100/-, cannot be done now for Rs. 500/-. We are not able to raise our taxes, because the vast majority of tax payers are the ordinary middle class or working class people who cannot pay increased taxation. So then we are forced to ask the Government to give financial help or grant for all works. The supply from this source is not unlimited even in spite of the best intentions of our Government. In the State of Bombay, many of our old demands such for instance as those of a share in the land revenue for the administration of rural areas, large percentage of non-agricultural assessment from cities and towns, have been satisfied to a degree much more than what we proposed in old days. New problems and difficulties, such for instance as payment of dearness allowance have also been considered and considerable relief is given. The limitations on State finance are coming in the way of their helping Local Bodies more freely. The Federal Government is also faced with many problems involving huge financial responsibilities. We can meet these difficulties that surround us in all directions only if we work in co-operation with all official and non-official workers in all the different spheres of activities, come forward to work in a spirit of service in which power politics has no place, and try to follow honestly the path laid down by our Great Teacher, Mahatma Gandhiji.

Friends, you will please excuse me for the time I have taken to avail myself of the privilege of an old man to preach what may appear to be a sermon.

I shall leave the work of initiating discussions on Local Self-Government problems facing the Local Bodies to my friend Shri. Barfivala, Director of the Institute, whose life-long work in the domain of Local Self-Government has endeared him to Local Bodies throughout India.

I will now request the Hon. Shri. G. D. Vartak, the Chairman of the Reception Committee, to deliver his Welcome Address.

S. S. Naik.

Hon. Shri. Patil, Shri. Vartak, Delegates, Ladies and Gentlemen,

I am sincerely thankful to you for having given me this opportunity of stating my views on the subject of Local Self-Government, as I consider Local Self-Government to be of vital importance for the well-being and the future of our country.

Having devoted a long number of years, which formed the best part of my life (1919 to 1937) to municipal work in the City of Ahmedabad, I have naturally an attachment for municipal work. I am proud to say today, that I received my first lessons and training in the subject of Local Self-Government, when I began my apprenticeship in 1919 under the guidance and leadership of Sardar Patel. The inspiration for the work and the outlook as to the real importance and nature of work in Local Bodies, from the point of view of Self-Government or Swaraj for the whole of India came from Mahatma Gandhi, with whom both Sardar Patel and myself were privileged to work since about 1916. My passion for municipal work naturally brought me very close to my friends Messrs. S. S. Naik, C. D. Barfivala and others, who have contributed very substantially to the advance of Local Self-Government Institute, with which also, I was associated for years as a member of its Provincial Council, and under whose auspices, this Conference is being held. It is these reasons and last but not the least, the opportunity to meet you all, who feel keenly interested in the progress of Local Self-Government, that induced me to accept this invitation.

Though I feel an absorbing interest in municipal matters, I do not propose to go into any details, as I am not in close touch with local administration in this State since about 1937; and further I have no desire to step into the arena of controversy on the burning issues of the day. I, therefore, propose to touch only the important and fundamental points.

I am afraid, the importance of municipal work and the place that it ought to have in the self-governance of the country, are not generally appreciated to the extent they ought to be. This lack of proper appraisement is probably due, to some extent, to our tempermental indifference but largely due to lack of appreciation of the importance and implications of municipal work. The work has no political glamour, and it is of a

nature, which requires substained efforts for a long time, like any other branch of constructive activity. It will be conceded by every thinking person that, the future of the nation and our newly-won independence depends upon the devotion and thoroughness with which we apply ourselves to all activities of a constructive character, which go to build up the strength of the people on all fronts of life. Municipal work affords a very extensive field in the direction, provided we are alive to the true implications thereof.

It is, in a way, depressing that work of what is popularly known as of "political" character, appeals because of its glamour of popularity, publicity and the positions of prestige and power that politics offer. The lure of popularity, publicity, prestige and power is a great tempting factor. But, if we realise that democracy, in which we claim to have so much faith, presupposes the existence of an intelligent and educated electorate, it will not require much of thought to come to the conclusion that the true source of strength of any democracy lies in the enlightenment and character of the masses in the country and not in the capacity of a few men to manage its affairs and play the game with reference to internal or external affairs.

Municipal work is not merely a matter of making provision for a few physical needs of the community. The municipality is apparently an institution for providing needs and amenities, such as good water supply, good roads, lighting, drainage and indirectly primary education also. As regards these, what matters most is the spirit with which and the manner in which, provision for these needs and amenities is made. The municipality has, in its charge, the moulding and development of the bodies and minds of the citizens residing within its jurisdiction. It has to deal with questions of public health, sanitation and conveniences which cater for the bodies of its citizens, and the educational branch of its activities gives it an opportunity of preparing the future citizen to shoulder the responsibilities of the independence and self-governance of the country. If we only realise the vast influence the municipality exercises through these two main branches of its activities, and the potentialities thereof, we shall begin to look upon the municipal work, as a fundamental one in our programme of nation-building.

There is one further aspect of the municipal self-government. The municipality comes in direct contact with the day-to-day life and the hour-to-hour needs of the citizen. Its constitution is democratic as the municipal council is generally composed of the elected representatives of he people and I hope the days of nominations are long gone by. It is truly

described as Local *Self-Government* and herein lies its vital importance in relation to the government of the country.

Though the Central and Provincial Governments vitally affect and influence the life of the individual citizen, they do so indirectly and remotely and not directly as the municipal government. It is, therefore, municipal government which can inspire in the man in the street an enthusiasm and love for self-government. He cannot be fed for all times on slogans or rosy pictures of Swaraj. He must experience it in practice if he is to be moulded into a true soldier for country-wide Swaraj.

We must remember, therefore, that the municipality is first a self-government and then everything else. Though it may appear on the surface to be concerned only with questions of water-supply, roads, drainage, lighting and many other major or minor things, in essence it is a self-governing institution; and as such, has all the essentials of self-government in the same measure and the same manner in which the government of a province or the government of India has, and requires of us the same outlook and effort as in the case of provincial or central government. It is a miniature of what we wish to have in respect of the whole country or the province.

In this view, the provision of municipal needs and amenities is not an end in itself, but a necessary sequence of its being Swaraj. If this view is accepted, a few major consequences that will follow as corollaries may be mentioned :-

(i) It would be a pattern of the government that we wish for the country. It is always asserted that the Swaraj, which we visualise, is for each and every one of the three hundred millions in the country. If so, it becomes our duty to see that those living in cities or towns as well as those in the countryside, must have a common out—lookan outlook which will try to adjust the affairs of cities and towns in such a manner as to be complimentary to the rural areas and not in opposition to or at the cost of that area. Our economy has to be essentially a decentralised one, if we admit the fact that India means mostly its rural population. Not only that, but further, our economics have to be based on human values. In all its affairs, therefore, the municipality will have to remember that it is catering to the needs of people, whose larger interests lie in the maintenance of the economy for the *whole* country and of a social system which fits in with that economy.

(ii) The outlook of the administration must necessarily become the Swarajist outlook. Our ideal of Swaraj visualises the happiness of each

individual, which means supplying the moral and material needs of each one of the three hundred millions. Our economics of Khadi, our social programme consisting of removal of untouchability, etc., are illustrative of what we visualise as Swaraj. The municipality must necessarily, therefore, adopt the same outlook; and its programme of work, as also its economics, must have an impress of that outlook.

(iii) The municipal government must have a living contact with the people and must be conducted on a human basis. The administration should have a soul and should not become a mere machine, administering soullessly rules and regulations.

The greatest drawback and the potential source of danger in any administration is that, those in charge thereof, get lost in the machinery of the administration. When an administration is large, it is easily understandable that it must have some machinery, and the larger the administration, the greater the complications and its rule-bound character with consequent delays and sometimes even denials of bare justice. The municipalities are comparatively smaller administrations, and it becomes, therefore, possible to attempt greater results with lesser records, and files and less of the ordinary administrative red tape. After all, it must not be forgotten that the set-up of an administration is a means to an end, the end being the happiness, comforts, and conveniences of every individual in the State. It is impossible to have perfection in human institutions, but, all the same, we are bound to make our best efforts to the maximum possible degree so as to attain the maximum happiness and comfort to the individual, with the minimum of inconvenience. The problem is to maintain such balance by evolving an administrative machine which should work efficiently and yet will not lose its soul and human touch. This is indeed a very difficult problem, but I think, a solution to it must be found by experiments in having smaller administrations, if we believe that the ideal State is that which coducts its affairs with the minimum of rules and regulations, and minimum of interference in the life of the individual, entrenching itself upon the willing and intellgent co-operation of the subjects. I believe, the municipal administration affords a unique opportunity in this direction. A people trained to discipline, mutual co-operation, willing subordination of the individual in the interest of the community, and such other qualities developed in matters of municipal life will react in the same manner in respect of larger questions of a provincial or country-wide character. And this, to my mind, will be the greatest contribution that the municipalities can make to the government of the province or the country.

But all this would mean a competent personnel which has both head and heart. With the attainment of independence we shall require hundreds of such competent people for the colossal task of nation-building that is before us, and it is my firm belief that we can have such men only if we recruit them from the ranks of those, who have experience of self-government through municipal bodies, provided, of course, they have the necessary outlook and the spirit of service. In fact, I look upon the Local Bodies as training grounds for our future Ministers in the Provinces or at the Centre.

I have said before that the ideal state is that which conducts its affairs with the minimum of laws and the minimum of interference in the life of the individual. I have also said that the municipal government would be a pattern of government that we wish for the country. Combining the two premises, it must follow that we ought to decentralise local administration, as much as we possibly can; and I welcome the formation of village units called Panchayats or Janpad Sabhas. The units must be as small as possible consistent with local needs, situation, finances and efficiency. I have, therefore, begun, since some time, to doubt seriously the wisdom or desirability of extending Local Self-Governing units, to bigger areas and centralised administrations. I would at once concede that a centralised administration may perhaps be more efficient, though not necessarily more economic; but I may again assert that we cannot afford to keep an eye on mere efficiency at the cost of self-government. I fee that very large units, such as city corporations, practically take away alll initiative of the ordinary citizen; and self-government means to him, nothing more than payment of taxes, going to polls at the time of elections, and putting his vote into the ballot-box in favour of one or the other candidate, on slogans, and without much of understanding, thought or study of municipal problems. Perhaps he may be justified in not trying to bother himself with what he cannot himself see, judge or decide upon; but does it not mean a sort of regimentation of society, where the individual is not developed all-round, but becomes an expert in his own small sphere, and ultimately becomes a mechanical part of a huge machine? Such a state of things, to my mind, will ultimately lead to less human and more mechanical way and outlook of life, with the result that the society will neither exist nor grow as an organic whole. While, therefore, I should always welcome efficiency, I would not like to advance it at the cost of self-government. I would like to see that, our organisation does not kill the initiative and the soul of the individual. It is difficult to achieve this. I myself cannot give a ready solution; but I think it should be upto us to tackle the problem.

I would illustrate what I say, by an example. Let us take a big city like Bombay with its very efficient administration, catering to the most up-to-date needs of the modern citizen, so far as his material needs are concerned; but can we say that the average citizen in Bombay would take the big Corporation as his own, as a resident of a small unit like a village would take his small Panchayat? In every thing that is done in small units, the citizen has a personal touch and, therefore, feels an identity of interest, a pride and also a responsibility. All these are absent, when the units become too large and the day-to-day contact between the ordinary citizen and the administration becomes almost impossible. A living contact is essential to keep up the spirit of self-government, local patriotism and sense of responsibility.

I am happy to find that the recent report of the Karve Committee appointed by the Bombay Government has very strongly recommended, in its report submitted to Government in April 1948, decentralisation of administrations very nearly on the same grounds, that I am stating. They have adduced cogent reasons in support of decentralisation. I would resist the temptation of quoting parts thereof *in extenso* and rest satisfied by inviting your attention to paras 71 and 376 of that able report.

I would like to consider the feasibility of having a federation of small units in respect of big cities. It is a question of adjustment of powers and duties which is not free from difficulties. I would suggest that the Conference may consider the possibility of large units being kept together as a federation, only in respect of things common to the entire area, leaving other matters to smaller units. Smaller units may be allowed to enjoy local autonomy, and their federation should deal with major common needs and amenities. I would urge all friends who take interest in Local Self-Government to carefully examine what I am suggesting, and then decide whether the suggestion deserves acceptance or rejection:

Though the Conference will discuss various important details, I think, it is but proper that I should mention a few important points which deserve anxious consideration and attention, when we deliberate the question of Local Self-Government.

(1) The foremost is the question of finances. I am alive to the difficulty of raising adequate funds. All the same, we must do our best, and certain sources of revenue such as, a part of land revenue, the whole of N. A. assessment taxes on values of lands and buildings, etc. must be wholly reserved for Local Bodies. But, more than fresh revenues, we must economise. There is much that we can do by way of economy in our administrative machine. I have always strongly felt that, the administration that we are setting up, are very costly, and a lot of saving can be effected, if we only change our methods of work, and remove the red-tape as much as possible. I would first urge economy and avoidance of waste, before we think of new sources of income. I am glad that the Government of India have appointed a Local Finance Enquiry Committee, and I am sure its findings will be very much helpful to us.

(2) I may now state the three major and essential items to which a local body must give top-priority in its programme:—

(a) The first necessity, not only for the growing towns and cities but also for the rural areas is sanitary housing. We cannot think of improving public health, unless we make provision for better housing. In this connection, I may refer to the policy of levying non-agricultural assessment on land, even when it is put to use for residential purposes. This levy has been an enigma to me, and I have tried to combat it since about 1931. I am glad that, in the new scheme of city corporations, the lion's share of this revenue is allotted to corporations. That is undoubtedly doing some justice, and our thanks are due to your Local Self-Government Minister; but considering the matter absolutely, I feel that, this levy ought not to be looked upon as a source of income. It is unduly high when imposed as a source of revenue, and is a clog on building activity. The return in the form of public health is far more important than the finances, that the levy is likely to secure.

(b) The next point of priority will be supply of pure water. In this respect, conditions in rural areas are intolerable. The poorest classes are the hardest hit, and I have known of villages and villages, where it is not possible to get any water – even dirty water – unless one goes miles away from his home. This condition has also much adversely affected not only health but also the social life of the people.

(c) The third important problem that we must attend to, especially in big cities and towns is the question of adequate supply of good and unadulterated milk. This matter has to be looked upon as of fundamental importance, if we want to see that the bodies of children of today are properly built up as citizens of tomorrow. You must be knowing that, in England they have concentrated their attention on this question and every child of school-going age is given at least a lb. of milk per day,

(3) There is the important question of Government control on Local Bodies. There are no two opinions that there must be some supervision

and consequent control. But the ticklish points are the nature, quantum and agency through which the supervision and control should be exercised. The question has been very ably and thoroughly discussed in para. 376 of the Karve Committee's Report, and I am in general agreement with them when the Committee say:

" Local Self-Government serves at once as an instrument of political education and as an effective means of decentralisation. That responsible local administration provides a training ground for the budding politician and enables him to start public life in a limited sphere and to learn the art of public administration by making mistakes of small consequences, is undoubted. This is demonstrated by the fact that many of our politicians, present and of the immediate past, received their training in politics in the school of Local Self-Government. It also imparts education in citizenship to the unskilled elector 'who can learn to judge things a far off only by accustoming himself to judge first of things near at hand'. Another equally important object of local self-government is to decentralise administration into local channels. With the present growth of Government's functions it would be physically impossible for any government to handle the numerous details of local administration, without an army of officers dispersed over the whole province and without a considerable burden on its financial resources..... In the long run Government will have to encourage the public to manage as wide a range of civic affairs as possible, with funds, raised by local taxation, and to develop, in course of time, a capacity for self-help and self-rule ".

The Government have powers of control extending over a wide range. The Collector can order performance or omission of any particular work, can supersede a resolution and Government may take over part of the functions or supersede the Local Body wholly. The powers are more or less in the nature of policing. What is really wanted to foster Local Self-Government is sypathetic advice, persuasion and guidance. There is no machinery provided through which Government can wield a wholesome influence on the Local Bodies by way of timely advice and correction; and owing to over-work in connection with their multifarious duties rather than lack of interest, the Collectors have been prevented from devoting much attention to Local Self-Government affairs.

The recommendation of the Karve Committee in para 382 of their report to utilise the services of the Local Self-Government Institute deserves careful consideration by Government for very cogent reasons given by the Committee in para. 389 of the report.

(4) I would earnestly request leaders of political parties to consider very anxiously and seriously, whether it is not, now, necessary to avoid

having parties for the civic administration on political alignments. Things were different under the British Rule. The local bodies then afforded to us a good field both to serve the people, and to meet the bureaucracy in its strongholds of power. The political ideology of our then controlling authorities was directly opposed to ours, and no good civic work was possible in the real spirit of Self-Government, unless we worked the Local Bodies by entrenching ourselves, firmly on our political background. Things have now entirely changed. There is nothing like two opposing camps—the Rulers and the Ruled or the Government and the subjects. We are all now one. The Government are for the people and from the people; and the people are the Government. We have a heavy and responsible task of nation-building and the local bodies offer opportunities to all for basic constructive work such as water supply, housing, sanitation etc., irrespective of the differing political ideologies. I wish, parties in Local Bodies are now formed for having efficient and effective group work on civic programmes alone. Such a course will not only strengthen the cause of nation-building through local bodies, but will also perhaps check the run to these bodies for political power and prestige.

(5) I may here invite your attention to the necessity of an All-India Central Organization for Local Bodies. The advantages of wider contacts, co-ordination, interchange of views, comparison of experiences are too patent for advocacy. I, therefore, assume that all of you will accept the necessity and give to Shri. Barfivala, your unstinted support in the All-India Scheme he is sponsoring. I may state that I have given him my whole-hearted support. With experience of over twentyfive years, the Local Self-Government Institute and the circle of friends like Shri. S. S. Naik, Shri. Barfivala and others who are its soul, are eminently fitted to take up the task of this organization.

Before I conclude, I may be permitted to say that if we wish to keep pace with the times, with the changing society and play our role as one of the great nations of the world, we must take to collective thinking and planning. We must further cultivate tolerance and team-spirit, which are so essential for a successful working of democracy, and we must know that spirit of compromise is one of the essential requirements of democracy. We must also begin to realise that our independence and democracy can best be achieved and maintained by each of us realising that, whatever positions each of us may be holding in relation to others, the status and self-respect of every individual, and human values are the *Sine qua non* of progressive democracy. Everyone, whether he be a Minister, a Municipal Councillor, or an employee, must feel that others working with or under

him are his colleagues and the national or the municipal work is equally the concern and responsibility of every one. Unless we adjust notions of relative status to this level in all matters and all aspects of life, the basis of our independence and democracy will not be stabilised The municipal administration can and should work up to the attainment of this stabilization.

I inaugurate the proceedings of the Conference, wish it all success and I pray that God may give us the correct vision and the strength to march towards our ideal.

"Jai Bharat"

G. V. Mavalankar.

"Sevakutir"
16, Maharashtra Society,
Ellis Bridge,

Ahmedabad, the 29th July 1950.

Conference of Local Bodies
of
The State of Bombay

PRESIDENTIAL SPEECH

Address By

The Hon'ble Shri. L. M. PATIL

Minister for Excise & Reconstruction,
Government of Bombay.

The Hon'ble Shri. Mavlankar, Shri. Vartak, Delegates & Friends,

My colleague Shri. Vartak, who is in charge of the portfolio of Local Self-Government, has in his brief but important welcome speech given you a clear outline of the policy of the Bombay Government in the matter of administration of Local Bodies. He has told you that colossal amounts have been given by the State Government to Local Bodies in order that their poor finances might be rehabilitated. I would not therefore repeat all that he has said on the subject of financial aid to Local Bodies. But I would urge upon you all, to bear in mind the several steps which Government took with a view to democratise the institution of Local Bodies and for decentralisation of powers.

During the last Congress Ministry wherein, I had the privilege to hold the portfolio of Local Self-Government, nominations were abolished, joint electorate was introduced wherever possible, adult franchise was introduced in the city of Bombay, *Urbs Prima* in India. This was the first introduction of adult franchise in municipalities in India. The Panchayats were broad-based and wide powers, both administrative and judicial, were invested in the Panchayats and generally the panchayat system was made more efficient. These and other measures were taken by the Congress Ministry in order to democratise Local Bodies in the State of Bombay and generally to improve their tone of administration and to give greater and greater scope to the people to play their due part in the administration of

their localities. The next thing, the Congress Government did was to appoint a competent Committee to thoroughly investigate the problems of Local Bodies. The members of the Committee were Shri. Dinkerrao N. Desai, Shri. S. S. Naik, Dr. C. J. Ghia, Shri. P. R. Chikodi, Shri. S. S. More, Shri. V. N. Naik, Shri. J. A. Ali, Shri. D. N. Nagarkatti, and Shri. C. D. Barfivala, with Shri. V. G. Kale as the Chairman of the Committee. Mr. Barfivala, the Director of the Local Self-Government Institute contributed his best in his capacity as the Secretary of the Committee. The report of the Committee was submitted to me by the Committee on the last day, just before the Congress Ministry resigned from office. The recommendations of the Committee, valuable as they are, were with very few exceptions shelved by the Section 93 Government that followed the Congress Ministry. The present Minister for Local Self-Government Shri. G. D. Vartak, lost no time in undertaking consideration of the Kale Committee's recommendations and giving effect to such of them as were found feasible.

Regarding financial assistance, the Government went a step further than the recommendations, at least in one respect. The Committee appeared to be doubtful whether Government would assign a portion of the land revenue and therefore recommended an assignment of at least 10%. The Congress Government felt that the times were changed and that 10% would not meet the requirements of the situation and assigned 15% of the Land Revenue. Recommendation regarding assignment of 75% non-agricultural assessment has been fully given effect to. Even 2% of Forest Revenue was assigned as a result of such recommendations.

It is gratifying to the Members of the Institute and to me particularly, as President of the Institute for about 14 years, to read the contents of the Report submitted by the Administrative Enquiry Committee known as the Karve Committee and the highly coplementary remarks about the Local Self-Government Institute made therein. That such an independent Committee consisting of expert Government Administrators should have recommended transfer of important Government powers to the Institute is a matter of no small importance. The Institute has fully justified its working and these recommendations are a testimonial to its utility as an instrument of great administrative value. I trust the Institute will make valuable progress from year to year and in the near future it will be able to bring into existence an Organisation of an All-India character as recommended by the Hon'ble Shri. G. V. Mavalankar in his Inaugural Speech. I may inform him and the delegates that the Provincial Council of the Institute has given full support to this movement which is being pushed forward with all the vigour which Mr. Barfivala is capable of putting into it.

To District Local Boards, the Baroda Government was giving munificient help in various ways. Some of them are as follows:—

(1) Full compensation of the lands acquired for Feeder Roads;

(2) Half the cost of bridges and culverts in Feeder Roads;

(3) Full cost of culverts on Kanses and canals (of P. W. D.) coming in Feeder Roads;

(4) A lump sum of Rs. 10,000/- (ten thousand) per year for culverts on Kanses and canals (of P. W. D.) crossing the important cart tracks other than Feeder Roads;

(5) For independent Bridges and culverts the help was given as under:-

(a) half the cost of cross drainage works costing above Rs. 5000/- and upto Rs. 20,000/-

(b) full cost of culverts, causeway, bridges etc. costing above Rs. 20,000/-

(6) Under the First-aid Village Dispensary Scheme a Village giving Rs. 75/-, 50/-, 25/- respy., was getting Rs. 75/-, 50/-, 25/- from D. L. B. and Rs. 112-8-0, 75-0-0, 37-8-0, from the Government;

(7) Under the grant-in-aid Village Dispensaries with qualified Vaidyas, a village paying Rs. 150/- a year was to get Rs. 300/- from D.L.B. and Rs. 300/- from Government;

(8) In Village Dispensary Buildings Government was to give half the cost but not more than Rs. 5,000/-

In spite of our repeated requests the Bombay Government has not decided, as yet, to pay the costs of compensation for lands acquired before merger. The Bombay Government, taking the assets of the Baroda State, was, not only morally but also legally, bound to take its liabilities also, because assets and liabilities go hand in hand and Baroda Government was bound to pay these costs of compensation according to its own orders, passed since many years before merger.

In Villages, no fees were charged for medical help in Baroda State. At present fees are charged in Village Dispensaries in which the donor has given full cost of Dispensary Building and half the cost of maintenance.

These and many other things have created a great dissatisfaction among the mass; and if some steps are not taken to satisfy them by continuing old progressive schemes and helps, I can't say what this dissatisfaction will lead to.

Ladies and Gentlemen, I thank you all for your patience.

Conference of Local Bodies

of

The State of Bombay

SPEECH

By

Shri H. G. Vartak,

President, District Local Board, Thana.

Shriyut Patil Saheb, Delegates, Ladies & Gentlemen,

I must frankly confess at the very outset that I consider it to be my good fortune that I should have the honour to address this Conference to-day; for I am neither a seasoned stalwart worker nor an expert in the field of Local Self-Government. The experience and difficulties I have met with while working in that field during the course of 8 or 10 years are my only claim to speak here to-day and I would restrict myself to that aspect of the matter.

It must be gratefully acknowledged that our National Government ever since it came into power has radically altered the angle of vision with which local bodies used to be viewed by the governing machinery of the country for ages long in the past. It was recognised for the first time that these institutions formed an integral part of the governance of the country and the first momentous step forward was taken by Government to rehabilitate the finances of local bodies by the grant of 15% Land Revenue, 2% Forest Revenue & 50% of the cost of Dearness Allowance from the Provincial Income. As a result of the abnormally high level of prices local bodies were doomed to certain bankruptcy and these generous concessions were very opportune as they enthused local bodies to carry on despite their odds and to meet here to-day through their representatives to deliberate on their problems.

Increasing political consciousness has tended to multiply public demands; while the resources of local bodies though replenished by recent Government offers have continued to be woefully inadequate to meet fully the increasing demands. Items of local taxation such as Land Revenue, Urban Property Tax, and Entertainment Tax deemed most legitimate for local bodies by the universal enlightened opinion have been exclusively appropriated by the Provincial Government which left little scope for additional taxation. There is the Profession Tax but it is not such a profitable source as the cost of collection in its case is unusually high – I may add for your information that my Board has undertaken that levy and with good results. In this predicament, we have necessarily to appeal to the generosity of our Provincial Government & I am putting forward the following.

In the first place I would appeal to the Provincial Government to take a further big step forward to transfer to local bodies such items of local revenue as the Land Revenue, the Urban Property tax, the Sale Tax & the Entertainment Tax if not in whole, at least as a beginning in small suitable percentages and to withdraw simultaneously all Provincial subvensions relieving thereby local bodies of their dependence & leaving them significantly free to govern themselves. I am alive to the huge schemes of public weal which Government have undertaken to accomplish and which call for enormous expenditure. And yet the fact is too obvious that Government have increased resources of late and no time would be more opportune than the present when Government could patiently introspect the merits of their policy & devise radical reform for extending financial aids to local bodies. No self-government could be effective unless elastic & flexible sources of revenue are made over to self-governing bodies and unless they are freed from their crippling dependence on the Provincial purse. With their revenues thus substantially enhanced, Government may well transfer also some of the schemes of improvement to local bodies. So my foremost appeal to our Government is that it should inaugurate a new orientation of their fiscal policy which would make Local Self-Government more genuine than otherwise as herebefore & I am sure my brothers & sisters assembled here would readily endorse my view.

In the alternative I would suggest the following remedies to help local bodies to surmount the limitations of their inflexible and stationery resources :—

(i) The present motor Vehicles grant does not go any appreciable length in compensating local bodies for the loss of their toll revenue, which, if it had continued, would have risen enormously

due to the excessive motor vehicle traffic & would have enabled those bodies to meet fully the huge cost of road-making & road - keeping of these days. The subscribers to the Petrol Tax derive benefit from the costly lines of communications maintained by local bodies and so part of the proceeds of this tax should be made over to local bodies:

(ii) 15% Land Revenue should now be raised to 25%:

(iii) 2% Forest Revenue should be raised to 10%:

(iv) Some judicious share from the Sales Tax & the Entertainment Tax should be given to local bodies.

Local Boards who are anxious to have more and more Village Panchayats according to the policy of Government, will have their receipts from the 15% Land Revenue grant substantially curtailed according to the number of Panchayats established; these latter bodies will be receiving that grant and Local Boards would be deprived of their receipts to that extent penalising as though the progressiveness of these Boards. With a view to compensate this loss, I have suggested the last item of reform. If that were not deemed feasible the Panchayats may be given some other grants in the initial stages until they are able to assume some of the responsibilities of Local Boards.

Medical relief is usually a very big item of local bodies, expenditure & here you have the curious spectacle that all control over the medical officers etc. vests with Government and the local bodies have to meet most of the expenditure out of their funds. Government grant is too meagre. It may therefore be urged that either the entire responsibility be taken over by Government or else the liability at the flat & fixed rate of 25% of the total cost on that account be shouldered by Government hereafter which would release funds of local bodies for extending medical relief in rural areas.

Vaccination charge is another white elephant foisted on local bodies for which no grant is received and the control is exclusively in the Government hands. Problems of Public Health such as vaccination should be more correctly a Provincial concern than that of a local body. Public Health units have been established from District to District and it is but only fair that the entire vaccination cost should be met by those units. This measure would free local bodies from their sense of tutelage and afford them opportunities to utilise their savings towards ameliorative programmes of local interest.

If the theory so widely held that local bodies form an integral part of the governing machinery of the country is conceded, then it follows that concrete contribution from Government should emanate in reviving the establishment grants. 50% grant of Dearness Allowance has set the step & nothing should hinder logical process being completed by awarding permanent fixed grant for the establishment maintained by local bodies since the expenditure on that account has very lately immensely risen due to revision of pay scales necessitated by the action of Government itself. I would n w refer to the ominous G. R. No. S-218 of 20-5-49 which Government have issued which is, I believe, a source of common complaint for all of us here and I am even inclined to doubt whether our present popular Government has at all anything to do with its authorship. The officialdom who imbibe the spirit of the old bureaucratic rule may refresh their enlightenment by the instructive excerpts which I reproduce from the Government of India Resolution of 11-5-18. "The object of Local Self-Government being to train people in the management of their own local affairs, political education of this sort must in the main take precedence over all considerations of departmental efficiency ..... that local bodies should not be subjected to unnceessary control but should learn by making mistakes & profiting by them ..... and it is mainly by substitution of outside for inside control and by the reduction of outside control so far as compatible with safety that progress in the desired direction will be achieved." These officers who framed these new orders were clearly oblivious of what their gods in the old regime thought and held and since the present popular Government has claims to considerateness superior to those of its predecessors, it is unbelievable that Government were the authors.

We must emphatically protest against the curtailment of internal independence which self-governing institutions ought to enjoy as a rule which they have been hitherto enjoying. The appointment of a committee consisting of Collector, Prant Officers, P. W. D. Engineer etc. for drawing up of a priority programme of works to be carried out by Local Boards is a serious encroachment & sounds a veritable death-knell of all self-government. The orders are, more over, ill-advised. The insistence for the submission of the road programme on the 15th August every year is impracticable. For it is only after the monsoons are over that the wear & tear of roads could be gleaned accurately & proposals for special repairs of affected road surfaces could be framed for the ensuing year. It would be superstitious to presume Local Boards to possess any abnormal powers of foresight so as to estimate accurately future requirements one year in advance. It is intriguing besides to dwell on the significance of the date thus selected for submission of the road programme — a date that has precious associations of Independence being inaugurated in our land it

is irony of fate that such date should be selected for fastening new shackles on self-governing institutions. Another aspect is the calculated distrust or mistrust displayed about the Engineering staff of Local Boards. Local Boards Engineers are frequently of equal qualifications with Government Executive Engineers and in some cases their appointments are even approved by Government. My Board's Engineer was even selected for appointment as Government Executive Engineer. In the face of these cogent factors, it is simply inconceivable why inspection of entire Local Board works should be deemed now desirable when the practice hitherto was only percentage inspection of grant-in-aid works alone.

As regards the distribution of divisional grants, certain principles appear to have been prescribed but it is not possible to know if they are scrupulously followed in practice. Experience shows that the selection is arbitrary. It may be suggested here that a system of lump grants for (a) Original Works, (b) Special repairs, (c) Current repairs should be followed instead of the workwar methods now in vogue. If, however, that is not deemed desirable the present practice may continue with the following modifications :—

(i) The Boards should be allowed to reappropriate savings from one work to another;

(ii) The Boards should be empowered to sanction deviations in estimates within the sanctioned grant.

Without these modifications the Board would not be able to utilise in full the sanctioned grants. For, the estimates are merely the forecasts of works to be carried out and the decrease or increase in the work items provided for in the estimate is likely to occur. In some cases, the work in excess of the provision in the estimate is required to be done and if the Boards are not allowed to accord sanction to do so without the previous sanction of the Commissioner thereto the work executed will have to be kept held np until sanction was received.

Before I conclude, I would thank you all for giving me a patient hearing and I would earnestly request you all to give a serious consideration to my thoughts placed before you and urge our Government for the solution of the outstanding problems that confront us to-day. Thank you.

RESOLUTIONS

Conference of Local Bodies of the State of Bombay

(29th & 30th July 1950)

Resolution No. I.

This Conference is grateful to the Government of Bombay and particularly to the Hon'ble Shri. G.D.Vartak, Minister for Local Self-Government, for realising the financial difficulties of Local Bodies and coming to their assistance in times of their dire necessity, by paying the following grants and assignments of portions of the following state revenue to Local Bodies. In particular, thanks are due for the following:—

(i) grants towards Dearness Allowance,

(ii) assignments of 15% Land Revenue, 75% Non-Agricultural assessment and 2% Forest Revenue.

Proposed by : Shri. D. S. Desai, President, D. L. B., Satara. (North);
Seconded by : Shri. G. D. Sathe, District Local Board, Sholapur.

Resolution No. II.

This Conference, while it appreciates the financial assistance so far given to Local Boards requests Government to increase the amount of grants and enhance the percentage of assignments of State Revenue to at least 30% Land Revenue and 15% Forest Revenue to Local Boards in addition to 30% to be assigned to Village Panchayats in view of growth in expenditure due to phenomenal rise in the cost of labour and material, and in view of the fact that there are numerous duties which the Local Boards are not able to discharge satisfactorily and others which they are not able to undertake at all.

Proposed by : Shri. R. G. Dubey, District Local Board, Bijapur;
Seconded by : (i) Shri. T. N. Bedekar, President, D. L. B., Kolaba,
(ii) Shri. Shanabhai P. Patel, Kaira Panchayats.

Resolution No. III.

This Conference is of opinion that the system of grant-in-aid to Local Bodies should be subordinated and made a subsidiary source of revenue of Local Bodies. The assignments of portions of certain taxes which at present form the source of State revenue should be the principal form of state assistance to Local Bodies. The grant-in-aid system should be in operation only when assignments of revenue fail to meet the needs of Local Bodies on certain occasions. This method will eliminate the difficulties which often face Government in allocating grants to different Local Bodies on the basis of their respective requirements and will thus leave no ground for suspicion, often unfounded, of unequal treatment.

Proposed by : Shri. H. G. Vartak, President, D. L. B., Thana;
Seconded by : Shri. Y. D. Khole, District Local Board, Poona.

Resolution No. IV.

This Conference is of opinion that the functions of the Rural Development Boards should be so defined and restricted as to avoid overlapping with the functions of the District Local Boards. Those functions of the Rural Development Boards which can be performed by the District Local Boards under the District Local Boards Act, 1923, should be transferred to the latter. It is trusted that the Government will respect the wishes of the District Local Boards in this behalf.

Proposed by : Shri. D. J. Naik, President, D. L. B., Panch Mahals,
Seconded by : Shri. T. N. Bedekar, President, D.L.B., Kolaba, Pen.

Resolution No. V.

This Conference heartily supports Shri. Bhargava's Bill in respect of hydrogenerated oil and is of opinion that the preparation of said oil and giving it a form and colour of ghee should be stopped as it is harmful from the national point of view, particularly public health.

Proposed by:—Shri Kanaiyalal Ratanlal ;
Seconded by:—Shri C. J. Shah, Baroda.

At this stage Shri. L. M. Patil left the Meeting and the Chair was occupied by Hon'ble Shri. Balvantrai Mehta, Minister for Local Self Government, Government of Saurashtra, Rajkot.

The following Resolutions which were passed unanimously by the Subjects Committee (the whole House having been converted into Subjects Committee) were moved in the open Session from the Chair and were passed unanimously:—

Resolution No. VI.

This Conference is of opinion that the Entertainment Tax and Surcharge on Electricity – the proceeds from which are wholly appropriated by the State Government are legitimate sources of Revenue for Local Bodies and therefore it urges upon Government to transfer about 50% of the revenues derived from these two sources to Local Bodies.

Resolution No. VII.

In the opinion of this Conference the penal provisions for offences committed under the Bombay Prevention of Adulteration Act, 1925 have proved to be inadequate and ineffective to eradicate the evil of adulteration of articles of food stuffs and therefore it urges upon Government to suitably amend the Bombay Prevention of Adulteration Act of 1925 providing for adequate punishment in order to reduce the offences thereunder.

Resolution No. VIII.

This Conference resolves that the Government be requested to raise every year or from time to time a loan in the open market based on the requirement of the several local bodies approaching the Government for funds; the repayment of the principal and interest to be guaranteed by Government on the condition that the Sinking Fund and interest charges shall be a first charge on the revenues of the Local Bodies on whose behalf the said loans have been floated.

Resolution No. IX.

This Conference is of opinion that the orders of the Government of Bombay as contained in their Resolution, Revenue Department No. 2640/ 11885 dated 31-7-1945 claiming the right of Government under Sections 45 and 52 of the Land Revenue Code for assessing Municipal street lands disposed off by sale or lease by Local Bodies, act as a great hindrance to Local Bodies in realising the full market value of surplus Municipal street lands and thus affect Municipal revenues. It is therefore urged upon Government not to charge any assessment from the parties concerned in the case of the disposal of surplus Municipal street land either by sale or lease.

Resolution No. X.

This Conference enters its strong protest against the orders of Government of Bombay as contained in para. 5 of their Resolution, Health and Local Government Department No. 4104/33 dated 28th May, 1948, and 17th December, 1948 regarding appointment of Assessment Officers and their emoluments and provisions regarding appeals as in the opinion of this Conference the orders of Government are either *ultra vires* of Section 63 (3) of the District Municipal Act and Section 78 (3) of the Bombay Municipal Boroughs Act or against the policy of the Legislature and against the principles of Local Self-Government. This Conference therefore urges upon Government to suitably revise their orders contained in the aforesaid Resolutions.

Resolution No. XI.

This Conference is of opinion that orders contained in para. 6 of Government Resolution, Health and Local Government Department No. 4104/33 dated 28-5-1948 regarding the levy of the consolidated tax on buildings and lands of not less than 20% of their annual letting value or 5% of their capital value on residential premises and 50% additional on non-residential premises do not admit of adoption by Local Bodies as the basis laid down is very high and unpracticable in view of the varying conditions of Local Bodies who should therefore be allowed to adopt such rate of consolidated tax as would suit the local conditions.

Resolution No. XII

Octroi or Terminal taxes do at present form an important source of revenue of local bodies. Recovery of these taxes on articles imported through Postal agency has become practically impossible as local bodies find it difficult to get information about such imports. It is therefore necessary that postal authorities should offer full assistance to local bodies as is done in the case of inland customs for enabling them to effect recovery on articles imported through postal agency. This Conference requests Government to move the Government of India to issue instructions to Postal Department to afford necessary assistance to local bodies in this connection.

Resolution No. XIII.

(a) This Conference is of the opinion that even as Government were pleased to sanction a percentage of land revenue to District Local Boards which represent the rural areas, Government be pleased

to sanction an adequate percentage of sales tax to municipalities which represent the urban areas and thus improve the finances of the Municipalities.

(b) Resolved further that Government be requested to exempt purchases made by Local Bodies, from sales Tax.

Resolution No. XIV

This Conference is of opinion that registration of marriages should be made compulsory even in the case of District Municipalities as in the case of Borough Municipalities. The Conference therefore requests Government to amend Section 54 of the District Municipal Act so as to make registration of marriage compulsory.

Resolution No. XV

This Conference is emphatically of the opinion that since under the working of the P. E. Act of 1947, Government reserves the right of fixing the scales of pay of the primary teachers as also under the Compulsory Primary Education Scheme Local Authority Municipalities have been subjected to disproportionate financial burden with the result that Municipalities are hardly in a position to cope up with its compulsory duties and that hence this Conference urges on Government to increase the proportion of maintenance grant to School Boards to 75% in the minimum.

Resolution No. XVI

The rules and byelaws to be made by the Municipalities shall be allowed to be made in the regional languages and the translation into English or Hindi may be got done by the Oriental Translator for Government purposes, at the cost of Government.

Resolution No. XVII.

This Conference invites the attention of Government to the resolution passed at the Conference of Local Bodies from merged Deccan States held under the Presidentship of Hon'ble Shri Vartak (Minister for Local Self-Government) to the effect that the 'Water supply' and 'Electricity' works from the Municipal areas should be handed over to Municipalities concerned. These recommendations have not been given effect to as yet. The Conference therefore requests Government to kindly see that the question is expedited and such water works and Electricity concerns are handed over to the Municipalities concerned.

Resolution No. XVIII.

This Conference strongly recommends to Government to give summary powers to Magistrates to dispose of cases of nuisance in public streets instead of going through all the legal procedure.

Resolution No. XIX.

This Conference is of opinion that in spite of some financial assistance given by Government, most of the Municipalities are not able to bear even the present share of 50% of the cost on grant of Dearness Allowance to their employees. This Conference therefore recommends that Government should bear the entire cost on expenditure on Dearness Allowance to employees from Local Bodies.

Resolution No. XX.

This Conference requests Government to withdraw their order regarding the cut of 6¼% in the Government grants on Primary Education; as such a cut will hit hard in the case of all Municipalities whose financial condition are already unsatisfactory.

Resolution No. XXI.

After the merger of various Indian States into the State of Bombay, Bombay Local Bodies Acts and all notifications and Government resolutions prevalent in the Bombay State, are made applicable in merged States. But as such notifications and Government resolutions are not available, it is difficult for merged States Local Bodies to thoroughly grasp Bombay State Laws. This Conference therefore requests Bombay Government to publish a manual of all notifications and Government Resolutions in force under Local Bodies Acts, as early as possible.

Resolution No. XXII.

This Conference requests the Government that Public Utility Services such as Electric Supply, Bus Service and the like should be given in the charge of the Local Bodies with a view to render satisfactory service at cheaper rates and also to improve the financial position of the Local Bodies.

Resolution No. XXIII

This Conference resolves that Government be urged to exempt agricultural land from the operation of the Bombay Tenancy and Agricultural Lands Act, upto three miles radius from the Municipal limits, regard being had to the exigency of town extensions or townships.

Resolution No. XXIV

This Conference brings to the notice of the Government that owing to the abnormal rise in the cost of material, labour and administration and decrease in octroi and other revenues due to depression in trade and control, the small Municipalities, having a population of 20,000 and less find it very difficult to administer their affairs. This Conference therefore requests the Government to give aid to these Municipalities as under:—

(1) Contribution to the Primary Education be reduced from 5% to 2% and a proporational reduction where assessments are made on the Capital value basis;

(2) Present grant of 50% for water and drainage scheme be raised to 75% as these Municipalilities find it very difficult to undertake them within the scope of the present grant.

Resolution No. XXV

Under G. R. (Health & L. G. Department) No. S. 92 dated 7-6-1949 Government have issued instructions regarding the procedure to be followed in the case of receiving grants from Government for village water supply works. The procedure is so lengthy and cumbersome that instead of assisting the Local Boards to execute the Village Water Supply works speedily as desired by Government it will positively hamper the progress of such works. The Government have issued a G. R. No. 2662/33 dated 12-8-49. By issuing this G. R. Government have amended the Bombay Local Boards' Account Code 1935 and have inserted Rule No. 160 B. Proviso is added to this rule that all tenders and contracts for Village Water Supply works estimated to cost more than Rs. 10,000/- each shall be sanctioned by the Government Executive Engineer. This shows distrust of Local Bodies. In the case of Local Board Works and other agency works, the District Local Boards are empowered to sanction tenders for any amount. The Local Boards are competent enough to sanction tenders for bridges costing over a lac of rupees. This Conference is of opinion that the new procedure laid down shows distrust of Government in Local Board agency and is derogatory to the right and prestige of the Boards. The Conference therefore recommends to Government to reconsider the orders and assign the Village Water Supply Works to the Boards for execution as other deposit works.

Resolution No. XXVI

The District Health Officers' Scheme is made applicable to most of the Districts in the Bombay State and without even consulting the respective District Local Boards. An army of staff is given under the District

Health Officers at a huge cost to Government. However the Boards Vaccinators are not taken over with the result that there is an invidious distinction between the pays and D. A.s. of the Board's Vaccinators and those of Government. Moreover there is an unnecessary duplication of work as regards the work of vaccinators and the control of epidemics. This Conference therefore requests the Government that the personnel of the District Health Officers' Scheme should be transferred to the District Local Board with all the funds necessary to maintain the service.

Resolution No. XXVII

Government have in their letter No. 4460/19334-C dated 24-6-1949 addressed the Examiner L. F. Accounts, Bombay stated that for the purposes of determining the powers of the D. L. Boards under rule 1 (1) of the rules framed under Sec. 133 (g) of the Bombay L. B. Act, 1923, the maximum pay of the post to which the incumbent is to be appointed has to be taken into account. The President of the Board in exercise of the above powers used to make appointments of servants, whose minimum pay of the post was upto Rs. 100/-. The Government have revised the old scales of pay since 1-1-1947 as per Pay Commission's report and corresponding scales are made applicable to the Boards' servants also. Now even the clerk's maximum pay is in most cases more than Rs. 100/- This Conference therefore recommends to Government that the maximum limit be raised to Rs. 200/-.

Resolution No. XXVIII.

This Conference is of opinion that assumption of those powers by the State which could be exercised by Local Bodies involves higher expenditure and deprives Local Bodies of the necessary training which such performance affords to them besides betraying distrust of Local Bodies.

In particular this Conference strongly protests against the performance by the State of duties relating to medical, public health and veterinary dispensaries and thereby creating divided control in these departments.

Similarly the Government P. W. D. should hand over to Local Bodies public works as recommended by the Kale Committee.

Resolution No. XXIX.

This Conference is of opinion that the question of Municipal taxation on Railway properties owned by Central Government, has not yet been satisfactorily decided. If and when it is so done Government should allow the Municipal Taxation with retrospective effect from 1937 inclusive of additional building constructed and occupied from time to time and up to date.

Resolution No. XXX.

In view of the fact that circumstances have considerably changed since the recommendations of the Kale Committee were made, this Conference requests Government to appoint a Committee to consider and report:—

(1) On the question of financial adjustments of revenue between the State and the Local Bodies;

(2) What State revenues could be assigned to Local Bodies and in what proportion;

(3) What surcharges if any, be levied on state taxes for the benefit of Local Bodies, collectively and individually;

(4) What functions should be transferred from the State to Local Bodies along with the necessary powers and funds; and

(5) What steps should be taken to put Local Bodies on a stable satisfactory financial position and in a position of an all-purpose local authority.

Resolution No. XXXI

This Conference is of opinion that the District Local Boards should have the option of appointing Panchayat Secretaries jointly for a group of Panchayats which are small and whose finances are limited.

Resolution No. XXXII

This Conference is of opinion that the Secretaries of Village Panchayats should be appointed by the President, District Local Board but if a candidate appointed by the President is not approved by the Village Panchayat concerned, the said candidate shall not be appointed to the post.

Resolution No. XXXIII

The procedure prescribed under G. Rs. No. 92 dated 7-6-1949 and No. 2662/33 dated 12-8-49 for payment of grant to the District Local Boards for execution of the Village Water Supply works being lengthy and cumbersome should be withdrawn forthwith; and the execution of Village Water Supply works should be allowed to be treated as deposit works with the Boards in accordance with the provision of the Local Boards Account Code.

Resolution No. XXXIV

That this Conference is of opinion that the tax dues of Village Panchayats from persons who have left the jurisdiction of the Panchayats may be made recoverable by the Panchayats or Municipalities within whose

jurisdiction such persons reside, elsewhere the Collector of the District concerned should recover the amount as arrears of Land Revenue.

Resolution No. XXXV

This Conference is of opinion that there are some amounts allotted for specific works by the previous States and when they were merged those works were left uncompleted. The Government is therefore requested to allocate funds to Local Bodies for completion of such works.

Resolution No. XXXVI

This Conference is of opinion that in view of the increased cost of living and conveyance charges, the conveyance allowance of members of the District Local Boards should be paid for distances of even less than five miles and that the daily allowance be increased from Rs. 4-8-0 per day to Rs. 6/- per day and the Member's maximum Travelling Allowance from Rs. 200/- to Rs. 300/- per annum.

Resolution No. XXXVII

The policy of the State Government in the past was one of active sympathy and assistance towards asphalting of roads within Municipal limits. Municipalities were encouraged to construct more and more dustless roads with asphalt or cement as they were offered grants-in-aid under the 'Public Health Scheme'.

But recently the grants-in-aid under 'Public Health Scheme' have been restricted to drainage, slum clearance and water supply. Public Health Schemes as the very word suggests ought to be such which aim at the better living of the people and doing away with the diseases like Tuberculosis. Dusty roads full of vehicular and other traffic in towns foster the growth of such diseases. Looking into the meagre finances of the Mofussil Municipalities it would be clear that no Municipality can venture to take steps to improve their roads without outside help. Tuberculosis and other diseases are increasing in these areas. Nor is there any hope for the people to have dustless roads even after a century.

In order that Municipalities may be encouraged to take early steps to make their roads conform to modern standards and also to prevent as early as possible the infection of diseases due to the foul dust of the towns, this Conference requests Government to consider the enormity of problem at present before Mofussil Municipalities and pay them liberal grants-in-aid for construction of dustless roads.

Resolution No. XXXVIII

This Conference strongly urges Government to hand over all Government owned sites, and in particular sites adjoining Municipal streets to the complete ownership of the Municipality, free of cost, regard being had to the exigencies of town improvement and extension.

Resolution No. XXXIX

This Conference is of the opinion that Government should every year, in sufficient advance, lay down fixed amount of grants as Datum Line grants for approach Roads and three years Plan on the basis of the area and population of the Local Board and its competence to execute works. This will enable the Board to put its budget on a practical basis and facilitate proper execution of works.

This arrangement should not affect grants which Government may sanction for works in addition to those included in Datum Line grants.

Resolution No. XL

This Conference is of opinion that the G.R. No. S. 218, dated 20-5-1949 requires to be radically altered in order to remove the unnecessary and provocative control and all-pervading official interference visualised therein which is not calculated in any way to achieve efficiency but will on the contrary prove a great instrument of obstruction.

Resolution No. XLI

The Government is requested to modify the G. R. dated 6-12-1949 in respect of Village Approach Roads so as to enable the District Local Boards to give the Administrative approval to the Village Approach Roads instead of the Superintending Engineer as the same causes undue delay in the execution of works.

Resolution No. XLII

This Conference is of opinion that the District Local Boards should be given 15% of the ordinary Land Revenue including non-agricultural assessment realised during the previous revenue year from lands within the limits of villages within the meaning of the Bombay Village Panchayat Act, 1933 and which do not levy taxes under sub-sections (1) and (2A) of Sec. 89 of Bombay Village Panchayat Act, 1933.

The Sec. 118A of the Bombay, District Local Boards Act, 1923 should, therefore,be amended accordingly.

Resolution No. XLIII

This Conference requests Government that wherever the Villagers come forward to contribute one eighth of the expenditure required for constuction of school buildings the remaining seven-eights should be contributed by Government.

Resolution No. XLIV

This Conference requests Government that the required loans for Village Water Supply Schemes should be granted over and above the amount given as grants. The loans. may be given on the financial strength of the Village Panchayats concerned.

Resolution No. XLV

In view of the merger of the former Indian States within the State of Bombay, it has become necessary to examine the provisions of Law applicable to Local Bodies within those merged states and to make suitable provision therein applicable to original Local Bodies of the State of Bombay. With a view to this end, the Executive Committee of the Local Self-Government Institute is requested to examine these provisions and send to Government suggestions regarding the provisions which may be suitably incorporated in the Acts governing Local Self-governing Institutions. The representation made by the President, District Local Board, Baroda, in this behalf should be placed before the Executive Committee for consideration and necessary action in this behalf.

Resolution No. XLVI

This Conference recommends that the operation of the Sarvodaya Scheme should be restricted to subjects which do not legally fall within the functions of the District Local Board.

Resolution No. XLVII

During the epidemic the Municipalities have to incur enormous expenditure with a view to saving the lives of residents. At times funds are not available to the Municipalities. At such an hour Government may be requested to advance immediately loan if not grant to the Municipalities.

Resolution No. XLVIII

This Conference strongly recommends to Government that Municipalities should be authorized to inspect books of accounts of Merchants and other tax payers in respect of levy and recovery of unpaid taxes including Octroi.

Resolution No. IXL

This Conference requests the Government to amend the Municipal Acts so as to empower the Municipalities to sell or lease any land without the sanction of the Commissioner or the D. L. A.

Resolution No. L

This Conference resolves that in respect of lease of land in the Public street, for the construction of a cesspool, the municipality has to approach the Commissioner in each and every case for sanction whereby the public are put to much inconvenience and delay. This procedure should be stopped and the municipalities should be given such powers by amending the Bombay District Municipal Act, 1901 accordingly.

Resolution No. LI

Provincial Government has instructed municipalities to keep the pay and dearness allowances of their employees on the same scale as those allowed to Government servants. Many municipalities are not in a position to bear the burden of higher scale of pay. If Government insist on the increased scale; the difference should be subsidised by adequate grant from Government.

Resolution No. LII

This Conference recommends to Government that control of primary Schools within the limits of a municipality be handed over to the municipality concerned if the municipality expresses its desire to take over the same.

Resolution No. LIII

Primary Education Act 1947 has provided nomination by Government. This Conference is of the opinion that such nominations should be from the non-official element only. Government should therefore re-consider this provision and make suitable provisions.

Resolution No. LIV

This Conference requests Government to move the Central Government to exempt Local Bodies from the operation of the Industrial Dispute Act and the Minimum Wages Act.

——:[0]:——

The Local Self-Government Institute
(Bombay State)

CONSTITUTION

CHAPTER I

1. The name of the Institution shall be 'The Local Self-Government Institute, Bombay State'.

2. The Headquarters of the Institute shall be in Bombay.

3. The aims and objects of the Institute shall be :—

(*a*) To further the spread of Local Self-Government Institutions by training the people in the principles and practice of Local Self-Government,

(*b*) To promote the study of problems connected with Local Self-Government and act as a centre of information and advice for Local Self-Government Bodies,

(*c*) To stregthen and improve Local Self-Government Institutions by co-operation and other means and to bring them together for common endeavour and to create a community of interest anong them by organisation of periodical conferences,

(*d*) To represent the opinion of Local Self-Government Bodies of all groups or as a whole in cases in which such representation is desirable,

(*e*) To undertake any other measures necessary for furtherance of the interest of Local Self-Government and the promotion of efficient administration.

4. The area of operation of the Institute will be the geographical limits of the Bombay State, including States that were formerly within the geographical limits of the Province of Bombay.

CHAPTER II

Membership

5. The membership of the Institute shall be divided into three classes viz.—

(*a*) Local Self-Government Institutions,

(*b*) Public Institutions interested in the problems of Local Self-Government, such as Health Associations, Rate-payers' Associations, etc.,

(*c*) Individuals working in the cause of Local Self-Government.

6. The scale of subscriptions for the different classes of the members shall be as given in Schedule No. I.

CHAPTER III

Administration

7. The General Body of the Institute shall consist of :—

(*a*) Representatives of Local Self-Government Institutions that have joined the Institute as members,

(*b*) Representatives of Public Institutions that have joined the Institute as members,

(*c*) Representatives of individual members, in accordance with the provision made in Schedule II.

7A. 20 persons shall form the quorum for the Meeting of the General Body.

8. The General Body, at its Triennial General Meeting, shall—

(*a*) consider and adopt the triennial report with the audited statement of accounts,

(*b*) elect the members to form the Provincial Council as well as the President, Vice-President, Treasurer and the Secretary for the ensuing three years,

(*c*) appoint an auditor or auditors for the ensuing three years,

(*d*) consider any amendment to the Bye-laws and Rules of the Institute of which due notice has been given,

(*e*) consider questions of general policy affecting Local Self-Government,

(*f*) consider with the consent of the majority of members present and of the Chairman of the Meeting, questions of immediate importance to the Institute but not affecting its constitution.

N.B.— The Executive Committee shall have power to fix the dates of the Triennial General Meeting.

9. The Provincial Council shall consist of members elected at the Triennial General Meeting on the following basis:—

4 One represenatitive each of the Corporations of Ahmedabad and Poona and Municipalities of Sholapur and Surat if they join the Institute,

5 Representatives of Local Bodies from Gujarat that have joined the Institute except the Ahmedabad Corporation and Surat Municipality,

3 Representatives of Local Bodies from the Konkan that have joined the Institute,

5 Representatives of the Local Bodies from Maharashtra that have joined the Institute except the Poona Corporation and Sholapur Municipality,

3 Representatives of the Local Bodies from Karnatak that have joined the Institute,

2 Representatives from Individual Members,

1 Representative of School Boards in the Bombay State,

3 The Minister of Local Self-Government and his two nominees,

4 The President, if he is not himself the Minister of Local Self-Government, Vice-President, and the Secretary of the Institute elected and the Asstt. or Joint Secretary appointed under Article 27, shall be Ex-officio members,

1 Representative from the States that were formerly within the geographical limits of the Province of Bombay.

Provided that there are at least 10 Local Bodies from such area joining the Institute as members.

Committee shall be called by the President on requisition signed by ten and five members within two months and one month respectively.

23. If a member of the Executive Committee fails to attend any meeting of three consecutive meetings without the previous consent of the President his seat shall be deemed to have fallen vacant and the remaining members of the Executive Committee shall have power to co-opt other member in his place.

24. The President of the Institute shall be elected at the Triennial General Meeting. He shall preside at meetings of the General Body and of the Provincial Council and of the Executive Committee. He shall have power to delegate to the Vice-President any of the powers or duties that vest in him under this constitution or the rules framed thereunder.

25. The Vice-President shall perform all the duties of the President in the absence of the latter and such duties as may be delegated to him by the President.

26. The Secretary of the Institute shall be responsible for the efficient conduct of the Administration of the Institute in accordance with the resolutions of the General Body, Provincial Council or the Executive Committee. He shall have power to appoint establishment for which provision is made in the schedule sanctioned by the Provincial Council and to punish or dispense with the services of any member of the staff appointed by him. He shall have power to incur expenditure to such extent and on such items as may be laid down by the Executive Committee from time to time. In the case of servant with a monthly salary of more than Rs. 50 there shall be an appeal to the Executive Committee against any punishment inflicted by the Secretary.

27. All receipts shall be paid into the bank in the name of the Honorary Treasurer and all payments shall be by cheque drawn by the Treasurer. The Secretary may open an account in the bank of such transation as he may be authorized to do by the Executive Committee. The Secretary shall be responsible for maintaining proper accounts of all moneys received and spent on behalf of the Institute. All receipts, and documents on behalf of the Institute shall be signed by the Secretary. The Secretary shall have power to appoint Assistant or Joint Secretary without honorarium.

28. The accounts of the Institute shall be audited every quarter by one or more auditors appointed by the General Body at its triennial meeting and the audited statements of accounts shall be submitted by the

Secretary through the Executive Committee of the Provincial Council at its next meeting.

29. None of the clauses herein contained shall be altered or rescinded and no clause shall be added except by a vote of a majority of the members present at the Triennial General Meeting or a General Meeting convened for the purpose. The notice convening the meeting shall specify the proposed alteration, addition, or rescision and shall be issued not less than two months before the date of the meeting.

SCHEDULE No. I

Scale of Subscriptions.

A. Local Self-Government Institutions shall pay annual subscription as follows:—

(i)	Notified Area Committee, Sanitary Committees, Village Panchayats.	Rs.	5	each
(ii)	District Local Boards.	,,	150	,,
(iii)	District Municipalities.	,,	35	,,
(iv)	Major Municipalities except Sholapur and Surat. ...	,,	150	,,
(v)	Sholapur and Surat Municipalities	,,	250	,,
(vi)	Poona and Ahmedabad Corporations	,,	500	,,
(vii)	Bombay Municipal Corporation	,,	1,000	,,
(viii)	Cantonment Committees and School Boards ...	,,	50	,,

B. Public Institutions shall pay annual subscription of ... ,, 10 ,,

C. Individuals shall pay annual subcription of ... ... ,, 10 ,,

Note:—In the case of Municipalities from States outside Bombay State, the decision of the Hony. Secretary as to the class under which a Municipality will fall, shall be final.

SCHEDULE No. II

The representatives shall be on the following scale:—

(i)	Bombay Corporation	6	
(ii)	Special Municipalities	4	each
(iii)	Other Major Municipalities	3	,,
(iv)	District Municipalities	1	,,
(v)	District Local Boards	3	,,
(iv)	School Boards	1	,,
(vii)	Cantonmemt Committees	2	,,
(viii)	Village Authorities for every ten members or part thereof for District ... ... ,,	1	,,
(ix)	Public Institutions with members of not less than six months' standing ... ... ,,	1	,,

for every District. If the number of members exceed 100 then one additional for every 100 or part thereof. Individual members of not less than six monts' standing. ... ... Do.

COMPARATIVE LOCAL GOVERNMENT

By

G. Montagu Harris,

President of the International Union of Local Authorities.

A review by-*CHUNILAL D. BARFIVALA*

The renowned author of this manual on "Comparative Local Government" needs no introduction to the readers of this Quarterly Journal to which he has been an esteemed contributor. Lectures delivered by the author under the auspices of the Bombay University were also published in this journal *in extenso*, when he was on a tour in India, organised by the Local Self-Government Institute. During that tour, the author delivered a series of lectures in Bombay, Calcutta, Mysore, Baroda and other places.

'Local Government in many Lands' is his world famous classical work. Local Government systems in the principal countries of the world were dealt with in that masterly work, each country having a chapter devoted to its system. Comparative Local Government is, so to speak, the third edition of that standard work, with this difference that whereas in the present work important *topics* of local government in different countries receive a comparative treatment, a chapter being assigned to each topic, under the previous work a *complete picture* of the system of local government as prevailing in a *specified country* was presented from all points of view. Indeed the change from the title "Local Government in many Lands" to 'Comparative Local Government' is amply significant of this changed treatment'. We welcome this new mode of presentation; we however wish that the author need not give up his original idea of publishing the third edition of his old work because the country-wise treatment of the subject has its own utility. Unfortunately the changes that are rapidly taking place in European as well as non-European countries render it almost impossible to get the first-hand knowledge of the latest development in the domain of local government., Political conditions in Germany, Italy, Japan and several other Countries including India necessitated new set-ups of local government systems, many of the changes being yet in

experimental stages. The author therefore rightly deplores that much of the information in the book is based on conditions prior to 1939. We, however, find that the author has taken full advantage of information available from many of the recent standard works on the subject, supplemented by information which his position as the President of the International Union of Local Authorities enabled him to obtain from different sources—information which no one else could possibly procure. His visits to all the countries in Europe, the U. S. A., Canada, Japan and India and his previous mature experience in the Ministry of Health in England have gone into the making up of this very valuable study.

The book deals with nine fundamental phases of Local Government viz. (*i*) The Underlying principles (*ii*) Areas of Local Government (*iii*) Local authority (*iv*) Officials (*v*) Functions (*vi*) Finance (*vii*) Control (*viii*) Public Relations and (*ix*) The future. A list of books used in the preparation of the book is given at the end.

The first chapter dealing with the fundamental underlying principles defines the term 'Local Government' and discusses the two meanings attached to it. In one sense, it may be called 'Local *State* Government' meaning government by local agents appointed and responsible to central government. In another sense, it signifies what we know as 'Local *Self*-Government' or Communal autonomy–meaning government by local bodies, freely elected, which, subject to the sovereignty of the national government, are endowed with power, discretion and responsibility–varying in different degrees in differnt countries–which they can exercise without control over their decision by higher authority. Both these systems imply different methods of devolution of power from above one to the agents of central government and the other to the people of the locality. The two methods are described in French phraseology as *deconcentration* and *decentralisation* respectively.

The author points out a further distinction viz. that which exists between '*Local Self Government*' and '*Local Self-administration*". The latter term is an appropriate translation of the German word *selstwervaltung*. According to the German ideology, it appears, self-administration is a generic term of which self-government would be a specie. Self-government accordingly exists even if organ of local administration vested in a mere agent of central government, carrying out all its orders. This is exactly the reverse of what we understand by local self-government. The correct connotation of the word, in the sense in which an Englishman understands it, would be government by the people themselves, freely elected, and not by local agents of central government.

The author then takes up the principal countries and examines where and how far the system of local self-government in its true English sense is met with.

It is easy to dispose of Mussolini's Italy and Hitler's Germany in one breath. In the former, the Podesta, centrally appointed and entirely subject to the Prefect, was never bound to follow the advice of his 'Consulta' or the Council. In short, there was complete 'Local *State*-government'. Similarly in Hitler's Germany, local government became purely a bureaucratic institution under the direct control of the central government and the Nationalist Socialist Party. It is an irony of fate that this ultra-centralisation was carried out in the very name of that great Statesman Baron Von-Stein rightly called the Creater of Communal Self-Government in Germany.

Turning to Belgium and Holland, we come across an ardent attachment to the principle of Communal autonomy. It must be conceded that during the two world-wars it was the Communal system of autonomy which preserved the good government of Belgium. The apex is reached in Switzerland where the citizens have a greater opportunity of governing both the policy and the administration of local authorities than any other country in the world.

The author then illustrates the business character of American local government by an apt quotation from a Mayor's foreword to a Municipal Annual report. We reproduce the preamble:—

"The City of Albert Lee, a Corporation, through its Board of Directors, the City Council presents to you, Citizen share-holders the ninth annual report etc.

The British Ideal.—The author's pen-picture of the ideal of Local self government in England is highly illuminating. Representative democracy forms the basis of the British system, which though known by the name of 'local government' means to an Englishman nothing else than 'local self-government'. He looks upon local government as "a school of politics, life and character and it is even considered worth while to sacrifice a certain amount of efficiency if this is the only way of giving the local population, through their representatives the power to carry on their own affairs". "It is important to note that in Great Britain and the Dominions, it is the elected representatives in Council who are fully responsible not only for policy but for day to day administration". In these lines, which we have underlined the author has given us the quintessence of the British system of local government, in contradiction on the one hand to the

systems obtaining in the totalitarian States like Germany or Italy or in ultra centralised state like France and on the other hand, to the system of direct government in Switzerland where "the democracy is" as Bryce states, " more truly democratic than in any other country" and whose (Switzerland's) system is said "to be far superior to our British system" (E.D. Semon).

The most important point made out by the author in this *quinta essentia* is that in England the councils of local bodies are supreme not only in policy-making but are fully reponsible even for day to day administration. This point requires more than a mere passing notice. The Americans of to-day are more concerned with efficiency and all that it implies–and this in spite of all that Abraham Lincon orated about democracy.

The separation of the legislative or the deliberative powers from the executive power is, as the author points out, a matter of faith in the United States. The elected councils there are expected to deal only with the questions of policy and in no way concern themselves with the details of administration. The responsibility for day-to-day administration according to the prevailing opinion in the U. S. A. " must be in the *Executive–an institution unknown to Great Britain but in most other countries an important principle*. Thus the Burgomaster in Eastern Germany and the Magistraat in the Western Germany were the exclusive executive authorities so also are the mayor in the Mayor-council form and the city manager the executives and the elected councils there are merely the deleberative bodies".

We give below a quotation from Municipal Administration by J. H. Warren, which distinguishes the British system from the system in other countries – as regards the separation of the administrative and executive functions on the one hand and also distinguishes the English Mayor and the Presidents of Municipalities in India who enjoy executive powers as mentioned above:

"There are systems such as the French, the Scandinavian, the pre-Nazi German, and the more modern forms of City Government in America and the Irish Free State in which responsibilities are assigned to the elected council in questions of policy and in the control of expenditure, while independent responsibility is assigned to some executive officer, or a small executive group, for administration and management. For example, a French Mayor, a German Burgomaster, an American City-Manager, and the small executive group called the Magistraat operating in Scandinavian Local Authorities, have powers of their own in the executive sphere. There is no comparable arrangement in English Local Government. The independent

powers given, for example, to an English Mayor are practically negligible. They do not amount to more than two or three items, all told. Their character is ministerial rather than administrative or executive; and they chiefly relate to procedural steps necessary to keep the Authority's constitution on foot, e.g. fixing polling places. In no sense is the Mayor an adminisrative or executive agent. And while as we shall see, an English Local Authority can set up committees, it remains responsible for all the acts done for it by such committees, or by its officers".

The English principle that the deliberative and the executive powers should both be centred in the elected Council has been embodied in the Bombay District Municipal Act which recognises no separate paid executive authority-though the President (unpaid non-official) is given considerable executive powers. The same principle is recognised in the Bombay Local Boards Act which mentions the appointment of a paid Chief Officer but confers no statutory executive powers in that officer-though the President here also enjoys these powers to a considerable extent. This method of endowing Presidents with executive powers has met with disapproval from the Simon Commission, though it has been freely admitted by the commission that Sardar Vallabhbhai's (now the Deputy Premier of India) presidentship of the Ahmedabad Municipality was a marked success. The same could be said of many other Presidents-degree of the success may however vary. The legislative trend however changed with the passing of the Bombay Municipal Boroughs Act of 1925, when the deliberative functions were separated from the executive, the Council was made supreme in the exercise of the former and the Chief Officer and the Standing Committee shared between them the executive powers.

The Bombay Corporation Act however follows the American principle of separation of powers–with the modification that the Standing Committee of the Corporation shares some of the executive powers with the Municipal Commissioner. The Bombay Act goes further and even removes the appointment of the Municipal Commissioner from the hands of elected representatives of the people i. e. the Corporation and places it in the hands of the Provincial Government. This feature has been hailed by some experienced persons as one of the most salutary provisions of the Bombay City Corporation Act and the Government of Bombay has extended this principle to the new Corporation Act which has been enacted in the current session of the Provincial Legislative Council. Experience gained several times of communal and political spirit influencing elections of officers whose appointments rest with the Corporation, has been cited to show that the arrangements regarding the appointment of the Commissioner by the

Government was a more suitable one. Sir Phirozsha Mehta, the veteran Indian politician was the leader of this school of thinkers and there are not wanting to-day many admirers of this system. With reference to this controversial subject one is tempted to quote Sir R. P. Masani who at page 396 of his execllent work "Evolution of Local Self-Government in Bombay" writes as under:—

"It was a deplorable confession of the tendency of certain sections of the Corporation to succumb to communal or party consideratons, but whether such lapses on the part of some members of a growing self-governing institution constituted a valid reason for depriving the whole body of much coveted powers of responsible government is a question which needs to be considered dispassionately, irrespective of the failings of individual members. The remedy for misuse of authority lies not in retrogression and the ruin of Constitution, but in the reform of the personnel of the governing body. No self-governing institution in the world was immune from the danger of jobbery and nepotism in the early stages of its evolution. Even now, not even advanced institutions can claim immunity from this danger, but the reason why such institutions attained the existing stage of perfection is that instead of committing suicide, they manfully faced the danger and shouldered the responsibility".

When the Bombay City Municipal Act was being amended in 1887, the late Justice Telang said " I am in favour of the preservation of the Municipal Commissioner–though I can quite see that time may come when we shall take a further step in the direction of local self-government and the Municipal Corporation of that day will have to ask the (Legislative) Council of that day to concede the power of appointing him " (quoted by Sir R. P. Masani in the "Evolution of Local Self-Government in Bombay").

Looking to the present trend of events, it would appear that we will have to undergo a tutelage of at least another decade before attaining the maturity of a degree that would satisfy Justice Telang's test of fitness for moving government in the direction of this reform.

Areas of Local Government.

The author, in the first instance, draws attention to the use of the words Local government areas' which in an unitary state like England would mean areas under the jurisdiction of local authorities or rather local self-governing authorities whereas in countries where the form of government is that of a federation as in the United States of America or in India, the levels of government are threefold-the Federal, Provincial of

State and Local, we give the name local government areas or more properly as in India, Local Self-Government areas, to the areas under the last named level of Government.

Discussing the units of Local Government area in different countries the author describes how the French model differs from others. In France the Commune is the basic unit for local administration over every part of the country - from a great town to a small hamlet. For every commune–whatever its size–the constitution of the local authority, its powers, and its legal status are the same whether the area concerned is rural or urban. This feature distinguishes it from the units in Germany and in England where the rural and the urban areas have been differently treated.

Comparing the development of the City Units in the U. S. A. and in England, the author points out that the present trend in the former is towards 'bigger and better cities'. The English method of solving the problem of metropolitan development differs materially from the American, in so far as the tendency in the former is to restrict the growth by means of green belts and by satellite or dormitory towns, big and small. Incidentally the author informs us that in American phraseology a 'town' is equivalent to a rural district in England. In India it would correspond roughly to a Taluka.

Recent tendency in every country appears to be to enlarge the areas. In Scotland parish councils are abolished, in Ireland rural districts–in the same way as we abolished the Taluka Boards in the provinces of the Punjab, Madras or Bombay or the Baroda State.

The author mentions how there is a constant change in the Area and Status. We are familiar with such changes here e. g. from notified Area Committee or a Village Panchayat into a District Municipality and from the District into a Borough Municipality and from the Borough into a Corporation as in the cases of Ahmedabad and Poona.

Mr. Harris then explains how the regional idea is spreading wide-wider in many cases to such an extent as to embrace areas larger than the French Departments. In Great Britain some of the whole-hogging regionalists would cover the whole of England and Wales under a region–to them the author says "even the whole of Great Britain is not too large a region for some purposes."

For us in India, it is well to emphasise that our western regionalist, however, do not desire the complete suppression of smaller units of local government though they may differ in the views as to whether areas of such combining units should be directly represented in the governing council of

the reigon or whether they may be indirectly represented by nomination of members by local units. The English regionalists generally favour direct elections.

Local Authority

Chapter III deals with the '*Local authority*'–a term indicating the body (or it may be a person) responsible for local administration in any area whether urban or rural. It is wider than the term municipality which connotes an urban unit–though in Canada the word municipality includes both the urban and the rural units.

Under the heading of structure–a number of interesting topics are dealt with. In 'Mussolini's Italy', one third the strength of the Council is nominated directly and two-thirds indirectly from among recommendations of local syndicates and economic organisations; in 'Hitler's Germany' elected councils were abolished; In Portugal the '*freguesia*' or the parish is an aggregate of families; in Denmark, the county council consists of members chosen by the parish councils whereas in Norway it consists of the chairman of the district councils (Talukas) and in Ontario and Quebec it consists of the heads of various local authorities, in Cuban, the provincial council is composed of the mayors of municipalities in the province.

"One of the weaknesses in the local government system of *England*" says Mr. Harris "is the lack of any organic connection between the councils of the countries, rural districts and parishes". There is no representation of the one council on the other. We, in the Province of Bombay, should carefully consider whether some connecting representative link could be established between different units, with advantages. Some other provinces are experimenting in this direction. In the small state of Oundh, (Deccan State) the experiment of establishing a pyramid of authorities on these lines was found workable.

In the matter of *Wards*, it is for consideration whether it is sufficient to divide cities merely for the purpose of elections or we should utilise these wards for administrative decentralisation. In the bigger Russian cities, Ward Soviets carry out detailed administration within their respective areas; in Turkey 'quarters' within every city have their own separate Mayors and an elected Council. In England wards are not used for such administrative purposes, and in the U. S. A. even elections are almost always "at large". In the former it may be that members are more in contact with the locality, whereas in the latter, they may be able to represent the city as a whole and have a wider outlook.

As regards the *size* of the councils, ideas differ very widely–for example in the Soviet Union, the City Soviets are enormous bodies, some

having a membership of over 1000, whereas in the U. S. A. there is growing feeling in favour of very small councils; in the City Manager System, the most usual number of member is only of 5.

The minimum age for the right of voting varies in different countries from 18 to 27.

Mr Harris gives from Down Brown's 'Soviet Local Government' and Webbs' 'Soviet Communism' very interesting details regarding election procedure. We reproduce his words:—

> "Canditates must be nominated thirty days prior to the election; the election must not be held on a work-day, the polling booth must be open from 6 A. M. until midnight; electors are not disenfranchised if unavoidably absent from home on voting day, for they may vote wherever they are on production of their identity cards, which are then stamped to show that they have voted. Elections are under the control of an electoral Commission, an 'ad hoc' body elected by each Soviet from its own members for the duration of the elections. Prior to the actual polling day, many election meetings are held for each electoral area, forming a number of "eliminating rounds" for the several canditates who may have been put forward. At these meetings, candidates are closely questioned and this process of selection goes on until there is probably only one candidate left. The election proper-the actual polling day-is often a matter of putting an almost unanimous seal upon the public choice which has resulted from the examination of candidates. To make sure that the elected deputy is genuinely representative, he is obliged to poll at least 51 per cent of the *total electorate* (not of the votes cast only) and failing this the election must be held again".

The Mayor in different countries is known by different titles-in France as *Maire*, in Italy-*Sindaco* (*Podesta* under the Fascists), in Spain-*Alcalde*, in Balgaria–*Kinet*, in Hungary *Biro*, in Czecoslovakia *Starosta*, etc Mayor is elected generally from among the council members, but in England he may be elected from outside the Council, provided he is qualified for being elected as a councillor. The author informs us that though this is the legal position in England, it is seldom resorted to. It is interesting to note that Paris has no mayor. Government officials are taking his place. Mr. Harris has prefered treating the 'Burgomaster' under this heading–though he is a paid official, on the ground that his position was that of a master, rather than that of a servant of the council.

The mayors receive a salary or reasonable remuneration or allowance in several European countries, e. g. in the U. S. A., in France and in Great Britain.

Who are the *officials*, is the querry with which Chapter V on 'Officials' commences. The author answers this by saying that in the U. S. A. the mayors and councillors are called 'officials' because they are all salaried. In France and Germany the paid and the unpaid are both included in the definition, but in England, the distinction is strictly marked between the councillors who are unpaid and the paid officers, including even the Town clerk. The latter are the servants of the local Council, their duty is to carry out the orders of the Council and to exercise no initiative of their own. This position of the English officials is in marked contrast to that of the Italian Podesta or the German Burgomaster-who is in fact the local authority and not its servant. The position of the City-manager in U. S. A. differs from the English as well as the German or Italian prototype. He is a business manager solely responsible for day-to-day administration. He should not however be considered a local dictator like a burgomaster but a servant of the Council with complete control over him, through its power to appoint and dismiss him, and its power over the purse. The English Town clerk does not enjoy the same power of day-to-day administration. In Dr. Redlich's words "the position of the official chiefs of particular departments is quite independent of that of the Town clerk, in so far that they are not in any way subordinate to him by the rules of the service. On the contrary every permanent head of a department is subordinated only to his Committee and through it to the Council. He (the Town clerk) is the adviser in chief."

Mr Harris points out that since the publication Dr. Redlich's great work, 'Local government in England', Town clerk's position has become more and more recognised as the Councils chief official and the person to advise not merely on points of law, but on administration generally and even on policy.

It may also be noted that the Town clerk is a lawyer whereas the American City manager is generally an Engineer.

The problems of appointment, punishment and dismissal of officers and of their salaries and grades are so very controversial that they cannot be dealt with in detail in a small book of the type under review. Attention however is drawn to the Hadow Report (1934) which is of great importance on the subject. Readers from our province would do well to refer to the Local Self-Government Enquiry Committee's Report 1939 otherwise known as The Kale Committee's report wherein the problem has been very judici

ously and carefully examined. Interesting question regarding qualities required for a good official may be studied from Volume III of the Local government administration, edited by Lord Macmillan.

Functions:—

Multifarious activities of local authorities in the principal countries of the world have been excellently summed up, catalogued and classified under the chapter on '*Functions*'.

Exercise of functions by local bodies depend upon two fundamental principles governing grant of statutory and shall we say enjoyment of prescriptive rights of local authorities. Firstly, a local authority may be authorised to do anything it considers to be for the good of the community. This principle is illustrated by the case of France, where each Municipal Council is broadly entitled by law to "regulate the affairs of the Community ", but the term 'affairs' is so narrowly interpreted as to restrict the actual powers.

Under the second principle no local authority is entitled to do any thing which it is not specifically authorised by law. In other words, the functions are all enumerated and no function that is not enumerated can be exercised by a local authority. Under this positive grant of powers, larger the enumeration, the greater the scope for exercise of powers. This principle is illustrated by the case of local authorities in Great Britain and or in the province of Bombay. The functions enumerated are so very numerous and powers are described in words of such wide connotation that many of the things which a local authority may need to undertake could be included therein – though it must be conceded that it is impossible under this system to forsee all possible things which a local authority would do for the benefits of its community.

There is moreover one thing about these two fundamental principles. Under the continental method, which illustrates the first principle, the burden of proving before the auditors or a Court of law that expenditure on a particular item is *ultra vires* of the local authority concerned rests with the party alleging that it is *ultra vires*. The local authority would not be called upon to prove that it is *intra vires*. whereas under the second principle the local authority would have to prove positively that the expenditure is *intra vires* be pointing out the particular enumerated function which the law permits it to exercise.

The case of local authorities in the U. S. S. R. furnishes us with what may be called a third principle viz. that whereas by law there is nothing which is beyond the powers of local authorities, their actions may be overruled by any higher authority.

There is a distinction of another kind regarding functions–viz. between obligatory and optional–the former being regarded by the State as of interest to the State as a whole. A modified method would be where the State may lay down minimum standard of performance, and the local authority is permitted at its option to go beyond. This latter model is followed in Great Britain.

The author then illustrates how the principal functions like the Police, Education, Highways, Public Health, Housing, Keeping of Public Open Spaces, Planning, Public Assistance, Unemloyment Relief, Trading undertakings, Libraries, Administration of Justice and othere functions are exercised by local authorities in different countries.

We may only note that Great Britain is unique in so far that the Police are, generally speaking under the control of local authorities, so also Education-both elementary as well as higher, other than the University-is a function of local authorities under the British system. In the case of Highways, the principle of State or National roads has only been recently introduced and even now, the author tells us, the Ministry of Transport does not by its own staff construct or maintain these roads, but only inspects and makes grants to the local highway authorities, like the Councils of Countie or County Boroughs. In the matter of Town Planning, powers and duties to prepare town schemes have been conferred and imposed upon local authorities generally as in no other country–though it is admitted that the wider power of German local authorities have enabled them to buy land to any extent and for any purpose and to introduce new systems such as the redistribution of plots in a Town Planning Scheme between different owners under the famous Lex Adickes – a principle which has been adopted in the Bombay Town Planning Act of 1915, and very successfully carried out.

Trading Undertakings:—

Under *Trading undertakings* Mr Harris treats public utilities — which in its ordinary connotation may mean four kinds of services viz. the supply of water, gas, electricity and provision of public transport — although the term is equally applicable to almost any activity of a local authority. Laws in Germany give considerable freedom to local authorities to undertake municipal enterprises with the result that municipal threatres, concerts halls, restaurants, breweries, mills, baths, agricultural, forest and other estates, trams and motor omnibuses, ports, Saving banks etc. are found in many German towns.

Short of complete municipalisation of certain services, there is what is known in America as *franchise* "which is a contract between the Municipality and a Company whereby the former grants to the latter a

privilege in consideration of its rendering a specified service at a fixed rate of charge. There is also what is called a "*Concession*" system, under which the Municipality requires from the Concessionaire a share of the profits of the business. A third method is that of the "*mixed undertaking*", wherein the Municipality holds certain shares, often a majority of them and has a representation on the board of management. In Belgium there is a sort of a co-operative method in which the State, the Provinces, the Communes and private individuals take part.

Administration of Justice— It appears that in Switzerland, the Communes have certain powers of jurisdiction, both civil and criminal in minor matters. Mr. Harris also mentions the system of judicial benches which are established under the Viliage Panchayat Acts of different provinces in India.

The widest range of local government activities is to be found in the Soviet Union. Mr. Harris enumerates a number of such activities, quoting extracts from a war time speech of Kalinin, from the "Soviet President Speaks".

Concluding this chapter, Mr. Harris very appropriately suggests that it is always advantageous to have local organisations, even when they normally perform few functions or even none. This is on the lines of the famous dictum that it is better to have a body which does not function than to have none at all. There is a potentiality in such an institution which has its own value. In this connection the following words quoted from the present reviewer's 'Village Panchayat Manual' may appear apposite :—

"When I plead for the revival of corporate village life I do not mean that these village corporate bodies should necessarily exercise all the powers which a modern municipality in a rural area is supposed to exercise, though I would legally provide them with powers to exercise all these and many additional functions.... ... ...*What I want in the first instance is the re-formation* of a habit of acting together in a body and and creating an *esprit de Corps*... ... ..."

Finance:—

"Finance" is the most important problem of all the problems facing local bodies. For reasons which are well known, expenditure by local bodies is rising from year to year, much of it is unavoidable and obligatory. Commissions and Committees everywhere in the world have been at their wits end to discover additional sources of revenue for local authorities. In India, the problem is at present under fresh investigation at the hands of

an All-India Local Finance Enquiry Committee. The subject matter of the Chapter on Finance is therefore of immediate interest to us.

In this universal and unending hunt after additional sources of revenue or local bodies, the primary consideration with many is how to increase the rates or local taxation. Mr. Harris points out that this approach is wrong. The *primary consideration, he says, is to exhaust all* other *sources of revenue, before thinking of increasing the taxes.* He adds that lacal taxation should not be increased beyond what is clearly necessary after taking credit for what is available from other sources. Government grants are often based, in our country, on conditions which coerce local bodies into levy of taxes at a level not only beyond their capacity but irrespective of taxes raised or raisable from other sources. A recent Government resolution of the Bombay Government makes a grant of a portion of non-agricultural assessment conditional on the imposition of a minimum of 20% taxes on residential and 30% on non-residential quarters, irrespective of the consideration as to what amount the body raised from other sources.

Mr. Harris, in conformity with this caution, treats of other sources of revenue first and taxation last. Thus he takes up (1) Grants-in-aid (2) Communal Funds or Assigned revenues (3) Trading Profits (4) Returns from Municipal Property (5) Fees and charges and lastly (6) Local Taxation.

Under *grants-in-aid*, figures are given of percentage of grants given to local bodies as compared to their total revenue, which show that the percentage in England is as high as 53%. Mr. Harris however hastens to inform us that this is partly because local authorities bear the burden of several services which in other countries is wholly borne by the State. Another corrective, in our opinion, is also necessary to avoid errors of comparison viz. it must be simultaneously stated as to what sources of income are left to local bodies in each country brought under comparison after the mighty federal and state governments have had their preferential 'fee l'.

Various basis on which grants have been paid–e. g. (1) percentage grant (2) block grant (3) Exchequer Equalisation grant and the services in respect of which they are paid in different countries, are enumerated in some details. There is also a mention of the recent practice in the U. S. A. of paying back to the municipalities a proportion of the moneys contributed by their inhabitants to the State in taxation. This would correspond to the latest welcome innovation in the Province of Bombay whereby Local Boards and Village Panchayats would be paid 15% of the Land Revenue collected by the State from within their respective areas ; and whereby municipalities would receive 75% of the non-agricultural assessments collected within

their respective areas. In Michigan it has been resolved, the author informs us, to return one-sixth of all sales taxes collected by the States to the school districts and another sixth to the cities town-ships and villages. Local bodies in India have an eye on this sales-tax and hope to share it with the Provinces which are greatly enriched by this ever-increasing source of revenue.

It appears that no country seems to have been satisfied with the different system of grants-in-aid prevailing in different countries, but every one seems to tolerate it because of a want of better basis. "The major trouble with aids is that they require a formula of distribution about which there may be endless quarrelling and which may be arrived by balancing the 'pressures' rather than by an earnest attempt to serve the public good" (Prof. Groves).

"*Communal Funds*" *or Assigned Revenues*:—Under this head of local revenue Mr. Harris deals with those funds which in some countries are "fed as a rule from the yield of certain national taxes and therefore corresponding to what is known in England as 'assigned revenue'. For example, central tax on business turn-over is paid into a fund in France and then distributed to Communes on the basis of population and to the Departments on the basis of population and rateable value. Similarly in Belgium a fund was formed out of national taxes on the abolition of Municipal Octrois and the proceeds of the fund were distributed to the Communes on certain specified formula. It appears that a similar process is bound to come in India where the evils of Octroi and terminal tax are increasingly felt and their abolition is delayed because the question of adequately compensating local bodies for loss of revenue is not so far solved.

Trading Profits.

Law and practice in different countries tend to the view that profits from business enterprises may be used towards relief of rates. The famous Deutche Gemeinordnung of 1935 goes to the extent of laying down that such enterprises *must yield* a profit to the Communal fund. In the Reports of the Urabanism Committee (U. S. A.), it is stated that *some sixty cities are 'taxless'* in the sense that they are supporting their public services from the profitss of such undertakings. "There are eightyfour cities in the U. S. A. which levy no taxes yet perform all the functions of ordinary cities and keep out of debt" (Louis Bartlett). John Maud in his well known work 'City Government' tells us of enormous profits earned by such enterprises. The British practice is or rather was averse to making such profits but the tendency seems to gradually veer round to the other view.

Returns from Municipal Property.

In Germany, Switzerland and the Soviet Union huge properties are owned by local bodies and considerable profits made therefrom.

Local Taxation.

Mr. Harris classifies the main system of local taxation as under:—

(1) *Centralized* systems in which the central government assesses, levies and collects local taxes and returns the proceeds to the local authorities in a variety of ways.

(2) *Semi-Centralized* systems, in which local taxes though assessed and collected by the Central Government are levied locally and the produce returned to each local authority according to the yield in its area.

(3) *Non-Centralized* systems, in which the sources of national and local revenue are distinct and the local authorities assess, levy and collect their own taxes.

Additional Centimes. This is the well known European system wherein percentages are added, at the instance of each local authority, to certain national taxes to be collected by the central government and the proceeds paid over to the local authority concerned. For example, in the Soviet Union, local authorities may levy surtaxes on State business, trade taxes, on State income-tax etc. Huge income is collected in this manner, some times upto about 80% of the total revenue of local authorities, in some of the European countries.

Local Income tax. Levy of local income tax is permissible in several countries. This is particularly noticable in small democracies' (Simon, E, D.) in Denmark, Sweden, Norway etc. Levy of Professional tax by local bodies in India smacks of this procedure-though the amount of such levy has now been restricted by the Constituent Assembly to Rs. 2500 per annum on any individual tax-payer.

Mr. Cole suggests for England Divisional Income-tax in the following words:—

"The proceeds of the 'divisional' income tax, levied in the way I have described, should I suggest, be apportioned among the Regions falling within each Division, and supplemented by a national grant-in-aid, in such a way that the sums received by the Regions from both sources combined

would be weighted to some extent according to needs. It would, of coursel be most convenient for the 'divisional' tax to be collected by the nationa, income-tax authorities, in order to avoid duplication of administrative machinery.

Credit Communal. Under this heading Mr. Harris takes a note of that ancient and important institution in Belgium known by this name. Herein all local authorities join together in the manner of a share-holders' Corporation and the institution acts as a loan-granting Corporation to local authorities. Government have been co-operating and aiding this institution in a variety of ways.

Control

The chapter on *Control* commences with a quotation of Representative Government by J. S. Mill which though written about 90 years ago retains its perrennial interest. Control which he specifies as necessary is merely for two reasons, firstly for assisting local bodies to carry out effectively their administration and secondly to see that the administration is in accordance with law.

Mr. Harris then enumerates the different methods of control adopted in different countries. In the totalitarian countries like Italy or Germany there is indeed no local self-government in its true sense. (See however Dawson's Municipal Government in Germany of pre–Hitler days.) In centralised countries like France or even Japan the State has an exceptional firm hand over local bodies. In Great Britain and the U. S. A. we breathe a fresh air, but it appears the trend everywhere is towards greater control even where it was previously almost non-existent.

Control in England by the methods of audit and the system of Government inspectors deserves to be noticed. Here in India, we have been accustomed to these methods, which however present a striking contrast. The English auditors, Mr. Harris informs, seldom exercise their legal powers in practice and the inspectors who are 'the eyes and ears of government', are warmly welcomed by local officials. "They are not looked upon as 'noisy Parkers' searching for faults, but as advisers with a wider experience than any local officials can hope to possess. Indeed they exemply, perhaps more than anything else, the fact that the relation between the central government and the local authorities in Great Britain is not that of an all powerful controlling authority and its agents but of partners in an enterprise-viz. of carrying on of good administration". (P. 153).

Public Relations

Under **'Public Relations,'** Mr. Harris has stressed the necessity of making people understand what local self-government is and of inducing

them to take active interest in it. Laws may provide for active participation of the local people in the management of their local affairs but if people remained apathetic, content to be ruled by anybody whom gevernment placed over them, there is no hope for the growth of local self-government and the nation as a whole will deteriorate, for does not the "strength of a nation lie in its local institutions" or "can there be a free state without a free Commune?"

In this connection Prof. Mac Corkle observes appropriately that:—

"In a democracy the individual is more than a spectator; he is actually one of the actors. Therefore, if we are to accept the right of the people to govern, it would seem to follow logically that they be properly informed regarding all matters involved in the process of government".

"Since the citizen elects the officials, uses the services, and pays the taxes by which city government is financed, he has a right to be informed regarding its affairs".

"The modern development of what is called public relations" is therefore to be welcomed, not as a means of providing public bodies with opportunity for self-advertisement, but as a method by which a public body can explain itself to the citizen and seek his confidence and understanding, and can at the same time, ascertain public opinion in relation to the services which the body provides."*

Mr. Harris having made out a strong case for a close contact of the people in local administration takes a brief note of what the U. S. A., U. S. S. R. and Switzerland and other countries are doing to educate their people in the matter. We shall put together some of steps taken by different countries for convenience:—

(1) Licence given to the members of the public not only to attend meetings of local bodies but even to address them.

(2) Adoption of the 'Initiative, Referendum, and Recall'.

(3) Publication of annual Reports of local bodies on definite scientific methods calculated to possess highest educative value.

(4) Facilities to the Press and the reporters for publishing news about local bodies.

* W. Eric Jackson : "Structure of Local Government in England" pp. 255-59.

(5) Frequent interviews granted to the representatives of the press and public.

(6) Speeches by the City manager at numerous public functions and under the auspices of numerous institutions.

(7) 'The Open House' institution. The public are invited to visit the City Hall in order to see the working of the municipal departments and inspect various exhibits, charts etc.

(8) City Contests. Contests are organised in America between Cities in different services public health, protection against fire, prevention of motor accidents, water supply, reduction in mortality etc.

(9) Great facilities given for the education of the electors at the time of elections, for example "public examination" by voters of candidates at local elections in U. S. S. R.

(10) 'Civics' made a subject in schools.

(11) Establishment of Associations and Institutes of local bodies and encouraging publications by them.

(12) Exchange of visits by the citizens of one town to those of others on education tour.

(13) Promotion of voluntary associations, like the Social Service League.

(14) Institutions, like the 'Youth Festival' in Switzerland, which is an annual event at which those who have attained the age of 21 are welcomed as citizens, an instructive volume is presented to each of the youth citizen. The volume develops the theme. "You are now a citizen, these are your duties and privileges".

(15) Institution of Compulsory Voting.

(16) Stimulation of public interest by the contesting parties in local bodies.

The Future.

'What of the Future' is the heading of the last chapter in which the trends are examined and a probable forecast is given of the position of local self-government in the future.

The general tendency appears to be towards enlargement of areas of local government, and towards transfer of certain functions from local bodies to government. Prof. Wells (American Local Government p.-130) prognosticates a dark future in the following words:—

"Transference of functions from a locality to the state is not peculiar to the states mentioned above or even to the United States as a whole. It is part of a world-wide trend which builds up larger business and political units at the expense of the smaller. Because of economic and social charge, the town-ship loses ground to the couptry, the country to the state, and the state to the nation as a whole. If this process continues unchecked, the ultimate outcome will be the destruction of local self-government as we have traditionally known it."

The effective working of democratic institutions on a national scale is impossible unless these institutions rest on a firm foundation of local democracy. Officials, however, and to a large extent elected councillors as well, are all too apt to conceive of the problem primarily in terms, not of popular self-government, but of administrative efficiency as seen from the administrator's angle of vision. Such efficiency is, of course, highly important; but the aim should be, not to give it primacy over democracy, but to reconcile it with democracy and to make Local Government, much more than it is to-day or can be with its present structure, interesting and near to the ordinary citizens, both women and men.

This cannot be done at all if hugeness is allowed to prevail over neighbourhood. There is a place for large scale administration – for larger administrations than exist over most of the country to-day – and for realistic reorganization of the large units in which people do actually move and have their being. But the bigger local governments have to become for some purpose, the greater is the need for preserving and for recreating really small-scale agencies for other purpose closely related to the every day lives of the people.

Mr. Harris also predicts the spread of city manager system in the U. S. A. and copying of the system even in other countries. He however sees no hope for its adoption in England. Mr. Warren, however does not seem to agree with this view. He feels that "the growing recognition given to the Cheif Administrative Officer may carry England along the path to the American City Manager System" at any rate in the largest authorities. ('Municipal administration' p. 229). Centralisation in France Mr. Harris, thinks is likely to yield to more democratic process.

Everywhere, union of local authorities are held out as the possible defenders of the independence of local authorities. For example, Association of Italian Communes, is expected to move for liberalisation of local authorities from the fetters imposed during the facists regime.

Union of different local authorities in England are expected to defend inroads upon the powers of local authorities of the class represented by the respective unions. French Association of Mayors is already known to be working strenuously in this direction. The Local Self-Government Institute of Bombay is given credit by Mr. Harris for its work in this direction.

We have taken a rather unusually detailed review of this work and summarised many of the author's paragraphs – because in our opinion, the book is of great interest not only to the students of Comparative Local Government all over the world but, to the large number of general readers who are interested in this subject. The book is bound to be a text-book wherever the subject of Local Government forms part of any syllabus of studies on the subject. There are voluminious works on Local Government in individual countries. These works incidentally give comparisons and contrasts of principles obtaining and methods followed in different countries but there is no single book where each important point is brought under a comparative review by a most competent authority. We congratulate the author who though advanced in age continues to give to the public his best in the domain of Local Self-Government.



RATIONAL PLANNING

By

G. P. Dandekar, B. E., A. M. I. E.

The Dictionary defines an Architect as "one making a *broad and detailed plan* for a desired end." This definition suits my purpose most fittingly, because I am not going to confine myself today to the narrow technical meaning of the words, "Architect & Architecture."

We call a successful man as the Architect of his fortune and we describe God, the Creator, as the Architect of the Universe and the Universe is his work of Architecture. I am therefore going to keep before me the functions of the Architect of our Country as a whole. The above definition says that his chief function is to make a broad and detailed plan because no human activity can take shape without proper planning. Of course, if planning is to be for the attainment of material and moral well-being of every national of our country it must be a Rational or Judicious planning and that is why I would call my to-day's subject "Rational Planning."

With such a wide concept of planning you would not expect me to deal in details about planning of a city like Greater Bombay, which after all forms a small part of the Rational Planning. "Rational Planning" obviously cannot be done piece-meal confined to a limited area only because there are so many interdependent factors impending on each other which must be taken into account.

I would therefore keep in view our country as a whole for today' s discussion. The first step would be to create machinery to take up this planning and I would constitute a country-wide spiral of 'Planning Boards' for tackling all urban and rural areas as follows:—

* Paper read by Mr. G. P. Dandekar, B, E., A, M, I. E. of Bombay Municipality before the Indian Institute of Architects, Bombay on Thursday the 13th October 1949.

Central Planning Board

(for the whole country).

Provincial Planning Board.

District Planning Board.	"Town" Planning Board.	City Planning Board.
Taluka Planning Board		
Village Planning Board.		

The Central Planning Board would consist of a Chairman and one Member of each province making eleven members. This Board will have an executive council consisting of 5 Members with powers to co-opt equal numbers as technical advisers.

This Central Planning Board should plan for the country as a whole on broad lines. It should have a statistical department which should collect reliable vital statistics and it should be able to supply them whenever needed to the Planning Board. Before a broad plan is undertaken by the Central Board it must fix a target of works for a period of say ten years. It should then fix up the financial resources and find out the approximate quantities and varieties of materials, the means of transport, the availability of labour for all such schemes and study the effects of such projects on other nation building activities. It is obvious that these statistics cannot be obtained by the centre without the help and co-operation of Provinces. Each province should therefore have a Provincial Planning Board with suitable number of members and a technical advisory Committee. These Planning Boards should collect all relevant data for the Province and forward them to the Central Planning Board.

Below this Provincial Board there should be Urban and Rural Planning Boards. There should be one Planning Board for each District, city and and town upto a minimum population of 30,000 peoples.

Next in order should be Taluka Rural Planning Boards for a group of villages comprising a population of 30,000 and finally there should be a small board for each village having a population of 4,000 to 5,000.

Thus the smallest unit in this spiral would be the Village Planning Board. This Board should possess the following statistics and information:—

(1) The Village Map, the Taluka and District Map.

(2) Areas of agricultural and non-agricultural lands.

(3) Kinds of crops grown and their value in Rupees.

(4) Amount of land Assessment paid to Government and Local Fund cess and other taxes such as Village Panchayat Taxes etc.

(5) Population of the village showing men, women and children.

(6) Trades and Industries.

(7) Number of agricultural labour required for cultivating all lands in the village and the actual number available.

(8) The number of residents of each village, who have gone to cities and the figures showing the increase or decrease in such exodus from year to year.

(9) Number of houses in the village and the number of occupants of each house.

(10) The number of vernacular schools for boys and girls and the total number of pupils.

(11) The number of middle schools, if any, and the number of pupils therein.

(12) If a high school is to be started what number of pupils from Local Schools and from surrounding small villages would be available.

(13) If there is any qualified Doctor stationed in the village and what other medical aid like hospital, nursing, medicines is available locally, if not, at what distance it is available from this village.

(14) If there are katcha or pucca village roads connecting this village with other villages or towns or Taluka place and their mileage.

(15) What are the possibilities of Cottage Industries, what small Industries are actually existing and the number of persons employed therein.

These statistics should be maintained up-to-date and once in every three years they should be forwarded by each such village to the Taluka Planning Board.

The Taluka Board should collect its own data for areas not covered by these village Boards and they should further collect the following:—

(1) What educational and medical centres could be located and where, in their jurisdiction.

(2) What kind of major industries or factories could be located so as to enable workers to live in their own village houses and work in such factories, thus avoiding over-crowding and creating housing problems.

(3) What are the conditions of village roads and major roads in in their Taluka and what new means of communications are contemplated. Plans for ten years, programme should be prepared.

Similarly each Town, City and District should have similar statistics and plans for itself for the next ten years.

These Village, Taluka, Town, City and District plans thus prepared together with all statistics should be forwarded by each to the Provincial Planning Board and each Provincial Board should send the same to the Central Planning Board together with their own plans for major works required in each Province.

The Central Planning Board should then lay before its members and technical advisers all this material who after careful study must be in a position to allocate sufficient funds and major works to be undertaken by each Province, indicating the financial resources from which the expenses are to be met and the period in which the schemes are to be executed.

I would here emphasise that more than 60% of the money spent during the first five years should be allocated to village and Taluka Planning Boards, because if we can properly develop these areas, much of the pressure on Towns and Cities will be lessened, their problems will be fewer and of less magnitude. The chief aim of this rational planning should be to broad base our schemes and to restrict the size and populations of towns and cities.

Out of this 60% expenditure allocated for villages and Talukas a large percentage should be expended on constructing village and other feeder roads, establishing schools and giving medical aid and starting village industries and establishing large factories within Talukas and groups of villages so that at-least 75% of the local population should not feel the necessity of migrating to Towns and Cities.

Some of the modern amenities such as sports, clubs, cinemas and radios etc. should also be provided in these rural areas.

Coming to Towns and Cities their limits of expansion and population should be laid down and when they are reached further expansion should be prevented and other towns and cities should be created leaving a large

green agricultural belt between the old towns and new ones. These old and new towns and cities should be self sufficient in every respect and residents of one should not be allowed or required to go to the others for their means of livelihood or trade. The aim should be to reduce travel between them to the minimum so that acute transport problems may not arise. Special consideration should be given in locating Railway Terminals, Air Ports and large scale Industries of an all-India character.

Over-lapping of efforts in these directions should be checked to conserve essential materials and labour and to keep down scarcity and inflationary tendencies.

I think I have given a general view of Rational Planning which if followed, will ensure all round progress of each individual and eventually of our country as a whole.

I would lastly touch upon the most important factor in planning without which all the above thoughts would be null and void and that is the planning of the moral character of the individual and the community. We see now a days that almost every benevolent scheme of Government or of public bodies does not succeed. Why? Because we have gone down in moral standards. Otherwise how to explain the rampant black-marketting in almost every necessity of life? The greed of the rich, the go slow policy of workers, the production of substandard materials and their indiscriminate use in Buildings in spite of the supervision of qualified Engineers, Architects and Contractors shows how every layer of our society has sunk low.

Let us therefore pause and think within ourselves as to where we are leading our country by our lapses.

Let us therefore plan for an honest life and create a really worthy *Master Plan* for our country which should be our pride and envy of other nations.

The motto of our Character should be "सत्यं शिवं सुन्दरम्। 'Truth, Purity and Beauty' ".

Bombay's Transport System

By

J. P. L. Shenoy, I. C. S.,

General Manager, B. E. S. & T. Undertaking.

The Bombay Electric Supply and Transport Undertaking was municipalised in August 1947, and is probably the first combined undertaking of its kind to come under the ownership of a Municipal Corporation.

It is a matter of gratification to the citizen of Bombay that they themselves now own the transport undertaking. Any surpluses that accrue from year to year, besides the statutory minimum annual payment to the Municipality of Rs. 10 lakhs go to the Municipality and this enables the Municipality to keep down the level of rates and taxes. It is therefore in the citizens' interest to see that the conductors do not misappropriate revenue and also to so see that every passenger pays his proper fare. The Undertaking do, of course, employ a large number of inspectors to check the work of the conductors, but without public vigilance as well, leakage and loss of revenue would inevitably occur.

Bombay is indeed fortunate in having a well co-ordinated transport system operated by a single municipalised authority. You have only to visit other comparable cities like Calcutta and Madras, where numerous petty private operators have been allowed till recently to run the city's services, to realise the difference between co-ordinated transport and chaotic services running with much unhealthy competition, with profit as the main motive and with service to the public as a very minor consideration.

Bombay is likewise fortunate in having an autonomous statutory Committee in charge of the Electric Supply and Transport Undertaking. We have all the advantages of a business undertaking without any of the dilatoriness and indecision of a wholly municipalised concern. The B. E. S. T. Committee consists of hand-picked businessmen, who are shrewd financiers and, above all, successful businessmen. They realise the value of efficiency, of time, and of expedition in the dispath of business. Above all, they are interested in good results both financially and in providing a good service to the public. Under their able guidance, the B. E S. T. Undertaking has grown from strength to strength.

During the last decade the population of Bombay City has more than doubled. This has imposed a very severe strain on the City's transport services. In 1947, when the Municipality took over the old B. E. S. T. Co, Ltd., there were only 185 buses (mostly single deckers) on the roads. Two years later *i. e* to day, the Undertaking has as many as 300 vehicles on the road out of a total fleet of 350 vehicles (mostly double deckers). It is a striking tribute to our maintenance and workshop organisation that out of a total of 350 vehicles, we are able to put on the roads every day not less than 300 vehicles. The balance of 50 vehicles represents (1) vehicles withdrawn from service for periodical overhaul or for the major repairs and breakdowns, and (2) old vehicles that are in process of retirement. We reckon on an average life of 10 years for each vehicle. It is gratifying to note that the additional buses which have recently been put on the roads have reduced to a very large extent the long queues that were once a painful sight in the City. Nevertheless, it must be appreciated that no transport undertaking in the world is ever able to cope with its peak traffic. Even London Transport with 7,000 vehicles at its disposal is unable to clear the traffic during the half-hour peaks when offices open and close every day. Staggering of office hours is therefore essential. The public sometimes inquire why the Undertaking do put on extra buses during the two daily peaks. We have to find useful enployment for drivers and conductors for eight hours every day and we cannot therefore employ them for just one hour in the morning peak and keep them idle for the rest of the day. Nevertheless, the Undertaking do put on 30 extra vehicles during the peak hours. These are the reserve buses and school buses which take children to school and back during the non-peak hours and go into ordinary passenger service during the peak hours. Further, the peak demand obtains simultaneously throughout the City–everyone wishes to rush home the moment his office closes down and unless the opening hours of the various offices, shops and factories are staggered, this rush to get to work and to get home from work causes a severe strain on the City's transport system and leads to the inevitable queues and congestion.

In 1939, the B. E. S. T. bus fleet consisting of 125 vehicles, mostly single deckers, carried 28 million passengers. In 1949, the Undertaking has 300 buses, double deckers carrying about 142 million passengers.

It might well be asked why the Undertaking extended its services into the suburbs when it was in no position to meet the clamorous and urgent demands of the City. Firstly, it had no intention of taking over the entire suburban services run by the Bandra Bus Company, and indeed it was in no position to do so. This was forced on the Undertaking by the refusal of the Bandra Bus Company to operate any of their services if we were allowed

to operate on their main route. The Undertaking had decided on operating the main route in order to facilitate the dispersal of he City's population. The density of the population in the City has been greatly intensified during the last decade and was further aggravated by the recent influx of refugees. In the interests of health it was essential to encourage people to build houses and live in the suburbs. A through bus service from the City to the suburbs has always proved the most effective inducemem to people going out and living in the suburbs. The Undertaking therefore rightly considered this to be a higher priority than meeting fully the traffic demands of the City. Furthermore, as from 1st April, 1950, the suburban area will be merged into Bombay Municipality and the Undertaking would in any case have been expected to provide transport services in those areas. Nevertheless, it must be borne in mind that the 26 double decker buses that serve the Mahim and Jogeshwari run, also serve the City between Mahim and Flora Fountain. Having put into the suburban service 26 double decker and 21 single decker buses, the Undertaking does not propose to put any more buses into the suburban services until the City's demands are adequately met.

The public will no duobt be interested to know what the Undertaking's future plans are for bus transport. Notwithstanding the queues that one still sees during the rush hours, it is found that even the paying routes are reaching saturation point and the Undertaking is operating a fair number of non-paying routes in the interests of the public. The Undertaking would not therefore be justified in launching out on a large expansion programme. It has also to face the possibility of a recession in trade and consqeuent unemployment. Labourers who at present board a bus or tram for a 300-yard run might prefer to walk the distance and save a few annas thereby. The Undertaking's bus earnings would consequently suffer and the large capital investment in buses might prove to be so much dead capital. The Undertaking must proceed warily and has accordingly decided to expand in small stages by ordering no more than 50 buses at a time and reviewing the position every six months. It is intended at present to operate 300 vehicles in the City and 50 in the suburbs as against to-day's figures of 253 vehicles in the City and 47 in the suburbs. These figures indicate the actual number of vehicles (viz. 300) on the road from day to day.

Passengers sometimes complain that the Undertaking's bus drivers drive dangerously and it must be confessed that the Undertaking's accident record is none too good. It is curious that the accident rate goes up during the week-end. Whether this is because the drivers partake of the carefree holiday atmosphere over the week-end or indulge in wood alcohol one cannot say. A dear old lady complained to one of the conductors that the

During the last decade the population of Bombay City has more than doubled. This has imposed a very severe strain on the City's transport services. In 1947, when the Municipality took over the old B. E. S. T. Co, Ltd., there were only 185 buses (mostly single deckers) on the roads. Two years later *i. e* to day, the Undertaking has as many as 300 vehicles on the road out of a total fleet of 350 vehicles (mostly double deckers). It is a striking tribute to our maintenance and workshop organisation that out of a total of 350 vehicles, we are able to put on the roads every day not less than 300 vehicles. The balance of 50 vehicles represents (1) vehicles withdrawn from service for periodical overhaul or for the major repairs and breakdowns, and (2) old vehicles that are in process of retirement. We reckon on an average life of 10 years for each vehicle. It is gratifying to note that the additional buses which have recently been put on the roads have reduced to a very large extent the long queues that were once a painful sight in the City. Nevertheless, it must be appreciated that no transport undertaking in the world is ever able to cope with its peak traffic. Even London Transport with 7,000 vehicles at its disposal is unable to clear the traffic during the half-hour peaks when offices open and close every day. Staggering of office hours is therefore essential. The public sometimes inquire why the Undertaking do put on extra buses during the two daily peaks. We have to find useful enployment for drivers and conductors for eight hours every day and we cannot therefore employ them for just one hour in the morning peak and keep them idle for the rest of the day. Nevertheless, the Undertaking do put on 30 extra vehicles during the peak hours. These are the reserve buses and school buses which take children to school and back during the non-peak hours and go into ordinary passenger service during the peak hours. Further, the peak demand obtains simultaneously throughout the City–everyone wishes to rush home the moment his office closes down and unless the opening hours of the various offices, shops and factories are staggered, this rush to get to work and to get home from work causes a severe strain on the City's transport system and leads to the inevitable queues and congestion.

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driver was driving the vehicle too much fast round the bends and that she had to close her eyes in fear every time the bus went round a corner. The conductor told her that the driver was a mad fellow and was in the habit of closing his own eyes when he went round every corner. But the Undertaking proposes to remedy this state of affairs by giving the drivers a no-accident bonus which they will earn over a 6-months' clean record and lose the moment they have an accident and earn it again by a further period of 6 months' clean driving. It is not sufficient to penalise the reckless driver without at the same time rewarding the good driver.

As a further inducement to good driving and careful handling of vehicles, we propose to allot, as far as practicable, the same vehicle to a particular pair of drivers who will operate this vehicle in shifts every day, except of their weekly-off. We find at present that our drivers do not report to the workshop any defect they might notice in the operation of their vehicle. They do not do so, because they are not at present allotted the same vehicle on succeeding days. Every vehicle has its own idiosyncracies or its personal (though inanimate) equation, and this is best known only to the driver who handles it regularly. If the steering is stiff, or if the brakes are not working well, or if there is any other defect, the driver under the proposed system will be put to the inconvenience of repeatedly operating such a defective vehicle and it would therefore be in his interest to report the defects immediately for attention in the workshop.

In order to prevent our drivers from speeding, we propose to install a "speedolite" in each vehicle. The red light will come on as a warning the moment the speed limit is exceeded.

The Undertaking also receives numerous complaints of discourtesy shown to passengers by its conductors. We have no less than 100 men up every day at our morning and evening traffic courts for disciplinary action, and if they are found at fault the Undertaking does not hesitate to punish them. We act on the theory that the passenger is always right nevertheless, we often find the passenger at fault. It has been said that people get the sort of Government they deserve. This observation applies with equal truth in relation to public transport— the public usually get the sort of public services they deserve. A disciplined, courteous, considerate and constructively-critical public ensures for itself an efficient and courteous staff of conductors. The conductors dread service along certain routes for they have to deal with a particular section of the people who think they have done the day's good deed if they succeed in saving ½ anna or 1 anna on their fare. There is also that other charitable type of passenger who

hands over one anna to the conductor for a four anna fare and requests the conductor not to issue him a ticket but to keep the anna for himself. There is another class of passenger who tenders a 5-rupee note for a one-anna fare. In most cases, our conductors can't be bothered to dig out change amounting to Rs. 4/15-and the passenger gets away without buying a ticket. When however the conductor presses him for chage he digs into all his pockets or his waistband and produces the odd anna. Whereupon our conductor calls him a 'chor'-which results in a bitter altercation and a strongly worded written complaint to us. Our sympathies in such cases are very largely with the conductors. We have our black sheep among our conductors, but by and large they are not such a bad lot and I have frequently been told by disinterested parties that our conductors behave reasonably well. You have no doubt noticed a marked improvement in their behaviour in recent months and this is the result of tightened discipline and the certainty of punishment. But there is undoubtedly much room for further improvement and this is receiving the attention of the Management. With the active co-opration of the public, it is hoped that our traffic staff will earn the reputation of courtesy and good conduct which they once enjoyed in pre-war days.

Coming now to the finances of bus and tram transport, the common imprssion is that the Undertaking is doing quite well on the financial side. This is incorrect. Our bus earnings (about 105 lakhs) roughly cover our expenditure including the large debt and depreciation charges. It must be emphasised that the capital costs of new buses and trams is about three times as much as pre-war prices and therefore require larger provision for depreciation. Operation expenses have also risen phenomenally. The old B. E. S. T. Co. operated on pre-war vehicles purchased at pre- war prices with very low capitalisation and debt charges. The old level of fares, which have remained unaltered, was sufficient to cover the low operation and debt charges. Consequently, we make no great profit on our buses —whereas we sustain a large loss of about 24 lakhs per annum on our trams. Our tram earnings are 125 lakhs per annum, but the cost of maintenance of our permanent way, our overhead and our staff is over 150 lakhs per annum. We have always lost heavily on our trams. We have not raised our tram fares since 1907, although we pay every employee of ours a minimum dearness allowance of Rs. 52/- per month in addition to his monthly salary, *i. e.*, every employee gets well over Rs. 100/- per month, whereas we paid them only about Rs. 20/- per month in the good old days. This large commitment on dearness allowance is a war time legacy which will continue to burden our finances for an indefinite numbers of years to come. Nevertheless, it is not proposed to raise our tram fares as it is felt that the tram is, and must always remain, the poor man's mode of convey-

ance. On the contrary, the Undertaking would be prepared to lower our rates and introduce a flat one-anna fare on our trams irrespective of distance provided transfer tickets were abolished. Not even a municipalised undertaking can afford to subsidise tram transport to the extent of 24 lakhs every year. If transfer tickets are abolished, we expect some slight net increase in revenue which will help to reduce the large recurring deficit on the tram side. The following are some of the reasons which impel us to seek the abolition of transfer tickets:—

1. No other transport system in India allows a system of transfer;
2. It leads to abuse — transfer tickets are sometimes sold to others, resulting in loss of revenue to the Undertaking;
3. Delays in punching as many as six holes on each transfer ticket and resultant delays in issue of transfer tickets;
4. Delays in issue lead to ticketless travelling and loss of revenue to the Undertaking;
5. To some extent it fatigues the conductor, makes him quarrelsome and discourteous, and efficiency is thereby impaired;
6. Owing to the complicated nature of the transfer system more staff is needed resulting in waste of man power which we can hardly afford particularly when more production is the crying need of the hour;
7. Simplicity for the passenger — a simple one anna fare for adult and half anna for child throughout the system:
8. With the introduction of a flat rate of fare of one anna for adult and half anna for children throughout our entire system our tramways fares which are already the cheapest in the world will become even cheaper.

If a dispassionate view is taken, it will be readily appreciated that it will benifit the long distance tram passenger who forms the bulk of tram traffic. Our statistics reveal that only 34% of tram passengers avail of the facility of transfer tickets. A beneficient scheme of this nature is bound to affect a small minority adversely. Nevertheless, in the larger interests of the public and in order to provide an efficient service, it is essential that this minority should make some sacrifices. If hower the abolition of transfer tickets is achieved, we shall endeavour to run as many through services as possible so as to avoid the necessity of transfers. This involves considerable capital expenditure in laying new through routes.

It must be emphasised that the absence of profits on the transport side of our Undertaking is not the result of municipalisation. The old B. E. S. T. Co. Ltd., likewise lost heavily on public transport but was able to more than balance this loss by the profits they made on the Electric Supply side. We still make profits on the Electric Supply section and this enables us to make the statutory annual payment of 10 lakhs to the Municipality and to remit in addition a small surplus to the Municipality every year. Nevertheless, it will be our constant endeavour to increase our transport revenues by more rigorous checks on leakages of revenue and on ticketless travel, while at the same time reducing our expenditure to the minimum. We are not utilising our staff to the best advantage owing to indequate supervision. So long as our staff of inspectors and ticket examiners are recruited by promotion from the driver-cum-conductor class of employees, we cannot expect them to be in a position to exercise adequate control or discipline over their own one-time colleagues. We propose to remedy this state of affairs shortly by methods which it is not expedient to reveal at present.

As regards the Undertaking's tram system, it had 250 units and 30 trailers on the roads in 1947 when the Municipality took over. We now have 275 units and 30 trailers. In 1939 we carried 98 million passengers in our trams. In 1949, we will have carried 183 million passengers. All the 25 Amercian tram cars recently purchased are now on the roads. We also have on order 30 new tram chassis on which we will build D. D. bodies. We cannot operate more than 330/350 trams on our existing 29-mile of tram tracks, nor do we propose to extend new tram tracks as the world trend everywhere is away from trams and in favour of buses.

No public transport system could operate efficiently without a well-equipped and well-organised workshop. Our tram workshop is very well-equipped and can undertake almost every type of tram work short of building a new tram car. We build all our tram bodies in our workshop, rewind electric motors and perform a host of complicated engineering operations. This not only reduces our dependence on imports but furnishes useful training to our mechanics, all of whom are raw men who leran their various trades at our expense. As an inducement to better output, we have introduced the Bedeaux system in some of our oprations which lend themselves to the application of this system and the good worker can earn a very substantial wage in proportion to his capacity and output.

Our bus workshop buiding has just been completed and will soon be the best equipped Bus Workshop in India. Good and adequate maintenance

is the backbone of any efficient transport system. In addition to good maintenance, however, we should be eqipped to carry out complete overhaul of all our vehicles and our old workshop is already well eqipped for this purpose although it is much too small to cater to our present needs. With periodic overhauling we have succeeded in extending the useful life of some of our vehicles from ten to even seventeen years of regular service.

Standardisation of one type of bus or tram is most essential. There are some transport undertakings in India that have as many as ten different makes of vehicles. This is most unsatisfactory from the point of maintenance and of spare parts. Jigs and fixtures suitable for many sizes and shapes of vehicles are a most expensive business and should be avoided at all costs. On our bus side we have standardised on the Gardner engine with the Daimler chassis. The Gardner engine is possibly the best diesel bus engine in the world and we have been entirely satisfied with its performance. It is most important however that manufacturers of chassis and engines should carry a large stock of spares and servicing facilities in India and it is only manufacturers that are prepared to comply with these essential requirements that will receive our consideration in future.

To sum up, although we are not indifferent to profits, our transport system both buses and trams works at a loss. We believe, however, that if we could prevent leakages of revenue and ticketless traffic, our transport could show a small margin of profit, particularly on the bus side. The B. E. S. T. transport charges are possibly the cheapest in the world having in view the type of comfortable service provided. Our bus rates are on the basis of seven pies per mile, whereas a passenger could travel a distance of five miles for one anna. With rising costs all round, we are unique in that we have not raised our bus or tram fares for the last twenty years. Nevertheless, we have provided and shall continue to provide a good and efficient service to the public of this City. The congestion in our buses and trams is due largely to the fact that the labouring classes who were accustomed to walk to the workshops and factories have not got into the habit of using buses and trams for even short distances. This is largely because we have not raised our fares. Nevertheless, it is a good sign of a rising standard of living among our labourers and is not a thing to be discouraged. On the other hand, we are painlfuly conscious of our shortcomings, which we trust will be gradually overcome with the co-operation of the public in maintaining order and helping our staff in the difficult duties they have to discharge.

PUBLIC HEALTH & ENVIRONMENTAL HYGIENE

By

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"The term 'health' implies more than an absence of sickness in the individual and indicates a state of harmonious functioning of the body and mind in relation to his physical and social environment so as to enable him to enjoy life to the fullest possible extent and to reach his maximum level of productive capacity".

The Government of India realizing the low state of public health in our country, as reflected in wide prevalence of diseases and consequent high rate of mortality in the community as a whole and particularly among such vulnerable groups as children and women in the reproductive age period, appointed in October 1943 the 'Health Survey & Development Committee' to carry out a survey of the whole field of public health and medical relief with a view to make plans for the improvement of public health services. The Committee was asked to review primarily all activities falling within the scope of health administration including all factors which have a direct and indirect bearing on the health of the community and to suggest the plans, short-term and long-term, for the improvement of the public health for the consideration of Government. This Committee submitted its report in 1946, but so far no action has been taken by the Government of India or the Provinces to implement its recommendations. It is therefore feared that for want of 'finance' public health is likely to be allowed a very low priority in the 'National Planning' of the country.

What were the findings of this Committee regarding the present state of Public Health? They found that India still continued to be one of the

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* Talk given by Mr. Modak at the Lecture Hall of The Local Self-Government Institute under the auspices of the Indian Town and Country Planning Association on 18-10-1945.

reservoirs of preventible diseases like Malaria, Small-pox, Typhoid and the main reservoir for Plague and Cholera and that the rate of mortality due to them was heavy. Plague took a toll of about 40,000 persons per year, Cholera 47,000, Small-pox 70,000. Over 100 millions suffered from Malaria and the number of deaths due to this disease was about 2 millions per annum i. e. 8 persons per 1000. Tuberculosis was on the increase. The average annual deaths due to the same numbered about 500,000 per annum against a figure of one million for the whole world. They estimated that there were over 2½ million open cases in the country who were continually disseminating infection amongst those, with whom, they came in contact. The rate of infantile mortality was 158 per 1000 in 1937, the rate for England and Wales, U. S. A. and Newzealand for the year 1925 being 75, 71.5 and 39.36 per 1000 respectively. This rate has been considerably lowered in those countries in recent years. According to the Committee, atleast 50% of the existing mortality is preventible and should be prevented.

Cholera, Plague and Typhoid have been more or less wiped out in Great Britain, U. S. A. and some other western countries, by the adoption of suitable health measures, falling under the category of environmental hygiene. The improvement in environment and curative health services has resulted in increasing the expectation of life at birth. In India, it is found to be 20.91 years for males and 26.56 for females. The corresponding figures for Newzealand being 65.04 and 67.88, for Australia 63.48 and 67.14, for England & Wales 58.74 and 62.88 and for Germany 59.86 and 62.75 respectively.

Typhoid, Dysentry and Cholera have their origin in impurity of water supply and inefficiency or absence of sewerage and sewage disposal. Plague has it soccurence in slums and badly built grain stores and shops. Malaria is closely related to the sites selected for 'Housing', places of work and the existence of ponds, stagnant pools of water and irrigation areas close-by. Tuberculosis is connected with bad housing, over-crowding and insanitary and congested residential areas.

The Committee also found that existing organizations for curative and preventive health work were altogether inadequate for the tasks with which they were confronted on the medical side and that the existing staff was hardly able to do anything more than struggle with the large number of patients crowding into hospitals and dispensaries. On the public health side, the energies of the skelcton staff employed in the provinces was concerned mainly with the measures for the control of epidemic diseases and even this task was being performed with insufficient results.

Upto now, most of the public health activities in India are connected with the curative side and very little is being done to encourage the improvement of environment. Experience has demonstrated that both the sides of Public Health, preventive and curative, must work together and the former if given priority over the latter, considerable improvement in Public Health would take place. This fact has also been admitted by the Health Survey and Development Committee who write: "the creation and maintenance of an environment conducive to healthful living may be considered to be of even greater importance because in the absence of such provision, the services rendered by the Doctor, Nurse and other members of the health organization will largely fail to produce the desired results. In the compaign for improved health, drugs, vaccines and sera can in no way replace such essentials as hygienic home, good food, fresh air and safe water supply".

In this connection, the following observations of the National Health Services Commission (South Africa) are also very interesting: —

"The medical men have not the layman's high regard for the hospital as an instrument of health. The provision of mere doctoring is futile without drastic improvements in those basic, promotive and protective requirements of non-personal health services and that a hospital is a costly monument of the failure of preventive medicine, because amongst those who enter its portals, some never leave it alive with many who are victims of bad housing, polluted water, infectious diseases, wrong diet, and ignorance of the natural laws of health".

The British Medical Association has also emphasized "that the health of the people depends primarily upon the social and environmental conditions under which they live and work, upon security against fear and want, upon nutritional standards, upon educational facilities and upon facilities for exercise and leasure".

It is thus obvious that promotion and preservation of public health has to be tackled simultaneously from two fronts - preventive and curative. Unfortunately, in India, as pointed out before the preventive side has received very little attention as compared to the curative side. Other countries tackled preventive side first as they were convinced that it was much better to remove the cause of disease by taking adequate measures than to allow an individual to fall ill and then treat him in a hospital. Consequently the measures adopted by them took the form of improved sanitation, pure water supply, efficient sewerage and sewage disposal food inspection prevention of pollution, elimination, of vectors and the like and control of casual agencies, present in the external physical world of the community.

Preventive side is divided inte (I) preventive medicine and (2) improvement of hygienic environment. It is in the latter sphere that the public health Engineer has to play his roll. So far, preventive side (medical & environmental) was considered to be a monopoly of the medical officer of health, but it has now been appreciated that if the work of improvement of the environment is left to the Engineer, he would be in a much better position to carry out sucessfully the work than his professional brother the medical officer of health.

The Health Survey and Development Committee has divided the environmental service into two groups (A) National Planning for towns and country including housing and (B) public health engineering to deal with water supply, general sanitation, including conservancy, drainage, river and beach pollution, control of insects, rodents and other vectors of disease and control on trades dangerous and offensive to the health of the community. The inclusion of items in group (B) is in accordance with morden tendency viz. the functions associated with environmental services should be placed in the hands of an engineer specially trained in the science of environmental hygiene so as to enable the medical officer to concentrate on the preventive and curative medical work. I do not think it necessary to divide environmental services in two groups as done by the Committee. It is possible for a Public Health Engineer to undertake the work falling in Group (A) with the help of a professional Town Planner.

Being convinced of the need of improved environment of the community, Government of India in June 1948 appointed the 'Environmental Hygiene Committee' to consider steps to be taken to implement the recommendations of the Health Survey and Development Committee in regard to the environmental hygiene. This Committee was composed of Engineers and was presided over by a Medical Officer of Health. The terms of reference of the Committee *inter alia* INCLUDED (1) investigation of the whole field of Environmental Hygiene with special reference to town and village planning, housing urban and rural, water supply, general sanitation including conservancy and drainage, prevention of river and beach pollution, control of insect vectors of diseases and regulation of certain trades, industries and occupations, dangerous to health and offensive to the community.

The Committee has recently submitted its report to the Central Ministry of Health and it is hoped that some authoritative statement would be made by the Central Government regarding the position of environmental hygiene in the sphere of public health services. It is likely,

that due to financial stringency and the abnormal and critical times through which we are passing, the Government may defer the implemetnation of the recommendations made by this Committee.

I personally feel that environmental hygiene should be given a very high place in the 'National Planning' because the strength of a nation does not depend upon the absolute number of its population, but on the relative number of those, who are in that positive state of well-being, in which the mind and body are able to function to their fullest capacity. For this reason, public opinion must be created to bring pressure upon Government to give a very high priority to environmental hygiene services to the maximum possible extent even in the days of depression. To achieve our object, we must inculcate principles of healthful living in order to secure full co-operation of the individual in the maintenance of his own health. Without genral education the task of imparting instruction in matters of health cannot be accomplished. The low standard of personal and environmental hygiene found in many large sections of the people in urben and rural areas indicate that the measures so far taken to educate them in the hygienic mode of life will have to be strengthened considerably if their co-operation is to be secured in the demand for more preventive services and to maintain a high standard of community hygiene.

The ingredients of a decnt human environment are many. They cover all the phases of human life from infancy to old age. The home and its surroundings in which an individual is born and grown must be conducive to healthy and comfortable living. It must be capable of giving him privacy and company of fellow beings when desired and he should be protected against infection, contagion, physical hazards, with full security of person and property. This can only be achieved through judicious town and village planning and housing.

The water that he uses for cooking, drinking and cleansing must not only be plentiful but free from impurities likely to endanger his health. To serve this purpose, Water Works Schemes to suit the local condition must be undertaken.

Mere supply of water would not be sufficient. Steps must also be taken to collect and remove from the house waste-products of human habitation in such a manner as not to endanger his health as well as that of the community. For this purpose, efficient public cleansing, sewerage and thorough hygienic disposal of excreta and refuse have to be enforced.

Again, an individual must be given facilities to obtain adequate and nutritious food, milk, beverages and they must be prepared and served

under hygeinic conditions. To achieve this end, control over sanitation of food and drink establishments, markets, slaughter houses, public eating houses, dairies etc. is needed.

His place of work, especially if he is an industrial worker, must have a comfortable atmosphere. It must be adequately lighted and free from health hazards such as dust, smoke, odours, fumes and microbes of diseases to enable him to give the best possible output. This has to be secured by improving the environment of the 'place of work' through industrial hygiene-engineering.

Measures must also be taken to collect and remove factory wastes from the place of work, without causing nuisance and affecting the health of the workers and the community at large. To secure this end, thorough control over pollution of streams, lakes, rivers and beaches is necessary.

To prevent the risk of transferring infection from one person to another particularly at places where people congregate, such as schools, fairs and festivals, places of amusements, public transport vehicles, railway stations, vigilent control over the sanitation of the environment is demanded. Thus, the environment under which an individual is born, grows, schools, eats, drinks, travels, works and relaxes must be free from health hazards and conducive to comfortable and health living and suited to the various phases of human life from infancy to old-age.

Let us now take stock of a few items comprising environmental hygiene services such as town planning and housing, water supply, sewerage and sewage disposal and control of malaria which play a very prominent part in eradicating preventible diseases.

Town planning is not merely a matter of planning streets or placing restrictions on the size of sites for various types of buildings but it is more concerned with the allocation of land to its best economic and beneficial use. It aims at securing proper relation between buildings of different uses and design and endeavours to improve the existing conditions of habitation to ensure that development functions both from the utilitarian and sanitary points of view and is also artistically satisfied. The progress in town-planning has been extremely slow in our country. There are no outstanding examples of new town-ships created in recent years according to the modern conception of Town-Planning except New Delhi. A few town planning schemes have been launched by some Municipalities and Improvement Trusts but they do not fall under the category of new Town-ships. Most of the cities have grown and are still growing in a haphazard manner without

proper and orderly planning. The modern conception of town planning is wanting in their development. Today, we are in the same position, as England found 75 years ago, when that country, took to industrialization. Every possible site on which a building could be put was utilized irrespective of its suitability or otherwise for the purpose. This ultimately resulted in creating 'slums'. The same is happening in almost all the large cities of India. Due to the non-availability of materials during the War period, no new houses could be constructed and this has resulted in creating acute shortage of housing and in most of the Cities a large number of population is living literally on pavements. The quantities of materials required for building construction are not sufficient to meet the requirements of those who want to build and controls had therefore to be introduced. Refugees have added considerably to the problem of housing in towns and cities. Some new town-ships are being created for accommodating them but it is feared that they are not being developed according to the modern conception of town-planning. Here is an opportunity for creating modern town-ships which would serve as examples for others to follow but this opportunity is unfortunately not being availed of.

The health of urban population has therefore considerably suffered for lack of shelter and adequate sanitary services and also due to overcrowding. The existing essential services like water supply, drainage and refuse collection and disposal have fallen far short of the requirements. Transport facilities have also deteriorated. The existing means of communications being inadequate to cope with the ever increasing traffic, accidents are on the increase. This state of affairs can only be improved by adopting a bold policy in planning. Over-crowding must be removed by shifting population from the congested parts of the city by expanding the city limits and by accommodating the spill-over population in specially planned satellite towns or neighbourhood units which should be self-sufficient and capable of giving full facilities for an individual not only for healthful and comfortable living but also for social welfare.

The gross density of population in new neighbourhood units and suburban planning may vary between 60 and 120 persons per acre depending upon the local conditions and the value of land. The density in existing over crowded towns should be reduced wherever practicable to atleast 200 persons per acre. The roads should be designed to ensure swift movement of traffic consistent with safety. Their widths should be sufficient for segregation of traffic in lanes. Their surfaces should be suitable for the kind of traffic to which they would be subjected. Through roads should not pass through residential areas. Level crossings should be replaced by separation of grades if the volume of traffic is heavy. The existence of

service lanes as seen in the existing towns should be discouraged as far as possible in the new planning as they have proved to be depositories of filth. Parking places, vehicle and bus stations, shelters for bus and tram passengers, pedestrian traffic islands, vehicular round-abouts, stands for petrol pumps, markets, hospitals, schools, theatres etc. should be considered in the planning stage and provided for.

Housing.

On the basis of growth of population in the last ten years and the influx of refugees, it is estimated that about 3 million new houses will be required in large cities and towns to relieve prevailing acute shortage of housing. The Local Bodies and the Improvement Trusts Boards could not make much progress in this direction because the cost of construction, wages of labour and the prices of land have more than trebbled. The economic rent that the occupants of such houses would have to pay would be far in excess of their capacity to pay. Besides, if slump were to set in, the wages of the working and middle class would be difficult for them to to pay the economic rents of new houses. Private enterprize is therefore shy in constructing new houses for the lower-middle and working classes. How are we going to slove this housing problem ? The Government of India has declared that they would be building about 1 million houses for the industrial working class all over the country. They have spent about 40 lakhs of rupees in importing machinery for the manufacture of pre-fab houses. The cost of a pre-fab house having a built-up area of about 300 S. ft. is estimated at about Rs. 2,500/-. This house will however be only a ground floor structure and such houses are suited to places where large areas of land are available at cheaper rates. They would not prove economical in cities like Bombay where the prices of land are very high. The advantage of pre- fab house built with conventional materials is the speed of erection.

In connection with housing, a question is generally asked what percentage of one's income should be spent in rent ? The limit suggested varies from 10 to 15 per cent. of the total earnings of the family. Instead of restricting the expenditure on rent in this way, it would be better if the worker was given a special allowance over his basic wages, which he must spend for accommodation.

It is doubtful whether new houses will be built in the near future and unless this is done there is no prospect of the slums in the cities getting cleared. The existing sub-standard houses in cities have deteriorated on account of scarcity of building materials during the war and thereafter.

They will have to be demolished and replaced by new ones. Unless new houses are built in advance, there is every likelihood of the housing problem being further deteriorating.

The plan should provide for zoning to segregate industrial areas, big transport centres and godowns, dangerous and offensive trades and dairy farms, from residential and business areas. Green belts should be provided to segregate residental area from industrial areas. This aspect of planning has been badly neglected In the past. Zoning helps in the regulation of speculation of land values. Planning of residential areas should ensure a fair mix for all social groups and too much segregation should be avoided. Suitable sites should be earmarked for shopping centres, clubs, parks, playgrounds, hospitals, places of worship, burial grounds and small service industries in residential areas. The open spaces provided for recreation and other purposes should be on the basis of 4 to 6 acres per 1000 persons. The work of planning should be entrusted to those who have the necessary training for this type of work, and are fully conversant with local conditions.

No town planning can be said to be complete without the provision of adequate water supply, efficient drainage both for storm water and sewage, lighting of streets, refuse collection and other services. The cost of these services is disproportionately high in dispersed planning. This factor should not be lost sight of in the planning stage.

There are instances where new townships are being created without provision of adequate water supply and facilities for sewerage and sewage disposal. The development of such townships without essential sanitary services is to be deprecated. Most of the existing towns are suffering from the lack of such services and efforts have to be made to have them introduced as early as possible. Administration of towns and cities in India is in the hands of local bodies who are responsible for health administration in their respective territories. The powers conferred on these bodies in respect of health matters relate to town sanitation, control of infectious diseases, regulation of housing construction, control over purity of food and water supply, abatement of nuisance and registration of vital statistics. The health duties and powers conferred on the different types of local bodies vary to a considerable extent. Municipal authorities have generally larger powers than rural local bodies. The local bodies have not been able to make much progress in the provision of essential sanitary services and amenities due to financial resources in majority of cases being inadequate to provide them. It will be impossible for them to provide sanitary services such as water supply, sewerage and sewage disposal unless they are given grant-in-aid both from the centre and the provinces.

Water Supply.

Only 253 towns out of 1471 existing in 1939 possessed protected water supplies. West Begal, Madras, Bombay, U. P., Mysore and Hyderabad State have comparatively more protected water supplies than Assam, Orissa, Behar and C. P. The population served by these supplies was in 1939 about 48.7 per cent. of the aggregate population of all towns and only about 4.5 per cent. of the total estimated population of British India in that year. The percentage of total population served by protected water supplies in some of the provinces in 1939 was as follows:—

Madras	6.6
Bengal	7.3
U. P.	4.1
North-West Frontier Province	9.0

The expenditure incurred on water suppply scheme during the course of the past 80 years was less than 12 annas per head of the population, and the major portion of it was spent in providing water supplies to large towns. Even where water supplies have been introduced they cannot be said to be satisfactory. They suffer from the following major defects:—

(i) The quantity supplied is inadequate.

(ii) The rate of supply varies from 2 to 25 gallons per head per day;

(iii) The supply is intermittent;

(iv) The pressure at which it is given is also inadequate;

(v) There is no uniform standard as regards quality and it varies from province to province; and

(vi) Regular examination of water served on premises is done only in certain towns like Calcutta, Bombay, Madras and Poona in special laboratories.

The Health Survey and Development Committee drew up a planned programme for water supplies. Their target was to provide 50 per cent. population with safe water supplies in 20 years and to extend it to the remaining 50 per cent. in the next 15 years. They recomended that the expenditure should be divided equally between urban and rural supplies, that work on schemes should be commenced only after due investigation and allocation of suitable and adequate sources and that the first five years should be spent in organizing the investigative and executive machinery

and that Water and Drainage Boards should be established in each province consisting mostly of scientists, administration to establish priorities and standards, to promote research, ensure allocation of funds and facilitate continued im lementation of a steady policy by Government in the provision of water supply - and drainage till the goal was reached.

These plans of the Health Survey and Development Committee have neither been accepted by the provinces nor by the Centre. The Health Ministries have not shown sufficient practical interest or initiative in getting funds allotted and securing personnel and materials for promoting them. The Central Government itself has no Public Health Engineer in the Ministry of Health and no system of grants-in-aid or loans to induce provinces to promote new water supplies or improve existing ones. The Madras Water Supply & Drainage Committee has drawn up a plan for provision of water supplies to all urban areas within 10 years but their recommendations have not yet been accepted. Bombay and U. P. have some post-war Schemes to be implemented.

Coming now to villages, they have not much changed. They continue to be the same as they were 50 years before. About 85% of the population of India lives in villages. For the purpose of census villages are defined as 'places with a population of less than 5000.' The population of an average Indian village may be taken at about 500.

The structure of a village has a pattern which varies from province to province. In Mysore & Madras, the structure is well developed into a plan and has streets, temples, grazing grounds, etc. In West Bengal, the village is hebulous collection of houses set amid ponds and served by no roads. Here, one village merges into another and the whole area is under rice cultivation or water. The structure of a village in C. P. and Behar and U. P. is compact and is provided with some sort of streets. The villages of Rajputana and Bombay appear to be congested like towns.

The existing sites of villages were not selected on grounds of sanitary conditions or facilities. Most of the villages have been situated by the side of low lying banks of rivers, open plots at the foot of hills or in the wide gorge of a valley liable to floods. Some of them have been erected on what were formerly swamps of river beds or ruins of old cities. The ground in and around villages is always uneven and rendered more so by the people digging pits to obtain earth for building houses. As no care is taken to fill these hollows, they become receptacles of foul water, filth, garbage and waste water of the kitchens and bath rooms. These inequalities in the ground are also resorted to by the people for natural purposes.

There appears to be no shortage of houses in villages and not much of over-crowding but the houses are ill-ventilated and badly lighted due to inadequacy of windows. Living conditions are not satisfactory. Villagers live in unduly close proximity of animals and the insects and pests are innumerable. According to the survey conducted by Messrs. Lal and Seal of Indian Institute of Hygiene, Calcutta, about 11.6 per cent. of the village population do not enjoy good health.

Most of the rural water supplies are unprotected. The supply of water in villages is obtained mostly from wells, tanks, rivers and streams. Wells dry up in summer in many parts of Deccan, C. P., Berar and Rajputana. Water of some wells is saline. Wells are bably built and the water is mostly contaminated. One member of the family has to spend ones time in finding and fetching water for household purposes, practically for four months of the year Rivers, tanks and canals are constantly polluted with the result that among the cases of sickness, diarrhoea and dysentry rank next in importance to malaria. Dr. Lall's survey discloses that diarrhoea accounted for 34.5 per cent. and dysentry for 8.8 per cent. of the total sickness in Syngore near Calcutta.

Some incentive for the provision of rural water supply was given by the Government of India by making a grant of Rs. 2 crores in 1935-37 to Provincial Governments to finance rural development schemes. A part of this grant has been spent by provinces to improve rural water supplies. Bengal and Madras have created Rural Water Supply Fund of their own. Bengal has spent about Rs. 50 lakhs in providing a large number of tube wells but it is reported that 50 per cent. of them are not functioning properly for want of proper attention.

It is very difficult to improve planning of the existing villages. If at all they are to be replanned, they must be removed in a majority of cases from the existing sites and located in suitable positions. This, however, is not possible on sentimental grounds and would also not be practicable. In siting a village, the obvious factors controlling its position are farming land, water and accessibility to main roads or sometimes to sea or streams. Less obvious considerations are (1) its exposure to wind and rain, (2) the nature of the ground on which it is to be built and (3) the proximity to stagnant water and places of insect breeding.

Sewerage & Sewage Disposal.

Human excreta provides germs of gastro intestinal diseases and if allowed to lie exposed to places where they can either breed or feed on it, food and drink gets contaminated through them. The pollution of the

soil by the human excreta can also be a very great contributory factor in helminthic infections. Where protected water supplies are installed it is essential to ensure collection and disposal of human excreta without polluting the soil from exposure to flies. The removal of human excreta without pollution of soil or water and exposure to flies is satisfactorily accomplished by providing underground sewerage systems. Again, the progress in this sphere of sanitary services is disappointing. Only 23 cities out of 48 having a population over 100,000 have been sewered and about 12 more of less than 100,000 population enjoy this amenity. All the areas covered by the 23 towns have not been sewered. It is estimated that the total population of India nominally served by sewerage system is not likely to be more than 10 millions out of 320 millions in the country, inspite of the fact that the first sewers were laid in Culcutta as far back as 1867.

There are no means for the disposal of excreta existing in a majority of villages. The latrines do not exist. People answer calls of nature in the fields backyards of houses, wash in tanks and rivers which also used for bath and drinking. It is desirable to insist on the provision of latrines in villages. They should be such that the excreta would be disposed of on site without any risk of transmission hook worm and without exposure to flies and without contaminating the surface water.

Bore hole latrine is found to be suitable for a single family where soil is soft and water table atleast 10 ft. below ground. It is reported to cost about Rs. 12/- or Rs. 2/8/-per head of the population served. It also entails an expenditure of about 13 annas per head per annum for renewing the bore at the end of about two to four years. Where the subsoil water is high, the hole is likely to be filled up soon and it is also likely to splash. To get over this difficulty, mound latrines have been used with success in Ceylon. In this type of latrine an empty tar barell or cement pipe or brick shaft is built on the water logged ground over the shallow bore holes to a height of 3 ft. and the seat is placed above it. Both these latrines can also be used with a water seal plate and flushed out with half a gallon of water. It has been found that this latrine it clean and the excreta is completely out of view and inaccessible to flies. Where more than 10 people are expected to use a latrine one of a cover type is found to be suitable. A pit privy is useful in some situations. It is however a little bit more expensive than the bore hole latrine as special precautions are required to be taken against the collapse of the pit and fly control. Where funds permit, septic tank latrines, absorption pits and trenches should be encouraged. Public latrines have proved unsatisfactory. The villagers have apathy for their use. It is the family latrine that is likely to find favour with them provided it is well attended. It is suggested that Government should construct

bore hole or mound latrines in some villages at their cost so that after finding the benefits derived from their use, the villagers themselves may come forward to build them at their cost.

Improvement of the rural environment cannot be imposed from outside and sustained for long without the active efforts and co-operation of the local people. Imposed improvement from outside on those who are to benefit from it is neither welcome nor appreciated.

Control of Malaria.

According to the Malaria Commission of the League of Nations, about one-third of the total population of the world suffer from this disease every year. In India, it ranks foremost amongst the causes of death.

This disease is more intense in rural areas. It can only be combated by the spread of education among the rural population regarding its causation and methods of its prevention. If it is brought home to the villager that the disease can be stamped out by the execution of minor sanitary works on co-operative basis in the villages such as draining marshes, cleaning channels, filling up gullies where water collects, this will help considerably in combating the disease. Measures like removal of weeds, re-cannalization of dead rivers and oiling operations have been found to be successful.

Some of the Malaria is man made. An Engineer by digging trenches for earth work required for embankments of roads and railways, without taking measures to provide efficient drainage for the removal of rain water collecting in the trenches is responsible for creating favourable conditions for the breeding of malaria mosquitoes. Things have since changed and the Engineer having now learnt the causes of disease and the methods of prevention is now-a-days very careful to see that the earth work or any other engineering work carried out by him does not become a plague-spot of malaria.

In the past, irrigation projects have been found to produce malaria because measures were not taken simultaneously for adequate drainage to prevent the development of marshy conditions. Sukkar Barrage and and Metur Irrigation Projects are examples of this kind. In both the cases, malaria developed on a large scale in the regions which were previously dry and consequently free from the disease. With the advance in knowledge in regard to the causes of malaria and the methods of prevention, this has now become a thing of the past.

The need of assessing malarial implications of proposed Engineering Projects and preventing development of malarial conditions from the beginning of the constructions programme has since been recognized. The Central Water Power, Irrigation and Navigation Commission is consulting the Director of Malaria Institute of India regarding measures to be taken for the prevention of the disease in the execution of various irrigation and hydro-electric schemes. Engineers are consulting Malariologist in land reclamation schemes also.

The Expert Committee on Malaria of the World Health Organization held in May 1948 at Washington agrees with the following:—

(i) Measures directed against the mosquito transmission of malaria are, in the existing state of knowledge, the only methods which give permanent control. They should take priority wherever possible.

(ii) Chemotherapy and chemoprophylaxis have an important part in the clinical control of epidemic malaria.

(iii) Chemoprophylaxis, however efficient, can be considered in general only as palliative.

(iv) Preventive drugs have and will retain an important part in personal prophylaxis.

(v) Therapy plays a secondary role in the prevention of malaria.

In the early stage, this disease was controlled by the use of quinine drug but that too was not in sufficient quantities. It is found that the quantity made available for the use of sufferers was about 1/8th of that actually required. After quinine, came the age of plasmoquine, antilarvae oiling and paris-greening. They were all expensive and imperfect. Adult spray killing with pyrethrum extracts came into vogue about 12 years ago and was more successful in many places. It, however, did not give satisfactory results in certain situation and with certain species because its killing effect was quick but not lasting. Then came on the scene D. D. T. which changed the whole picture. According to the Expert Committee on Malaria of the World Health Organization, D. D. T. has so far given the most outstanding performance of all the numerous chemicals in this group of residual insecticides. In the existing circumstances, D. D. T. thus appears to possess many of an ideal insecticide for the control of malaria in that the dosage required it is cheap, has a prolonged residual action, is non-toxic to man and domestic animals and confers collateral public health benefits through the simultaneous destruction of other disease carrying insects. There is a definite and overwhelming evidence that the recently introduced insecticides can be relied upon as a basis for a wide-spread attack on malaria with the

expectation of a significant reduction of morbidity in areas where they are properly applied. This opinion is based on the results available from many countries where D. D. T. has been used as an indoor residual spray and where its effectiveness has been demonstrated against different vector species of anopheline with wide variations in resting and feeding behaviour.

Pure D. D. T. is white crystaline sybstance, density 1.6 gm. per cc., melting point 107 to 108°C. It is stable above this temperature and is unaffected by light, air, water, acids and alkalies. It was discovered as far back as 1874, but it came to be used as insect controller about the year 1942.

D. D. T. also reduces cockroaches and exterminates bugs. It is the one public health service which is readily appreciated even by the illiterate and provides thereby the means of persuading and educating them to carry out improvements in their environment. In the City in areas affected by malaria it is desirable to apply D. D. T. spray to every house periodically like white-washing.

D. D. T. is at present manufactured in U. S. A., U. K. and Switzerland. It is learnt from the quarterly bulletin issued by the Ministry of Industry and Supply that the present requirements of D. D. T. in India are put down by them as 500 tons per annum. This quantity may not be quite sufficient to meet our requirements. It is estimated that about 3000 tons will have to be imported at a cost of about 1.8 million dollars or Rs. 2.69 crores. It is being suggested that at least a plant capable of an out put of 3000 tons should be erected in India as early as possible by Government aid and control. The manufacture of suitable emulsifiers and spraying equipment may follow afterwards, perhaps by private enterprise.

The following remarks made by the Expert Committee of the World Health Organization in this connection goes to support the above suggestion :—

"The manufacture of D. D T. is at present concentrated in non-malarious parts of the world, whereas in uhe malarious countries where this chemical is most needed there is hardly any local production. In these circumstances, any interference with the free flow of trade through any cause will have disastrous consequences, as severe and epidemic forms of malaria will appear in areas dependent upon control with D. D. T. There is, therefore, an emphatic need for planning and stimulating the production of D. D. T. on a regional basis particularly in the malarious parts of the world.

Some of the Public Health Engineers feel that the work of controlling Malaria instead of being done by the Malarialogists should be entrusted to them. Because mosquito control work includes consideration of civil engineering aspects which an Engineer can carry out better than a Malarialoagist with a medical anti-malarialogical back-ground. Drainage, filling of low-laying lands, maintenance and mechanical equipment are some of the aspects. Combined efforts of Engineers, Biologists and Malarialogists are required to stamp out this disease in the shortest time possible with the lowest cost. This has been proved to be so in New Delhi and Mysore. It is, therefore, suggested that Malaria control should be included in the Syllabus of the Engineering Courses. Malaria Engineering does form a integral part of the training in the Public Health Engineering given at the Indian Institute of Hygiene in Calcutta.

Industrial Environment.

It is necessary when considering the health of the worker to think not only of the necessary environment of the factory where he works but also of the environment in which he lives outside the factory. It is, therefore, desirable that the industrial hygiene should include in its broad sense not only the conditions inside the factory but those of housing, water supply etc. outside the factory. Attempts to develop the industrial hygiene, industrial medicine and factory inspection in water-tight compartments without paying any heed to the improvement of housing and living conditions of the worker should be depreciated.

The control of the environment inside the factory is regulated by the Factories Act and carried out by the Factory Inspector. This Act has been revised recently and has come into force from 1st April 1949. The main changes introduced in the revised Act are as follows:—

(1) The Manager of the Factory is required to carry out certain measures of protection, fencing, ventilation, lighting, dust control etc. for the safety and comfort of the workers on his own initiative without waiting for the defects and remedies to be pointed out by the Factory Inspector. This is certainly a big advance in the direction of improvement of industrial hygiene but there being few Inspectors, they are not in a position to inspect every factory more than once a year. It is, therefore, necessary to increase their number so that factories could be inspected more often or atleast twice a year. It is, no doubt, that during inspection the Inspectors pay attention to fencing, guarding and white-washing. They also examine various registers showing reports of accidents, payment of wages etc. Dust control, lighting, ventilation etc. are not checked with any degree of

precision for want of requisite standards having been laid down. It is learnt that the Indian Research Fund Association is collecting data concerning the environment of the conditions prevailing in various industries. When this data is collected, it would be possible to devise some minimum standards from such a survey, and incorporate them in the Factories Act for the guidance of the Factory Inspectors. Due to this, constructive suggestions regarding improvement in the above matter, cannot be made by the Factory Inspectors. If, however, necessary equipment is provided and standards are laid down, it would be possible for the Factory Inspectors to judge the conditions prevailing in the factory in regard to these matters.

(2) Conditions on the whole of small factories cannot be said to be satisfactory from the point of industrial hygiene. Usually, while constructing large factories, some sort of planning is done towards making the structure suitable and reasonably confortable for the worker. Such is not, however, the case in small factories such as oil mills, flour mills, small brass and iron factories, smithies, workshops, etc. Some of these factories are located in most unsuitable, dangerous and ill-ventilated slums and corrugated iron sheet sheds. The workers in these buildings are baked in summer, soaked in rains and choked by dust. It is, therefore, suggested that the buildings intended for small factories should be inspected before a license is issued for its working. The diagnosis of the fault in the environment of the industries cannot be done by the ordinary factory doctor who certifies or treats the workers. It can only be done by a team work in collaboration with the highly trained personnel-the Factory Inspector, the specialized Doctor and the Chemist. The correction of the fault in the environment will have to be carried out by those specialising in industrial hygiene engineering. It is, therefore, necessary to give training in industrial hygiene to three professions, Doctors, Engineers & Chemists.

It will be obvious from the foregoing that immediate steps are necessary to implement environmental services both in villages and cities without any delay. If immediate steps are not taken, the health of the people may undergo further deterioration.

We find in most of the provinces a tendency for urbanization. It must be checked in time. Otherwise, we shall be faced with the same problem as the Western countries when industrialization started therein in right earnest. In order to improve our standards of living, we must be self-sufficient. New industries must therefore be started to stop import of such goods as can be manufactured by ourselves with the raw materials in hand.

The villager is forced to go to the nearest town as he has no employment for about seven months of the year and whatever he earns by the sale of the crops grown by him on land is not sufficient to maintain himself throughout the year. Cottage industries must therefore be started in villages so as to provide work for the villager when he is unemployed. The location of heavy industries and other industries should be very carefully selected to suit the economic development of the country on the whole. They will naturally be in close proximity of the areas where raw materials are available. It is suggested in this connection, that suitable sites should also be selected for the manufacture of C. I. pipes, steel tubes, galvanized iron pipes, Salt-glazed hardware pipes, D. D. T., chlorine, alum and sanitary fittings as large quantities thereof would be required for pushing through the programme of evironmental hygiene. If these materials are not manufactured in this country, it will not be possible to execute the schemes to the scheduled time for want of materials even when funds are available.

The main obstacle in the implementation of the environmental hygiene programme will be the ' finance '. The duty of providing sanitary services falling under the category of environmental hygiene is by legislation thrown on Local Bodies which come under Local Self-Government. A majority of them have not the necessary funds at their disposal to execute such schemes. Some sort of aid either from the Centre or from the province will be necessary. If capital expenditure is made available, Local Bodies may be able to raise taxes to meet the recurring expenditure on schemes after they are executed. It would also be necessary to lay down that certain percentage of the total income of the Local Bodies including grants-in-aid would be spent on sanitary services. It is found that the expenditure incurred at present by these Bodies is very much less in proportion to their income and the total expenditure incurred on other services. Madras Government has taken a lead in this matter. They have legislated that in the case of major municipalities at least 30 percent of the income from all sources other than government grants and 15 percent in the case of smaller municipalities and Panchayats shall be expended on the advancement of public health. It is seen that the expenditure so far incurred by them on public health activities has been on an average 5% of the total provincial expenditure and on this basis, the cost per capita per annum for health services both preventive and curative works out to 3.4 to 6.2 annas. These figures are very low as compared with those spent in other countries on this account. Great Britain has been spending more than 20% of her total expenditure on health services. For U. S. A. this figure is over 15 percent.

The Health Survey and Development Committee has recommended an expenditure of atleast Rs. 1-4-0 per capita per annum for the next five years and Rs. 2-7-0 per capita for the subsequent five years. According to them, these figures will not bear comparison with the expenditure incurred by other countries even after taking into consideration the low national income of our country.

It is roughly estimated that the cost of providing sanitary services like water supply, sewerage and sewage disposal and collection and disposal of house refuse would on an average amount to Rs. 120 to Rs. 150 per capita depending upon local conditions. The cost of maintenance of the services including interest and sinking fund on the loans raised would roughly amount to an average of Rs. 13 to Rs. 15 per capita per annum. If the Local Bodies have to carry the burden of raising loans for capital expenditure and also for maintaining them after they are executed, they must tax the rate-payers to the extent of Rs. 13 to Rs. 15 per capita yer annum. The actual annual revenue per capita varies between Rs. 3 to Rs. 5. Ways and means must be found out how this revenue can be increased and to what extent.

It is gratifying to note that the Central Ministry of Health has recently set up a committee known as Local Finance Enquiry Committee 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 finances and for that purpose (i) 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 other sources of revenue should be provided; (ii) to examine the methods of Government assistance to Local Bodies and (iii) to examine the existing machinery and methods of assessment and collection of taxes. It is certain that unless finances of Local Bodies are increased, there is no likelihood of any schemes of water supply, sewerage, collection and disposal of refuse being taken in hand by them."

Thus, it may be seen that Environmental Hygiene will considerably mprove public health both of mind and body andany amount of money spent thereon will react very favourably on the country. People will learn what sanitation is and how it affects their well being and how far industry is benefitted to the advantage of the country. A life free from disease and in enjoyment of healthy, happy environment is worth living and much will depend upon people who co-operate with Government and

the Local Bodies to achieve this laudable object Without their active co-operation, it would not be possible for any Government to succeed in implementing environmental hygiene and sanitary works.

What is required is awakening of the civic sense of an individual and when that awakening comes, Government would naturally be compelled to to spend a legitimate share of its revenue on these services. Before closing, I believe that this talk has given some food for the consideration of those present and they would apply their minds to devise ways and means for speedy execution of works pertaining to Environmental Hygiene.

C. P. & BERAR
Municipal Presidents' Conference

A Report & the Presidential address by the Hon'ble, Mr. D. P. Mishra.

"Today the local autonomy of the Municipal Committees of this province was less restricted than the Provincial autonomy enjoyed by the Government of the Central Provinces and Berar, but the Provincial Government has never resented the restrictions imposed upon it by the Government of India, as we felt that they were necessary for the larger interests of the country. If the country is to progress harmoniously and planned development is to be achieved, co-ordination of efforts is inevitable which would necessarily involve imposition of restrictions on subordinate agencies", observed Pandit Dwarka Prasad Mishra, Minister for Local Self-Government, Central Provinces and Berar while inaugurating the second session of the C. P. & Berar Municipal Presidents' Conference at Betul on Saturday November 19, 1949. Municipal Presidents and delegates from all over the province besides a large local audience attended the conference which is being held in a specially built and tastefully decorated shamiana. Pandit R. S. Mishra, Advocate, Nagpur, presided. Prominent among those present were Pt. G. S. Agnihotri, Parliamentary Secretary to the Minister and Shri Beharilal Patel, M. L. A.

On behalf of the conference the Hon'ble Minister was welcomed by Dr. Nigam, Chairman of the Reception Committee after which Dr. Rai, President of the Bilaspur Municipal Committee read the Secretary's report. Proceeding Pt. Mishra said, "the municipalities and other Local Self-Government bodies can be real training ground for our future administrators. There is really speaking a dearth of able and trained men in our country. Today if Swaraj must run successfully we shall need good administrators. In democracy the great educative value of the Local Self-Government bodies to the people, cannot be too much emphasised. They give a training in properly casting their votes, and to the representatives, in responsible and constructive thinking-besides a practical training in managing one's

own affairs. Even Pandit Nehru and Sardar Patel were once presidents of Allahabad and Ahmedabad Municipalities respectively".

Adult Franchise First Introduced in C. P.

Pandit Mishra further set out the various forms reaching reforms introduced in the Municipalities Act during the two Congress Ministries. It was in this province only he said that Adult Franchise was for the first time introduced which example had been followed now by U. P. also.

Another reform was the relaxation in the rigidity of wards thus enabling a candidate from one ward to stand from another. During the second Ministry they had gone ahead with their Municipal reforms and were today almost leading the whole country. Most of the recommendations by 'Local Self Government' Special Committee appointed in 1935 had also been accepted. Provision was made for the election-disputes now to go before the Civil Courts instead of before the Revenue officials. A summary procedure for such disputes was also evolved and provisions for revisions before High Court made. The Municipal President's powers had been increased considerably-such as in matters of appointments, building applications, encroachments, sanitary measures etc. To increase the efficiency of employees, the recruitment through Public Service Commission was being introduced and provision from transfer from one Municipality to another was being made. A Local Self-Government Diploma Course had been started at Nagpur and already 64 students had joined it. Pandit Mishra made an appeal to the Municipalities to give all possible facilities to their employees to join the course which was bound to raise up the whole tone of Municipal administration.

He explained how the ban imposed on Municipal Employees from participating into politics was necessary in the interest of impartiality and neutrality of the services. He further outlined many other important reforms, such as elimination of beggary in certain cities, conversion of notified area committees into Municipalities, encouragement of compost preparation by Municipalities, etc. The Government were already giving grants for waterworks, sewage etc. and advising on town-planning.

Deplores Persistence of Agitational Habits

Referring to certain criticisms made in the speech of the Secretary, Pandit Mishra deplored the merely agitational habits still persisting even after the British had gone. He said that exception was taken to certain restrictions imposed on Municipalities by the Government. But it was forgotten that no longer there were the restrictions imposed by an alien

and autocratic Government. Even the Provincial Government had to put up with restrictions imposed by the centre. They did not only not resent but welcomed them in the larger interest of the country. Unfortunately behind most of the present day criticism Pandit Mishra, pointed out, there was a psychology to lay emphasis more on rights than on duties. The structure of Indian civilisation was essentially based on the concept of duty and in the Sanskrit language there was no word for right.

No Real Conflict Between Janapada and Municipalities

Referring to the supposed conflict between Janapada Sabha and Municipal Committee, Pandit Mishra said that the fear was more imaginary than real. It, however, represented the typical towns-man's attitude towards his village brother. The village man was going to be the master of India's future destiny and could not be talked of patronisingly or lightly. Pandit Mishra also corrected the view that secondary education was Government's responsibility. All over the world, he said, all education excepting the Primary education was managed by the public bodies. Government's responsibility was in respect of primary education alone. In fact, Government were now determined to return to the villages. The maximum of what they took from them and in case of a conflict between the primary and higher education they would throw their whole weight in favour of former.

Economic Crisis All Pervading

Referring to the question of the Municipalities' financial conditions be said that the problem was almost an universal one. The whole country was passing through an economic crisis and the Central and Provincial Governments and Municipalities were all equally passing through a critical period.

No Cause for Despair

He, however, hoped that the Municipalities would not give way to despair and would make the best of what they had. Government were, however not blind to their difficulties and were appointing a committee to investigate ways and means whereby the Municipalities could increase their income. Concluding Pandit Mishra said that there was no conflict or ground for conflict between the Provincial Government and the Municipalities. He assured them that such of the restrictions as fettered their growth would of course be removed when brought to their notice. He also invited them to place their genuine grievances and other difficulties before the Government. He called upon them to work in co-operation and in a constructive spirit in order to build a happy province.

FINANCIAL POSITION
OF
INDORE MUNICIPALITY

By

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CHAPTER II

GENERAL

9 From the statements of the different heads of Revenue and Expenditure of the Indore Municipality for the last few years, many interesting conclusions can be drawn.

10. The most remarkable part of the statement is that House Tax, which should form the principal basis of the revenue of any Municipality, for the year 1949/50 is expected to give only 1/10th of the total income. The question is discussed in detail in Chapter Three.

11. About 45%of the the total income comes from the Octroi Duty. The place held by it as the source of the highest revenue is unusual. Reliance on Octroi Duty is not too good as the duty will be reduced when prices fall and also when the volume of trade shrinks.

12. With regard to water, the following statement speaks for itself:—

Period	Realisation from all sources	Expenditure in respect of payments to Govt., Establishment and small works etc.	Loss incurred
	Rs.	Rs.	Rs.
1947—48	2,28,255	3,00,666	72,411
1948—49	2,43,482	3,35,627	92,145

(Report dated 29-7-49) The chapter I is introductory and has been omitted in in this article. Ed.

13. This means that the Municipality is incurring a loss of about one lac per year in the matter of water supply, making a free gift to the citizens of Indore. It is a principle of local finance that the service in respect of water, which has very great effect on public health of a city, should not be made more costly and used as a source of substantial revenue. But it is altogether contrary to the principles not merely of finance and bussiness but also of local self-government that a Municipality should make a loss on the supply of water. In a later chapter this problem has been dealt with.

14. Other striking feature of the statement is the very heavy sum spent on Public Health. The figures for 1947-48 are Rs. 4,13,378/-. In 1949-50, this figure will be Rs. 6,56,631/—. If this expenditure is supposed to be incurred from the House Tax, then it falls short of House Tax realisation by Rs. 2,06,325/- If it is supposed to be made up from Conservancy Tax, then the Conservancy Tax is only yielding Rs. 7,754/. In other words, here is again a free gift to the citizens of Indore by the Municipality. This is unbusinesslike. In a later chapter, number four, this problem has been dealt with.

15. The Takhat Tax is a peculiarity of Indore. It brings in a of Rs. 14,000/- but it has involved the encroachment of either the street or the foot-path in a city which is a city of narrow streets.

16. The performance and entertainment taxes altogether yielded a sum of Rs. 2,20,432/—in the year 1947-48 and it has increased in the subsequent year to 2,57,000/-. This is a source of revenue which I regard with some misgivings for the future as in the Provinces of India, this is ear-maked for the Provincial Governments who are extremely jealous. The Performance Tax may be continued in the hands of the Municipality but as and when conditions in Madhya Bhrat are equalised with conditions prevailing in other Provinces, I fear that Entertainment Tax would have to be dropped in favour of the Government of Madhya Bharat. The fact that Government before they make any major changes would give some time to the Municipality to adjust, would give some alternative source of tax and would give increased grant from Provincial Grants, is not helpful. Foresight demands that this matter should be kept in mind from now and suitable adjustments thought of.

17 The Indore Municipality is lucky in having property and in deriving a revenue of Rs. 1,73,265/—in 1947-48 and Rs.1,68,750/-in 1948-49, which may be regarded as a return to the capital engaged rather than in the nature of tax. This is a source of strength to the Municipality. Attempt should be made to see whether the revenue so derived could not be increased. Under the scheme proposed in Chapter Nine, if more lands are placed

at the disposal of the Municipality, this source of revenue should substantially increase.

18 On the expenditure side, the cost of general administration has not merely increased but the obligations for pension and gratuity and the special allowance has brought up the total cost of direct administration to Rs. 4½ lacs for 1947-48. The Municipal Councillors should seriously consider whether there is scope for retrenchment in this field. As prices go down, it is possible that the 'dearness allowance' now given may be reduced but that position is still far off.

19. On the expenditure side will be noticed a head of expenditure which has been called 'Loan Account'. Under this, a provision of Rs. 24,000 appears for repayment of Municipal loan of Rs. 4 lacs. Under this head, very heavy and substantial payments will have to be made in future. This topic is dealt with in Chapter Ten.

20. The opening balance of the Municipality for last ten years has been as follows:-

YEAR	AMOUNT
1-10-1939	Rs. 94,901
1-10-1940	" 1,00,339
1-10-1941	" 1,50,735
1-10-1942	" 2,92,504
1-10-1943	" 5,51,516
1-10-1944	" 6,65,101
1-10-1945	" 7,15,215
1-10-1946	" 8,37,643
1-10-1947	" 8,43,462
1-10-1948	" 7,06,313
1-10-1949	" 7,90,254

21. This is slightly on the excess side. I recommend that the Municipality should make arrangements with the Imperial Bank, which will give them an over draft of 3 to 4 lacs of rupees, to meet emergency expenditure during those periods when tax collection is slack and there is an immediate need of funds to meet the current expenses. After this is done the current balance carried may be safely reduced to the requirement for one month instead of three months as at present. The present understanding that one-fourth of the total revenue must be carried as cash (in some years it has been more than this) should be set aside and arrangements made as indicated above. This will save the Municipality interest charges on four to five lacs, at present unnecessarily incurred.

22. With regards to arrears, the position will be seen from the following table:—

Heads	Arrears on 1-10-1948	Arrears on 1-4-1949
1	2	3
	Rs.	Rs.
House Tax	61,870	57,820
Water Tax	4,374	12,177
Conservancy Tax	4,240	4,226
Takhat Tax	3,699	2,834
Motor Tax	6,021	8,295
Rent of Municipal Buildings	5,556	7,651
Ground Rent	47,443	59,410
Rent of Siyaganj Patdi	728	1,861
Rent of Huts	846	2,256
Rent of Municipal Gumtees and Sheds.	6,237	1,947
Total	Rs. 1,41,014	Rs. 1,58,387

23. Owing to change of Financial Year the arrears appear to be heavy so far as House Tax is concerned but I am assured that it will be less in future.

24. The Municipality is maintaining and should continue to maintain a record of owners of property who are liable for Municipal taxes. If a man sells his property, it would be in his own interest to have the change recorded in the Municipal book. In any case, when a new owner comes with the documents to have his name inscribed in the Municipal books, it should be done only if there are no arrears of Municipal taxes due in respect of that property. Similarly and more particularly on new houses, water connections should not be given unless evidence is produced of all outstanding Municipal dues having been paid.

25. Municipal Taxes are payable strictly in advance at the beginning of the new year. Such advance payments are assisted by grants of rebates by the Municipality. The process of enforcing recovery of arrears was described to me and it appears satisfactory. The amount of arrears in the light of these remarks must not be regarded as unduly high.

26. Ground Rents, which are strictly speaking not taxes, must be made payble in advance, in the case of future leases—whether temporary or permanent—in respect of the period for which the rents are demanded. In the case of existing leases, Municipal rights of re-entry in the of case non-payment should be examined and should be strictly enforced.

CHAPTER III.

HOUSE TAX

27. As a general rule, the House Tax should form the backbone of a Municipality's income, but that is not so in Indore, where the House Tax yields only Rs. 3 lacs out of a total income of Rs. 30 lacs.

28. According to Section 21 (i), the House Tax is leviable as follows:—

> "A tax on houses, buildings or lands situated within the limits of the Municipality, not exceeding twelve and a half per centum of the gross annual letting value of the houses, buildings or lands."

29. In Indore, the assessment is generally on the basis of actual rent received. This is necessarily low on account of the Rent Control Order. Even properties occupied by owners are assessed on the basis of the actual low rent prevailing in the locality.

30. I may point out that the Act permits the Municipality to base the tax payable on "*the amount at which a property may be reasonably expected to be let.*" (Section 22 (b)). In other words, the Act has deliberately created as the basis of tax an *estimated* amount and not the *actual* amount.

31. As in other places in India, the Municipal Authorities in Indore have been under the impression that they could not revise the assessment of any property except after the passage of five years but on a close examination, I do not find that this is the case. House Tax Bye-law No. 16 which is relevant in this connection reads as under:

> "16: Subject to such amendments as may thereafter be duly made, the tax so assessed and confirmed shall be deemed to be payable from the 1st of October 1914, and the assessment shall remain in force for a period of five years from the 1st of October 1914. At the end of that period, the Municipality may either prolong the assessment for further period or make a fresh assessment."

32. In my opinion, the above Bye-law contemplates a five year period only at the beginning, namely, from 1914 to 1919 and thereafter gives the Municipality the power to make fresh assessment. This power is free and unfettered. As a matter of fact, the unsuccessful attempt of the Municipal

Commissioner, to get the following rule revised, would show that Government authorities have also erred in assuming that the five year period was binding on the Municipality after 1919 (vide General Minister's Office Notification No. 128/Mpl., dated 13th January 1930).

33. The original Bye-law stood as :

"17 : If, during the currency of the assessment any new house or building is constructed or any alteration or improvement is made to any house or building or land which may enhance the annual letting value of the same, the Municipality may cause such house, building or land to be valued or revalued as the case may be and such valuation shall remain in force, and the tax shall be assessed according to it, until the expiry of the period of assessment or until within that period another substantial alteration or improvement is made in which case the building or land may be valued again."

34. The Commissioner suggested in 1943 an amendment to the above as follows :

"If during the currency of the assessment, any new house or building is constructed or any alteration or improvement is made to any house or building or land which may enhance the letting value of the same, *or if the present valuation of any house or building or land appears to be low to the Municipal Commissioner, or if it is found that any house or building or land has been erroneously assessed through accident or fraud or mistake or mis-representation*, the Municipality may cause such house or building or land to be valued or re-valued as the case may be and such valuation shall remain in force and the tax shall be assessed according to it, until the expiry of the period of assessment or *until within that period the annual letting value of that house or building or land further increase or* another substantial alteration or improvement is made in which case the house or building or land may be valued again."

35. The modification which Government accepted then was :

"If during the currency of the assessment any new house or building is constructed or any alteration or improvement is made to any house or building or land which may enhance the annual letting value of the same or in cases where assessment has been obtained through fraud, accident or mistake, the Municipality may cause such houses, buildings or land to be valued or re-valued as the case

may be and such valuation shall remain in force and the tax shall be assessed according to it, until the expiry of the period of assessment or until within that period another substantial alteration or improvement is made in which case the building or land may be valued again, provided that no such alteration in the assessment shall be made unless one month's notice is given to the person affected thereby".

36. It is to be regretted that Government did not give sanction to a revision of assessment, whenever the increased rent justified it. This decision is unfavourable to the Municipality in financial matters and should be revoked at the earliest opportunity. In my opinion already expressed, the idea of a fixed five year period was not provided in the House Tax Bye-law No. 16. A fixed period of assessment is in any case a notion borrowed from Land Revenue Practice. In modern Municipal finance the power of the Municipality to collect House Tax according to the Act under which the Municipality functions is not restricted in the manner in which it has been restricted in Indore, involving a loss of very large sum of money to the Municipality for the last eight years.

37. As the original Bye-law No. 16 did not contemplate a fixed period of revision, the Municipal Council has the power of making a revision at any time and not merely on some of the grounds given above. In Bombay, even in the middle of the year, if enhanced rent is realised by a owner, enhanced taxes have to be paid by him. Revision every five years is a convenience but it is not a necessity.. The requirements of finance demand that those on whom the burden of Municipal taxes should justly fall, should not be able to evade it on the plea that it is not yet time for a re-assessment. I recommend that the law should be altered accordingly if in the opinion of Government's Legal Advisers the alteration is necessary. I do not think it is necessary. I think the Municipal Council can with the knowledge and approval of Government proceed to re-assess every property immediately and then re-assess at any time and for any reason there is an enhancement in the actual rent.

38. I would go further and say that Municipality is competent in the process of re-assessment in taking as the basis not the actual rent but "the amount at which the property may be reasonably expected to be let".

39. An indication of such an amount is available from the letting value of new properties (or even sub-letting rents in old properties). Some reduction could be given in such letting value for the immediate urgency and scarcity of space but the basis of assessment on the footing of 'expected to let' cannot be in most cases less than 50% over the actual rent.

40. The Municipal Council ought to be very jealous of the powers given to it by the Act. The Act gives the power of levying Municipal dues not merely on the actual rents but on " the amount at which the property may be reasonably expected to be let ". Such an estimated amount would enhance the House Tax in Indore to something unexpectedly high. I have, therefore, suggested that as a basis of re-assessment, the Municipality should take 50% more than the actual rent and then keep to the five year period.

41. If this alternative does not appeal to the Municipality and to the Government of Madhya Bharat, I suggest that the five year rule should be abandoned in practice and Bye-law No. 17 of House Tax Bye-laws should be modified as already stated in paragraph 37 above, so as to give the Municipal Commissioner the power to enhance the assessment of a property up to the actual rent, no matter for what reason the rent may have increased.

42. In this case the increased basis of assessment need not be 50% over the actual rent. It can be only the actual rent subject to correction and increase at any time, even in the middle of the year.

43. One useful indication of what the rent at which the property can be reasonably expected to be let can be the sub-letting value. Whenever a property is sub-let, the Municipal Authorities should revise the assessment on the basis of the sub-let value as that is the figure at which the property has been actually let though the money does not fall into the hands of the owner of the property. While the Rent Act lasts, if all extra taxation is passed on to the tenant, this will not be unfair to any party but would help to build up House Tax as the most important source of revenue to the Municipality.

44. The Municipality should immediately approach the Government for directions whether the re-assessment should be on the basis of actual rents with a change in Bye-law No. 17 permitting the Municipality to revise assessment any time or whether it should be on the basis of estimated letting value (which would in practice be much more than actual) with a restriction that the assessment should remain for five years. I recommend the first alternative because it will not put heavy burden on property owners immediately as the rents have been artificially kept down by the Rent Act since 1943.

45. The Indore House Rent Control Order, 1943, as amended upto 10th May1948, provides under Section 5 :

> " The Controller while fixing the fair rent under Clause 4 in relation to a house used for residential purposes shall not permit any landlord to charge a rate of rent which exceeds :
>
> (i) by more than 35% the rental value as entered or that should have been entered in the current house tax assessment tax-book of the local Municipality ".

46. The above clause has been framed without due regard to the Indore Municipal Act, Section 21 (i) which empowers the Municipal Council to impose " A tax on houses, buildings or lands situated within the limits of the Municipality, not exceeding twelve and a half per centum of the gross annual letting value of the houses, buildings or lands ". Section 22 defines the 'gross annual letting value at which it may reasonably be expected to let'. But for the intervention of the Rent Control Order, all properties in Indore would be reasonably expected to let at a much higher figure than the 35% provided in the Rent Control Order. The Municipality has a right to re-assess all properties at their reasonable letting value and increasing the taxes, even if the rent is kept down by the Rent Control Order. Even on this 35% increase permitted by Rent Control Order, the Municipality has not been able to collect assessment, because of the wrong idea about five year period of re-assessment.

47. I was told that the main reason why the re-assessment could not take place in 1945 was the interpretation of the Rent Control Order and the wording used therein with reference to the rental value. Whatever the reason may be, the Municipality has lost several lacs of rupees and would have a moral claim against Government for compensation in the form of an increased rent.

48. If Government wish to give relief to the tenants not merely against an increase of rent by the owner of the property but also against an increase of Municipal charges, Government would have to increase the grant given to the Municipality severalfold. Such an action would, however, be not in keeping with the action of Governments in other Provinces in India. I suggest that an increase of Municipal charges be permitted by re-assessment to today's letting value (at which it could be expected to let) and also by an increase of Rs. 2-15-6% in the rate of House Tax, making it 10% instead of Rs. 7-0-6%.

49. The House Tax revenue of Indore is as follows:—

1938-39	Rs. 1,18,421	Actuals
1939-40	,, 2,08,904	
1940-41	,, 1,67,967	
1941-42	,, 1,67,069	
1942-43	,, 1,84,532	
1943-44	,, 1,85,165	
1944-45	,, 2,06,162	
1945-46	,, 2,01,375	
1946-47	,, 2,05,607	
1947-48	,, 2,07,053	
1948-49	,, 2,40,000	(Based on estimates of six months)
1949-50	,, 3,10,000	(Estimated)

50. The revision of assessment was made in 1940 and it is reflected in the figures of 1941. A further increase occurred in June 1948 when the House Tax was raised from Rs. 4-11-0% to Rs. 7-0-6%. The effect of this could be seen in the figures of 1948-49 and 1949-50.

51. I recommend that the re-assessment which had been postponed through a mistaken idea that there could be no revision for five years should be undertaken at once.

52. I recommend that Government should give the loan to the Indore City Municipality of a Senior Officer who will be independent of all local considerations for the purpose of doing the re-assessment of the city and more specifically of the Mills and factories as well as vacant lands. This is of very great importance as experience everywhere shows that the local and permanent Municipal staff are unable to resist pressure and influence from local parties and more specifically from Councillors.

53. For the same reasons and without going specifically into detail, I recommend that the system of appeals against assessments being heard by a Committee of the Municipal Council is unsatisfactory. Public interest often suffers in such a system. The citizen should have some remedy against arbitrary assessment. An appeal against arbitrary assessment should lie in the Civil Court. Any Committee which the Municipal Council appoints for going into assessments should have the power to enhance the assessment in favour of the Municipality but not *vice-versa*.

54. If as recommended by me, the assessment follows actual rent and is revised every year, there would be little scope for appeal on assessment except in owner-occupied houses or in places which are sub-let at a heavier rent than that which the owner declares.

55. Many rents were increased before the Rent Control Order was imposed and many others have been increased subsequently by mutual agreement between the landlord and tenant so that while the owners of property are getting more rent, they are not paying adequately to the Municipality even according to the scale fixed in 1948.

56. I was told by the then President of the Municipality and others that the reassessment would increase the amount of House Tax yield from Rs. 3 lacs to Rs. 6 lacs.

57. Knowing my feeling that the House Tax should be the foundation of revenue of any Municipality and that it was particularly low in Indore, many people approached me and requested that any other tax should be

levied but the House Tax should not be increased. I appreciate the reasons behind this request because any increase in House Tax affects capital value of the property.

58. Owners of property have had to suffer one way or the other. Capital invested in any other form was left free by Government but Capital invested in property came in for strict control as to the rents which could be received.

Rent Control

59. The object of the Government in instituting the Rent Control Order was creditable in so far as they wished to help the population against an immediate and heavy increase of rents. But in several provisions of this Order, the tenant whom it was intended to help is not really helped because the conditions favourable for building houses have been destroyed. If it is the intention of the Government to let the savings of people and their capital flow into house building, they should do everything to encourage housing. Inspite of a large amount of paper talk and paper programmes on the subject, hardly the Government of any province has been able to create new houses at any significant rate of output. This is because Gevernment tried to regulate the rents of new buildings. Having faced all difficulties which a builder has got in these days, the owner of the property should be left free to negotiate with a tenant and to give it to him at whatever price he can get. In some cases, new properties are pounced upon by Government who are requisitioning instead of building properties required for their offices and the accommodation of their officers and others. Government have the money, the land and the engineers and they should immediately start on a building scheme or programme atleast to accommodate their own offices and men.

60. Government have not yet regulated the reward for enterprises and investments in hundreds of trading and manufacturing activities but they have been ill-advised to go out of their way to select house-building (which they profess to encourage) for the purpose of severe restrictions as to the reward which the owner will get. This respect for slogans has let Government into attempting the fixing the return in some places in India. According to the Rent Bill now before the Select Committee, Clause 3 (३) (3), it is provided that the return shall be 1/20th or 5%. When it is borne in mind that Government of India themselves have not been able to borrow adequately for their capital requirements at 3% during the last two years (when they have withheld from raising big loans in the market), it would be realised that Government could not have adopted any measure more

effectively discouraging the coming into existence of new houses than this! There are numerous difficulties which a man wishing to build has to face today. There are many kinds of uncertainties and all types of materials are not freely available. A house is also not a permanent property and deteriorates in value. To declare that the builders of new houses should be content with 5% maximum regardless of other circumstances and without *any* provision for depreciation, is likely to prevent building efforts altogether or to drive the builders of new houses into dishonest cooking of accounts.

61. In passing the Rent Acts, Government have taken a step which is fatal to the normal expansion of Municipal revenues. Governmet have not even a workable plan or programme as to when they propose to terminate the Rent Acts. In other words, they have destroyed the enthusiasm and the spring of enterprise which led to the construction of residential houses.

62. The least they could do in Madhya Bharat is to permit free letting out of new property and to let forces of supply and demand to balance themselves no matter how high the rents are. This will induce others who want to earn equally high rents to build new houses. Sometime in due course when the number of houses increases, rents will automatically come down.

Recovery From Tenants ?

63. In any case, the Municipal requirements of finance, which involves an increase in House Tax cannot be put on the owners of existing properties, who under the Rent Control Order are in some cases receiving very inadequate return. I, therefore, recommend that the extra tax payable to the Municipality by an increase of Rs. 2-15-6% should be recoverable from the tenant as had been done in Bombay. This is not an injustice to the tenant either. On a Rs. 100/- rent, the Municipality was getting Rs. 7/-. If the Municipality has to get Rs. 10/- or Rs. 12½ the rent should be increased to the extent of Rs. 103/- to Rs. 105½ but it continues to be controlled at that point against the owner of the property. The tenant should not therefore have any grievance and the owners of the property ought to be reconciled to the increased levy recommended. This is not unusual, as in some Western Countries, all Municipal charges are payable by the tenant.

64. I recommend an increase of Rs. 2-15-6% in the House Tax. I suggest that the increase should be Rs. 2-15-6% to eliminate the present awkward figure of Rs. 7-0-6% and to bring the levy to a round sum easy for purposes of calculation. This will more or less bring the Indore

Municipality in respect of House Tax in line with many other Municipalities of like size in India.

65. According to old assessment, it would only bring Rs. 1½ lacs. According to new assessment, it may be expected to bring Rs. 3 lacs.

66. But this increase should not be brought into effect until after the reassessment has taken place.

67. It is necessary to see how much extra the re-assessment yields. Unless re-assessment is done by an independent officer, I doubt whether the re-assessment would bring in Rs. 3 lacs more, as was indicated to me by some prominent Indore citizens. The Rs. 2-15-6% additional levy is recommended but it need not be put on till after the re-assessment has been made. It will be imperative in due course because Sinking Fund and Interest on Loan accounts and contributions and other obligations will mature and the Municipality will have to find the money for them.

Tax on Vacant Lands

68. Section 21 (i) specifically mentions:—

"A tax on.....lands situated within the limits of the Municipality not exceeding twelve and a half per centum of the gross annual letting value of.....lands".

Section 22 (a) says "In the case of land, the gross annual income at which it may reasonably be expected to let, from year to year".

69. The population of Indore city has been increasing. Large funds have been spent by the Municipality, the Improvement Trust and Government on works which have added to the amenities of the city and have attracted the additional population. As a result of this values of land in and around city have gone up considerably. Of this rise of land values no part at present reaches the Municipality through whose efforts mainly these values have risen. While I do not favour proposals involving confiscation of whole of such rise by a public authority, I recommend that a tax at the full rate of the House Tax should be levied on all vacant lands within the city limits. This will be in the nature of an incentive for more building. It will fall mainly on people who own substantial property in the newly developed areas and on factories and mills, who have impounded an enormous reserve of land intended for expansion. It will also fall on the owners of those agricultural lands, who have under a recent order been permitted to put up buildings on such lands. Those who benefit in this manner ought not to grumble in making legitimate contribution to Munici-

pal revenue. I expect that vigilant collection and assessment at today's value would bring the Municipality a very substantial sum.

70. Where a rule of local authority involves that a man has to keep so much land vacant, that land will not be liable to this tax unless it exceeds the amount which is compulsorily directed to remain vacant. In all other cases, excluding the area on which the building stands, land would be measured and its value estimated and the impost collected as suggested above. There is full legislative authority for this purpose.

71. I wish to see the amount of House Tax reach the figure of Rs. 10 lacs as early as possible with the increase levied on land and the re-assessment of factories on a scheme more just to the Municipality than the basis which has been in vogue so far. I expect the figure of Rs 10 lacs reached perhaps before it is found necessary to increase the rate from 7-6-0% to 10%.

72. Even then, Indore Municipality will be remarkable for the fact that the House Tax bears a relatively small percentage of the total than in any other Municipality of like size in India.

73. I have recommended a diminution in Octroi Duty and I am foreseeing a further diminution as and when conditions arrive until the octroi duty is only collected from articles reaching Indore City by rail. This lightening of the burden of taxation ought to reconcile the people of Indore to an increased House Tax. As a centre of trade, Indore will always hold its own in Madhya Bharat and in the interests of the city, it is better to put the direct levy on property than to rely upon an indirect tax which has the effect of diverting trade from Indore into neighbouring market-towns.

New Taxes

74. The cost of Municipal service has gone up. Important public works have to be undertaken with borrowed capital for which interest, depreciation and sinking fund have to be provided. The Rent Act has the inevitable effect of restricting the expansion of Municipal revenue. I have no alternative but to suggest the following new taxes:—

75. Sections 21 (ii) and (iii) read as follows:

Section 21 (ii): A tax on *persons occupying house, buildings* or lands within the limits of the Municipality according to their circumstances and property within those limits,

Section 21 (iii): A tax on *persons* exercising any *profession* or art or carrying on any *trade* or calling, within the limits of the Municipality.

76. These sections have not hitherto been utilised by the Municipality. Before an appeal is made to Government to help the Municipality financially, it is necessary for the Municipal Council to raise what they can by using the powers which are already given to them.

77. To correct the disadvantages arising out of imposition of Rent Act on Municipal finance, is also one of the objectives of the tax which I recommend hereunder:—

1. Every company, firm or individual engaged in business or trade in Indore, will pay in respect of his business Rs. 100/- per year. (under 21 (iii))
2. Every shop used by business men and professional men will pay to the Municipality Rs. 50/- a year. (under 21 (ii))
3. Every shop where goods are sold will pay Rs. 50/- per year to the Municipality. (under 21 (ii))

NOTE:—A party exposing goods in the weekly 'Hat' is not a shop.

4. All shops in Bada Sarafa and Chhota Sarafa and such other streets as the Municipality may determine will however pay Rs. 100/- per year to the Municipality. [under 21 (ii)].

Provided that the Municipal Commissioner may reduce this sum only to Rs. 12/- in the case of petty shops at his discretion.

Provided further that all big shops will have to pay Rs. 100/- per year. The standard to determine which is a big shop willl be what the Municipal Council fixes, such as, the frontage of more than 9 ft. or any other suitable stand.

No individual shall be liable to pay both the above imposts, except in Bada and Chhota Sarafa, if he is the sole owner of the place of business as well as the shop. But in the case of Joint Stock Companies and Partnerships payments would have to be made in respect of both the shop and the place of business.

If business is carried on from residential houses, it will also be liable to the levy of the shop tax.

5. Every Chamber of Commerce, business association, exchange or association of merchants or professional men should pay Rs. 150/- per year to the Municipality.

6. All men engaged in a profession, a list of which will be included in a schedule will be liable to pay a sum of Rs. 50/- per year to Municipality under 21(iii). This schedule would include doctors, lawyers, dentists, architects, licenced brokers, etc., but not public employees.

7. The Municipality may also institute a second schedule in which the parties should be called upon to pay Rs. 25/- per year to the Municipality which would include nurses, actors, barbers, washermen, etc.

8. Every association or club, by whatever name they are called, such as Samaj, Society, etc. whose object is not commercial, will pay Rs. 100/- per year to the Municipality, but the Municipal Commissioner may put smaller establishments of this kind in a lower schedule of Rs. 25/- only per year.

78. In the case of sweet-shops, restaurants and hotels, charges have been increased in 1948 and I do not therefore suggest any additional charges as such, except that they would be liable to business, trade or shop taxes in addition to the increased charges levied on them in 1948. The licence system in their case should be carefully re-examined with a view to compose conditions of cleanliness in the interest of public health and periodical inspection should be made. In the case of a levy on hotels and sweet-shops, the principle idea is not to raise money but should be to guard public health.

Suggestions Turned Down

79. Several members of the Municipality had ideas about increasing taxes other than House-tax which they seemed to be reluctant, and they made suggestions which I had to definitely reject as being constitutionally improper. It was suggested that a small levy should be made on the output of Indore mills cloth. This would be Excise Duty which under the Indian Constitution is reserved to the Central Government alone. Similarly, it was suggested that a small Sales Tax should be imposed by the Municipality. This also could not be done as Sales Tax is reserved for Provincial Governments, and in the case of Indore for the Madhya Bharat Government. It was put forward that the Terminal Tax was better than Octroi Duty. Since the Act of 1935, Terminal Tax is no longer available far levy by local bodies. It is continued only in the case of some Municipalities who were levying it before 1935.

Takhat Tax

80. The 'Takhat Tax' should be abolished. The open drain should be covered at foot-path level and the space used for foot path. This would improve the width of the road, reduce crowding and would be good from the traffic points of view. The projections are ugly. The amount

INDORE MUNICIPALITY.

Statement showing the income of the Municipality for the period 1933-34 to 1949-50

Year	Octroi	Wheel Tax	House Tax	Water Tax A	Water Tax B	Water Tax C	Conservancy Tax	Takhat Tax	Entertainment Tax	Performance	Motor Tax	Cycle Tax	Hackney carriage	Bullock cart & Telej	Private Tong Bugg	Dog Tax	Cattle licence	Realisation under Special act
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1933-34	—	19,033	1,10,025	63,405	—	—	3,073	9,820	9,371	6,100	—	—	34,835	—	—	—	—	3,506
1934-35	—	17,396	1,04,394	64,802	—	—	3,796	9,958	13,960	7,214	—	—	37,683	—	—	—	—	3,746
1935-36	—	17,961	1,13,983	63,638	—	—	5,596	10,937	12,472	6,552	—	—	37,794	—	—	—	—	3,121
1936-37	—	18,245	1,10,303	73,343	—	—	4,139	10,547	12,122	6,985	—	—	40,793	—	—	—	—	17,360
1937-38	—	16,479	1,03,488	68,616	—	—	3,662	11,206	12,939	6,951	—	—	43,642	—	—	—	—	3,340
1938-39	27,197	17,619	1,18,421	70,356	—	—	4,697	12,602	12,753	6,935	—	—	45,648	—	—	—	—	4,036
1939-40	80,716	14,915	2,08,904	1,21,752	25,800	—	8,391	12,740	12,637	6,532	—	—	51,156	—	—	—	—	3,500
1940-41	1,96,523	16,827	1,67,967	99,892	31,928	5,291	7,373	12,283	25,709	13,000	—	—	55,402	—	—	—	—	4,530
1941-42	2,95,012	21,126	1,67,069	1,30,736	24,487	19,983	6,580	13,220	39,497	17,610	—	—	62,156	—	—	—	—	6,775
1942-43	4,38,819	24,037	1,84,532	1,48,557	25,586	27,150	6,904	13,840	50,900	16,556	—	—	58,924	—	—	—	—	6,051
1943-44	4,42,386	21,967	1,85,165	1,36,019	24,281	25,823	5,509	14,865	91,502	20,797	27,473	15,168	5,256	14,599	2,7	—	799	8,945
1944-45	4,70,859	18,226	2,06,162	1,34,490	47,019	36,511	8,454	15,085	1,02,613	20,046	27,647	20,998	5,290	15,467	2,7	480	1,021	9,005
1945-46	5,10,851	16,865	2,01,375	1,33,223	31,419	33,582	7,432	14,022	1,21,427	23,567	29,688	21,013	5,676	17,282	2,8	355	928	13,707
1946-47	5,32,882	13,314	2,05,607	1,47,267	38 736	30,318	8,337	13,872	1,71 049	28,799	34,603	23,181	6,076	20,042	2,7	302	1,003	24,500
1947-48	8,23,813	15,988	2,07,053	1,63,318	38,695	26,242	7,754	13,525	1,88,581	31,851	53,850	24,625	5,846	20,541	2,3	317	2,319	21,116
1948-49																		
1949-50	14,00,000	15,000	3,10,000	1,70,000	28,000	28,000	8,000	14,000	2,20,000	37,000	50,00	22,000	5,000	20,000	2,4	300	3,000	15,000

* As a special case g

** Normal amount o

CHAPTER IV

CONSERVANCY AND PUBLIC HEALTH

81. Indore Municipality is spending Rs. 5½ lacs on this important subject per year and is receiving by way of conservancy tax only a sum of Rs. 8,000/-! This small levy is on the basis of charges fixed in 1926, since which date the cost of services has gone up enormously!

82. Section 21 (ix) permits of a Conservancy Tax to be taken having regard to the services given :

> Section 21 (ix) :—A latrine or *conservancy tax upon private latrines* or cesspools or upon premises or compounds cleansed by Municipal servants, or a tax for the maintenance of public latrines.

83. In 1909, when the Municipal Act was passed, the question of elaborate and expensive underground drains did not arise. Since then the drainage scheme has already been undertaken. Some sections are already operating. More and more part of the city will be served by the drain in due course. Sinking Fund and interest charges have become payable and the amount will increase as time goes on. To meet the extra cost which is likely to fall hereafter on the Municipality as well as to (partially) cover the deficiency in the present out lay on public health, it is necessary for the Municipality to levy a Conservancy Tax as indicated below. I have kept in mind the limitations provided in Section 23 in fixing the amount of the levy.

84. The expenditure after conservancy and public health work which the Municipality is incurring at present (1449-50) is Rs, 6,56,000/-. The annual contribution of Rs. 2 lacs towards the underground drainage work will start during the year payable for 10 years. After this the Municipality will have to further provide for Rs. 2 lacs a year towards the repayment of an amount of Rs. 20 lacs which the Government will be advancing to the Municipality. Interest charges which are estimated at an average of Rs. 20,000/- per year will be also payable from this year. As against the total of Rs. 8,76,000/- a year which the Municipality will be earmarking for conservancy and public health, the conservancy tax recommended by me will be bringing in a sum of Rs. 3 lacs only.

85. I, therefore, suggest a special levy of 4% as Conservancy charges on all properties (i. e. Houses and lands) in Indore. The rate has been kept

specially low, in order to avoid a sudden and heavy increase of local taxes, but after 12 months, the position may be re-considered. It is necessary that the Conservancy Tax should ultimately bring the total amount spent for the purpose by the Municipality.

Jagirdari System

86. This tax will involve a direct nexus between the Municipality and the owners of properties. Having become liable to pay the Conservancy Tax, they will be entitled to conservancy service wherever the drainage connection has not yet been given. Municipality must prepare to give such service, if and when called upon by the owner of a property.

87. Having become entitled to conservancy service from Municipality, the owners would naturally resent the continuation of what is known as the 'Jagirdari' system.

88. In several places in Rajputana and U. P., a similar system is reported to exist but otherwise this is a local, social and psychological problem. The solution of it solely on economic grounds and by pure administration methods would create irritation and discontent which must be avoided.

89. I have every sympathy for the hereditary workers and sweepers who are doing a class of work where they are not easily replaceable. I recommend that nothing should be done to reduce their earnings individually, that is to say, nobody should earn less than what is Municipality giving for this kind of work but the present system cannot be tolerated any longer. It is against the interest of society. It is opposed to the fundamental notion of a Municipality by which conservancy and public health becomes a collective affair. It would be as absurd as the suggestion that everybody should repair the road in front of his house and put light on the street. Similarly no property owner can be left to get his cleaning up done by himself.

90. In practice, it was reported to me that there are not enough adequate men employed by Jagirdars. They are employing little children ! The cleaning is not thorough and foul material is sometimes being emptied in the open still-water drains. This is a state of affair which cannot be continued any longer without grave danger to the health of the city. The fact that no serious epidemics have hitherto broken out may be due to Indore being on high altitude or some other advantageous circumstances. But there is no guarantee that, if these conditions are continued, a serious outbreak cannot take place. In fact, members of the Medical Association

who saw me emphasised that the cleaning up of the city and the conservancy was very defective.

91. While all property owners should therefore be liable to Conservancy Tax, the issue between them, Jagirdars and the Municipality can be settled by negotiations, if the Minister for Public Health would invite representatives to a conference and sift the issues. The principal aim should be to get all the workers of the Jagirdari system engaged in the Municipality on the usual Municipal terms.

92. The monopoly right to clean certain streets or certain properties passing in a hereditary manner is as objectionable as the other monopoly rights. That such privileges have become the subject matter of transfer, sale and mortgage offers a peculiar but sad commentary on a social policy, which has failed to adjust itself to modern conditions. I have every sympathy for the poor, particularly because speaking for India as a whole, this kind of service has been hopelessly underpaid in the past. The abolition of the system which I am recommending is not on financial grounds or with any desire to save money. In the final adjustment, if the Municipality has to spend a little more money, to get contented and competent workers, let them do so. But this work must be done in future by people, who are under the control of and the employment of the Muuicipality. In modern urban life, conservancy is a collective affair to be handled by the Municipality.

93. I was told that the abolition of the Jagirdari system would place upon the Municipality the liability for financial compensation. This is absurd because the Municipality is only going to do the function for which it has been created in law and carrying out obligations with which it has been charged, namely, to attend to conservancy and public health of Indore. The levy of the Conservancy Tax is entirely within the province of the Municipality and is necessary to meet the increased cost of service as well as anticipated heavy payments on loan account. If the owners of property find that they have to pay to the Municipality in any case, they will seek to discontinue the existing arrangement known as the Jagirdari system. Legally, there will be no obligation on the Municipality for compensation but morally I recommend that every adult sweeper at present, who can show that he has been working in Indore for three years, should be guaranteed employment by the Municipality on the usual Municipal scale for full time work, for a period of two years.

94. I have limited the obligation to two years deliberately because with an increasing number of houses connected to the drainage, need for

personal service will be less and less, though for street cleaning and for open drains and for many other purposes a large number of employees will still be required.

95. With the levy of 4% of Conservancy Tax on every property the existing charge of Rs. 2/- per Bungalow per month bringing Rs. 8000/- a year will be eliminated. It may be noted in passing that in my opinion Rs 2/- per Bungalow per month did not cover the direct cost of service incurred by the Municipality.

96. As a justification for the proposal for a 4% charge on house property in respect of conservancy, it is expected to yield something like Rs. 3,00,000/-, which is still substantially lower than the present cost incurred in conservancy and public health not to mention increased demand on loan account as more and more capital is spent on the drainage scheme.

97. The present outlay of Rs. 6½ lacs per year on public health is likely to increase, if full effect is given to the measure suggested above. Some of the Jagirdar sweepers are already in Municipal employ, but quite a large number would be added, if the compromise reached involves the employment by the Municipality of every adult sweeper at present functioning under the Jagirdari system. It is difficult to estimate the additional burden, but it would be of the order of Rs. 1 lac. As the drainage scheme makes progress, there would be a gradual reduction in the total outlay on public health of about 1 lac of Rupees because of elimination of personal service and cartage of night soil. There would be an immediate saving as soon as the public latrines are connected to the drainage. With the increase of City limits, the additional men (if any are left after the normal reduction through death or retirement) will be absorbed in useful Municipal work.

CHAPTER V

WATER

98. Indore is very lucky in having the Gambhir Water Works well-planned and well executed. At present the supply of filtered water is available to the extent of 7,000,000 gallons daily, adequate roughly speaking, for a population of 400,000 provided there was sufficient power for pumping. The subsidiary water works in charge of the Municipality are also of material help but I recommend that a fresh estimate should be made of the requirement of the city for 500,000 people and some kind of tentative scheme should be in hand for the additional supply.

99. I have a suspicion that the water-works is running at a loss to Government because the full supply required by the public cannot be given to them. This position should be put right as soon as possible.

100. In order to meet the demand and to make the budget of the Water Works less unfavourable than it is now, I also put forward the suggestion that a special diesel plant should be installed to enable the pumps to send more water to Indore. The cost would be recovered in a short time and the convenience to the public would increase very greatly. Adequate supply of water is a definite pre-requisite of public health of the city.

101. The position of the Municipality in the matter of water is very unsatisfactory as the figures will show on the next page:—

102. At six annas for a 1000 gallon, the rate of supply is relatively cheap. In Bombay, the Mills have to pay Rs. 1-4-0 for a 1000 gaillon. It is undesirable that Municipality should continue to make a free gift of water to the people generally and more specifically to the factories and industries. I, therefore, recommend that the rate should be raised to nine annas per 1000 gallon with immediate effect.

103. Use of filtered water for cleaning is wasteful. Supplementary Water Works should be created on the South side of the city, to that the water will come by gravitation and the unfiltered water from them should be used for cleaning purposes. The duplication of the mains for supply of this water is inevitable in order to conserve the filtered water and to supplement the supply more particularly to suburbs in South and East

Table showing the collection of Water Tax by the Indore City Municipality and the cost incurred by them for the supply:—

Year	Receipt of water tax (through all sources).	Cost incurred on contribution to Government, Establishment charges and Maintenance of the other two sources of water supply, viz, Bilaoli and Sirpur,	Loss sustaind by the Indore Municipality in the supply of Gambhir Water works. since 1939.
1933-34	63,405	11,480	...
1934-35	64,802	13,435	...
1935-36	63,638	11,022	...
1936-37	73,343	11,911	...
1937-38	68,616	10,827	...
1938-39	70,356	10,769	...
1939-40	1,47,552	2,34,356	86,804
1940-41	1,37,111	2,43,025	1,05,914
1941-42	1,75,206	2,46,277	71,071
1942-43	2,01,293	2,55,022	53,729
1943-44	1,86,123	2,61,864	75,681
1944-45	2,18,020	2,66,346	48,326
1945-46	1,98,224	2,69,815	71,591
1946-47	2,16,321	2,44,614	27,293
1947-48	2,28,255	3,00,666	72,411
1948-49 (based on actuals of 6 months)	2,43,482	3,35,627	92,145

and to Mills. In anticipation of the growth of population Municipality should have survey made as to how much more they can get from Sirpur and Bilaoli, after overhaul and improvement and from the two reservoirs suggested in Chapter Eight.

104. I understand that the unmetered connections are being abolished as soon as more of the meters are available. Its rapid abolition is recommended, because it leads to wasteful use of water.

105. The increase of three annas suggested above, bring in ultimately in due course about Rs. 75,008/. It will still leave the Municipality short on account of the water service provided to the city. The position will be still unsatisfactory, because, while it is undesirable to earn something from providing a service so useful as water, it is equally unsound to leave the total outlay uncovered by the revenue derived in respect of this service.

106. I, therefore, recommend that certain categaries of users, who can bear the extra charge should be singled out for an *additional 33% surcharge*

on the water bill at the rate of nine annas. Amongst these should be factories and industrial establishments, hotels clubs, and boarding houses.

107 The raising of the charges from 6 annas to 9 annas per 1000 gallons will only affect about one-fourth of the connections and will not bring in a substantial sum in the beginning. It is for this reason that the installation of new meters must be expendited.

108. The meter rent fixed by the Indore Municipality is on the law side. It is the only fixed charge which the owner of a property pays in respect of water.

109. I have worked on the assumption that 9 annas per 1000 gallons would bring to the Municipality a substantial increase in revenue from water so as to cover the loss indicated in the statement above. But, if on more close calculation, it is found that the loss will not be fully covered I would recommend a fresh upward revision of this rate until the Municipality balances its outgoings with the incomings in respect of water.

110. The practice of giving water connections directly by the Public Works Department on behalf of Government to mills and industrial concerns should be forthwith discontinued. All water connections within the Municipal limits must be from the Municipality just as even Government and public buildings are at present supplied with water by the Municipality. It is not merely a question of the loss of Municipal revenue on water but on principle also, no consumer of water should get an indirect connection which really belongs to the Municipality whose water service is at present running at a very great loss.

CHAPTER VI

OCTROI

111. There was considerable discontent with the Octroi Duties. The complaint was that they were too high and they were diverting the trade of Indore to competing mandies in Ujjain and Dhar.

112. Octroi Duty as a source of revenue was legitimate and useful in the old days but the tendency of modern thought is to do away with all impediments to free communications and commerce. There is also another aspect that instead of indirect taxes, people should be gradually accumstomed to direct taxes, so that they may have a more vivid realisation of their duties and obligations as citizens.

113. Under the present condition of Indore Municipality's finance it is not possible to recommend the abolition of the Octroi Duty, but the aim should, be in due course, to eliminate it at least on material which comes by road and to confine the duty to a few articles arriving by rail.

114. The object is also to reduce the cost of collection and more specifically to make smuggling difficult, if not impossible. At present, there was a suggestion from many quarters that evasion of Octroi Duty was taking place by organised gangs who were engaged by unscrupulous merchants. Immediately, I would suggest the following modifications in which I have kept in mind the desirability of reducing the duty on those things, which can be easily smuggled and in which diversion of trade from Indore was complained of.

115. The duties at present are indiscriminate, not only for articles which enter the city for local consumption but on articles which are received at Indore and distributed over a wide area. From the internal evidence of the amounts collected, it is obvious that the full amount of duty is not falling in the hands of the Municipality. For example, I find in vegetable ghee the duty collected from October to March for 6 months at Rs 3/- per maund is only Rs. 2,035-9-3 (Item 28). Having regard to the size of Indore and consumption of this article mainly for the preparation of 'mithais' the quantity indicated from this collection is very low.

116. I had heard from many sources that there is a considerable evasion of the octroi levy. There are numerous means of entering the

city and of avoiding the 28 nakas where the octroi is collected. But the evil is definitely on the increase and I was informed that there are organised gangs who undertake to smuggle goods and who sometimes threaten the Municipal employees at the nakas. This is an intolerable state of affairs. The Municipality ought to see that they receive special assistance from police, both in uniform and in plain clothes, and the organised gangs must be broken up. I was also told that the employees of the Municipality in the octroi nakas should be given more powers. I do not approve of that suggestion but heavy and exemplary punishment when smugglers are caught would meet with the requirements of the situation.

117. In the case of octroi, the point to bear in mind is that the rate of duty should not be high with regard to any article. The 6¼%is in my opinion too high as an octroi. An attempt should be made to work down this rate as and when Municipal finances permit. The other point of convenience is not to levy the duty on all articles and even on many articles. The Indore Schedule of Octroi practically covers everything. It is also undesirable to put the duty on articles of great value which can go in small bulk. Illustration of this is the duty on silver and silver, articles (yield in 6 months Rs. 513-3-9) and gold and gold articles (yield in 6 months Rs. 462-0-3). Having regard to the position of Indore as a great distributing centre for gold and silver, I recommend that duty on gold and silver and gold and silver articles (items 34 and 35) should be removed.

118. The duty on item 10 cigars, cigarettes and snuff, should be reduced from Rs. 6-4-0% to Rs. 3-2-0 %. Similary the duty on item 13 photographic cameras, plates, films etc., medical appliances and scientific instruments, should be reduced to Rs. 3-2-0%. On items 18 and 19, unmanufactured brass, copper, iron, tin, zinc, aluminium and all kinds of metallic scrap, old news paper, wrapping papers and boards, the duty should be removed altogether.

119 It has been claimed by the Mills that they are contributing heavily to the octroi collection in Indore. They mention numerous items which they are using and claim that they are contributing about Rs. 3 lacs indirectly on coal and other stores used by them. Having regard to the fact that their contribution to the Municipality in other ways is extremely low, there is no reason to complain. The amenities and facilities offered by Indore, which have been created at public expense, are being used by them and on the whole the burden of tax on Indore mills has been very low. In order to compensate for the loss at revenue to the Municipality by the changes suggested above, I recommend that the duty on coal and coke

which is at present 7½ pies per maund should be raised to 12 pies per maund.

120. I find that item 22 opium, ganja, bhang, charas, etc, & other intoxicating drugs, has not yielded anything. This is very curious?

121. Item No. 2. foreign liquor (including liquors, wine, beer, rum, whisky and all alcoholic drinks containing more than 2% proof spirit), country liquor (including tadi) has yielded only Rs 16,866/— inspite of the high rates of levy. This definitely points to the existence of heavy smuggling. I may remark that in due course, small as the yield is, this item will disappear.

122. The increase of the limits of the city would involve several changes in the octroi collection administration. I think it would also make smuggling more easy and increase the cost of collection. I also think that the continuation of the internal customs duty in Madhya Bharat cannot go on very long and, in due course, Madhya Bharat customs would be abolished. In anticipation of such abolition, the trade of Indore would get a check for some time as merchants would defer getting goods from outside. This is also going to affect the collection of octroi by the Municipality.

123. It is for this reason that I have suggested in due course and ultimately to continue the collection of octroi at a low rate to articles coming by rail. In the meanwhile, duty should be reduced on articles capable of being smuggled and it should be increased on articles which are brought in gross bulk, which will be noticed when they are being brought in.

Warehouses at Siyagunj

124. With the abolition of free 'gunj' the position of Indore trade has become more difficult. This would also affect indirectly the octroi revenue.

125. Instead of the present system of refund on goods which are going outside, what was at one time Holkar's territory, the system should be re-cast to give a refund when goods are going out of Indore city.

126. As an additional facility to merchants, I recommend that warehouses should be instituted by the Municipality in Siyagunj area, where goods brought in by merchants could be stored. The full cost of such storage should be recovered from merchants. Full octroi duty should be collected in the first instance but on a declaration that the goods are being sent out of Indore, the octroi duty should be refunded. Such proof as the Municipality likes to get that the goods were actually sent out of the

city and not diverted into the city by another route should be forth-coming and there should be heavy penalty for wrongful declarations. This will enable numerous items which are not intended for local consumption to be brought in and to be distributed in the surrounding areas from these warehouses. Municipality can also derive some revenue from the warehouses in fixing the scale of charges. This is a step which will help the mercantile community considerably.

127. Complaint was made by the Chamber of Commerce and business associations that the Octroi authorities levy the duty not merely on the invoice but on all the other expenditure incurred by the parties including heavy freight sometimes by lorries. It is true that strictly the octroi is leviable on the total cost of the article. On the other hand, it is both convenient and proper that octroi should be charged on the invoice value. The reason is that the levy and collection should be smooth. There should be as few questions between the Municipal authorities and the assessee as possible. There should not be any controvercy. I, therefore, recommend that where the invoice is in order and there are no circumstances arousing any doubt, the octroi duty should be collected on the invoice value.

128. I do not claim to have gone into the relative position of articles on which octroi is levied and collected in Indore. Since I regard this source of revenue as one which will progressively diminish in importance by one reason or the other, I have not considered it necessary to overhaul the whole schedule. I have thought it desirable to recommend that collection of octroi should be confined to a few articles arriving by rail.

129. I must mention that the conception of octroi duty in Indore is materially different to that which obtains elsewhere both in India and abroad. Octroi is supposed to be a levy on the consumption of the local population and generally, the items of such consumption are food materials including grain, sugar and oil, which I find are altogether excluded from the schedule in Indore. This is through a wrong idea of taking duty on "Luxury articles". Even the poorer use some of the things now taxed, but the evasion of duty becomes easy articles of small bulk with relatively larger value.

130. From the point of view of pure collection and avoiding difficulties of evasion, I would recommend an octroi duty on raw cotton entering Indore at a very low figure. So powerful were the mill interests, that the Municipality's original proposal of 8 annas on a bale and 4 annas on a bori was reduced to 4 annas and 2 annas respectively. It is regrettable that Government refused to give their sanction even to this. I now recommend that a duty should be levied at Re. 1/- per bale and /8/ annas per bori. This

would enable the Municipality to eliminate octroi duty on several heads in the octroi schedule. In due course, I suggest the appointment of a small committee to consider this question not merely in relation to the finance of the Municipality but to the trade of Indore city and the general position of customs in Madhya Bharat.

131. Inspite of the fact that octroi duty on cotton and increased octroi duty on coal will bring to the Municipality about Rs. 2,50,000/-(two lacs and fifty thousand rupees). I still think it necessary to write down the octroi yield within the next ten years by an average of Rs. 2 lacs per year. I expect this fall in the yield because prices will fall and there will be a trade depression, which will reduce the imports and the consumption. Rival trade centres might also take away some of the trade. My general recommendation is that on those articles on which yield is very low, duty should be removed. This matter may be considered by a Committee of the Municipal Council who may reduce the octroi duty levied and revise the schedule.

CHAPTER VII

CITY LIMITS AND OTHER PROBLEMS

City Limits

132. In order to look ahead a few years and to provide for the inevitable growth of Indore, I think it is desirable to extend the city limits to a radius of 5 miles from the Palace. This should throw additional obligations on the Municipality but it will control and prevent haphazard development.

133. Even outside this Municipal limit, if there are any areas where buidings go up, such as Jayarampura and Gandhinagar, it is desirable to include these in the Municipal areas so that building may take place according to Building Rules and on sound lines and also health conditions may be maintained. If an epidemic breaks out in the mill area, it would be a menace to the whole city. Besides the new areas would not have the vision to plan and the engineering skill. If any service is given to them they should be liable to full Municipal taxes.

134. In view of the fact that Government of Madhya Bharat will not have big money for many years to give to the Municipality for various necessary developments, the least they can do without any immediate financial outlay is to give to the Municipality all lands belonging to Government in the new city limits. This applies more specifically to the areas hitherto in the occupation of the military.

135. The Municipality has to provide in due course for public parks, botanical gardens, zoo, museum, maternity homes, infectious diseases and isolation hospitals and many other public amenities. Some of the land would be let out by them in order to attract more capital and house building. I suggest that such lands, as and when required, should be let out on the basis of 99 years rental of 5% on the present market value.

136. The tendency to crowd in cities has got an enormous impetus by recent political and social changes. Many centres of interest in the moffusil have come to an end. Now the Princes, Jagirdars and others are settling down in cities. Indore offers a unique attraction through its equable climate for about 10 months in the year, being 1800 ft. above sea-level,

Many acadamies, medical colleges and other institutions might also be attracted to Indore if suitable and developed lands were available, with the drainage and water supply laid and the possibility of getting electric power.

City Improvement Trust Board

137. The improvement Trust of Indore has done useful work as could be seen from the following tables:

Statemente of the schemes under execution

Name of the scheme and Number	Probable expenditure	Probable realisation	Remarks
	Rs.	Rs.	
Palasia II C	2,65,190	3,32,050	Excess scheme
Pagnis Paga VIII	80,000	1,00,750	—do—
Sukhlia III-3	78,626	48,626	Deficit scheme
Harsiddi V A	51,177	19,579	—do—
Rajmohalla IX	3,07,175	2,96,384	—do—
Traffic Route No. 1 Scheme No. X	2,04,000	1,35,565	deficit scheme
Traffic Route No. II Scheme No. IX	18,52,600	11,75,401	—do—
Extension to Prince Yeshwant Road, XV	1,15,000	1,10,000	—do—
Traffic Route No. V Scheme No. XXV	3,42,900	3,38,470	
Siyagunj Extension on II, Scheme No. XVII	12,61,110	12,61,110	Govt. sanction awaited
Total Rs. ...	45,57,778	38,17,935	

Actual Expenditure uptodate	Rs. 21,40,562.
Actual realisation uptodate	Rs. 23,12,635.

Statement of Schemes Completed.

Name of scheme and number	Probable expenditure	Probable realisation	Remarks
Manoramagunj & its extension.	30,555	1,60,423	Excess scheme. Transferred to the Municipality. Large excess due to extraordinary price offered by Sir Seth Hukumchand for one plot.
Palasia II.	13,437	38,134	Excess scheme.
Palasia IIA.	305	15,520	-do-
Palasia IIB.	9,696	29,650	-do-
Shehalatagunj IV	67,321	99,577	-do- Transferred to the City Municipality.
Prince Yeshwant. Road V.	1,09,326	1,77,825	-do- -do-
Neutral Zone	11,793	50,886	-do- -do-
North Tukogunj & its extension.	33,470	54,756	-do- -do-
Harijan Colony. No. I.	79,415	79,445	-do- These schemes were executed by donation from the privy purse of H. H. Maharaja Yeshwantrao Holkar.
-do- No. II.	51,692	51,950	-do-
-do- No. III.	47,260	52,446	-do-
Siyagunj Extension, Scheme No. 1	52,070	92,587	-do-
Modernising Mal Godown Road.	79,385	51,650	Deficit scheme. Deficit was made good by Municipal contribution, Transferred to the City Municipality.
Biscoe Park.	29,620	25,720	Deficit scheme.
Total Rs. ...	6,15,375	9,80,569	

138. Its work is still continuing in several schemes which would have long ago completed but for the interruption of the War and the difficulties of getting building material.

Agricultural lands made eligible for building.

139 Agricultural lands inside city limits, belonging to Jagirdars and Inamdars have suddenly been declared as eligible for building purposes In the light of previous recommendations to tax vacant lands which could be built upon but which remained vacant, the owners must be made to pay House Tax on the greatly enhanced value which these lands now bear.

140. While the availability of new plots for building purposes must be welcomed because it would be an inducement for more housing to be put up, I must remark that there is a risk of haphazard development or lack of development on account of this order. The Improvement Trust has been laying out schemes and making plots available. The rapidity of sale of these plots is bound to be affected, but the Improvement Trust has been making roads and provision for all amenitities, whereas private persons are reported to be selling plots on paper before making the necessary provisions for roads, water, drainage and other amenities. I therefore suggest that no private scheme be permitted by the Housing Commissioner untill he is satisfied that the scheme is sound also the private party has deposited with the Municipality enough funds for making the roads as provided in the plan. The estimates etc., should be secured by prior consultation with Municipal Engineers. If this is done, the danger is that the roads may be made too 'kutcha' and therefore not lasting. There is a further danger that promotors of such schemes may use up the funds realised for other purposes and may ultimately repudiate their liability for making the nesessary roads.

141. Developement of land by making plots requires skill in planning which all private persons do not possess and it is the interest of the city which should be safe-guarded in the manner indicated above and no bonafide scheme should be retarded. The erection of a house must be sanctioned where a building is being put up by the owner of the land bonafide for his own use, provided he has set aside a proper appoach to the house from existing Municipal road.

142. I fear the work of the Improvement Trust will suffer on account of the recent permission to agricultural lands in the city limits to put forward their own schemes. Thus private Inam and Jagir lands have appreciated enormously in value through public expenditure and improvements and the whole of the increase of this value is being given away as a free gift to these private individuals. Many private schemes for land disposals for enterprises have proved weak, haphazard and unsuccessful

There is no harm in any Inamdar or Jagirdar building a house for himself but if he is making roads, laying out plots and selling them to the public, all these should be on lines which the Improvment Trust has been doing. The specification of the roads should be the specification of the Municipal roads. It is *also necessary* that the rate of disposal, both in quantity and in price, should not be such as to hurt similar schemes undertaken by the public bodies like the Improvement Trust. It may be noted in passing that all the lands which were agricultural and which have now become eligible for building should be liable from the date of that order to the Municipal Tax at the rate of Rs. 7-0-6% on 5% of the estimated market value of these lands which has gone up enormously (as shown in Chapter Three). The municipality should collect these dues immediately from all lands within their limits from which bulding restrictions have been removed. Municipal records would have to be maintained in respect of these lands and transfers should not be entertained until Municipal dues have been fully paid. Water supply and other facilities could only be laid when there is nothing due against the owner of these lands to the Municipality in respect of these taxes.

Minimum size of property and living room.

143. There are other suggesions not involving the question immediately of finance but bearing on the public health of the city which I should like to put forward for the consideration of the Municipal Council.

144. It is necessary to provide a larger minimum size for a household as well as for a living room. Many houses in the crowded part of the city appear to be small with a frontage of about 8 ft., probably due to sub-division under Hindu Law. Municipality should prevent the re-erection of such houses or even substantial repairs which would keep them going. They should envisage these small houses being absorbed or acquired by the neighbouring property so as to make a building of reasonable size, providing for suitable light and air. The alternative would be acquisition by the Municipality of the land only at a maximum price to be fixed by law from now for this specific purposes. Property of this description will be marked by a special survey and the requisite notice under law of such acquisition should be given from now. The maximum price may vary according to the locality. Even if the building is used for business purposes or some storage, this rule should be enforced.

145. The Improvement Trust has in most cases in Indore only acquired ground required for the road purposes. In cutting through various routes, all the lands on the two sides of the newly constructed road

have got an extra fillip in value over and above the tendency of land value to rise in everywhere. In other words, the expenditure of public funds has involved a free gift of big value to the owners on the two sides.

Building line under Improvement Trust Roads and modifications as to height restrictions.

146. A free gift appears to have been made in the case of Route No. 2 to owners of property abetting on the magnificient new street which has been cut out at public expense. City lands were in any case rising in value but this extra-ordinary fillip which has been given has led to a rise in the values of the immediate surroundings of the new roads to 5 or 7 times of its original value. Of this no benefit reaches the public authority which has incurred the expenditure.

147. I, therefore, recommend that with the exception of buildings which are now already standing there or of buildings the construction of which has commenced, and in the case of all new buildings, a set back of at least 5 ft. should be imposed on both sides. On this area no building will be permitted but this area will continue to be the property of the owner who can use it at the ground level. This would form a reserve in the event of the road being further extended at any time by the Municipality.

148. The Municipality should further have the right (where necessary by change of rules of law) to permit one more storey on these lands on the payment to the Municipality of a sum representing 1/10th of the total value of the land on the date when the permission is sought. These values should be ascertained and noted down for the guidance of the public. The Municipality would thus get not only extra assessment on the letting value but a certain amount of capital as the building construction goes on. The extra height would not interfere with the city's amenties as the width of the road is already increased by the above provision by 10 ft.

149. The sanctioning of building on the new route roads by the Improvement Trust Board should be discontinued and as the Municipality is finally concerned, the plans should be submitted to and sanctioned by them and the Improvement Trust Board should be relieved of direct responsibility. I expect, however, the two authorities to act in close consulatation.

Building line and minimum size of improved streets.

150. Widening of streets in Indore is costly and therefore impossible beyond the Improvement Trust schemes now in hand. I, therefore suggest that in a certain number of streets at right-angles to Route Nos. 1 and 2 a building line should be imopsed from now making the street 20 to 26 ft. wide. The owners of properties on both sides should be informed of this building line and a notice should be given by the Municipality that they would acquire this strip of land for addition to the street as and when the old building is pulled down and new ones constructed in its place. Legal authorities should be consulted by the Municipality and if legal provision is required, Government ought to make the necessary legal provision by which the notice from the Municipality from now should rank for the purposes of acquisition as notice of acquisition and value to be paid by the Municipality would be the value of the day when the notice is given.

The two rivers.

151. The two rivers which are joining in the middle of Indore are dry for most part of the year and have pools of water which are insanitary. In some cases, the open drains of the city run into the river. The river area which is being used by various persons for other purposes is foul. Breeding of mosquitoes is taking place. Ignorant persons use the water for bathing and for washing clothes. It is necessary to prevent all these in the interest of the city health.

152. I may state that various ideas have occurred to Municipal authorities. In particular they have thought of the removal of the loops and straightening of the course. This is to my mind an imperfect scheme leaving consequent problems. I would like to suggest that a close examination of the whole question should be made so that even if the schemes are put off at the moment by reason of expense or other reasons, they should fall into a complete plan as and when final effect is given to them so that the city would materially improve and other amenities would be created.

153. I recommend that a special engineer should be detailed to map out the course of the two rivers as they pass through the city and for 3 miles outside. A possibility of diverting the two rivers wholly or partly before they enter the city should be explored. The possibility of having two new reservoirs outside the city where surplus water of these two rivers would be blocked and stored for use of the city should also be considered. For the Mills, suburban bungalows and new colonies, water for non-drinking

purposes would be supplied in this manner at relatively less cost as no pumping will be required and no expensive filtering will be done.

154. If and when this is done, a provision would have to be made for the river area inside the city to take away during the rains the storm water collected from the city on both sides of the river. This much would not require, as far as I can see, more than a channel of 8′ x 8′. On the one side of such a storm water drain, a wall of 2 to 3 ft. height should be made against which all the debris will collect and the gap will be filled up in due course. On the other side should be constructed a highway of 40 ft. in cement concrete. On the other side of road should be equally a wall of 3 ft. high against which the debris coming from the city drain would be collected and gradually there would be terraces on both sides. If there was a flood at any time, there would be a 48 ft. channel for the flood water to run away. It would not do any damage to the cement concrete road if its flow is unimpeded.

155. If this arrangement is made, the loops of the rivers should be eliminated.

156. The average space in the river is at no place less than 250 ft. In some places it is even much more.

157. The whole idea of the scheme should be to reclaim the rest of the land some of which would be extremely valuable building site. In other cases, some of the terraces could be turned into gardens, etc., for public use.

158. The success of the scheme would depend on careful calculations but mainly on the prevention of the water which has fallen outside the city area from entering into the city area except under controlled conditions, that is to say, from its diversion from the reservoirs. There is a North-Eastern nalla which is also flooded but which could be cleaned up and used for such diversion as it is near the city limits towards the way to the Water-works.

159. After the scheme has been reviewed and prepared and estimate have been brought out, the Municipality should consider the cost. The scheme could be given effect to in small sections and also so as to be finished as a complete whole in due course.

160. If the demand for lands and building sites persists, the scheme may balance itself. In any case, a valuable channel of traffic at a low level right across the city would be created which would help traffic

generally but more particularly through traffic. The most important consideration, however, is that one of the standing menaces to public health and the cause of mosquitoes would be eliminated.

Markets.

161. The income of the Indore Municipality from Markets is Rs 30,000/- It is extremely limited. In other Municipalities, a larger income is made but correspondingly larger facilities are given for the public. I have suggested the institution of a large central market. The tendency of the modern age is for a man or a house-wife to get everything in one place. Not only vegetable and food items but all other items should therefore be catered for in that market and if that market is kept clean and if there is protection, the Municipal market ought to be more popular with buyers than shops located at some distance from each other in specialised centres which exist at present.

162. Not only should a central market be instituted, but two other markets shoud be put up for new localities which are growing up outside the old city, one towards the West and one towards the East. The design of the market should be particularly attended to so as to make maximum convenience available both for the stall holders as well as for the public. Care should be taken that not far from the market is the stand for public vehicles as well as the parking space. I should expect the Municipality to make in due course from the markets an increased net revenue of not less than Rs. 1,000/- per month.

CHAPTER VIII

MILLS AND FACTORIES

163. The following is the table of Payments made as House Tax by the Mills in Indore :

Name	Average No. of Persons employed daily	Whether worked by mechanical power or not			Municipal Assessment	
		Looms	Mechanical Power	Spindles	Assessed value per month	House Tax amount per year
					Rs. A. P.	Rs. A. P.
The Indore Malwa United Mills Ltd.	Day 3530 Night 2526	1452	–Do–	53130	6407 1 9	5406 0 0
The Hukumchand Mills Ltd.	Day 3327 Night 2499	1493	–Do–	44388	6339 8 10	5349 0 0
The Kalyanmal Mills Ltd.	Day 2975 Night 3154	1144	–Do–	36412	4695 1 9	3961 8 0
The Rajkumar Mills Ltd.	Day 1736 Night 1235	704	–Do–	19728	2919 1 9	2463 0 0
The Nandlal Bhandari Mills Ltd.	Day 1836 Night 1417	789	–Do–	28548	4597 5 4	3879 0 0
The Swadeshi Cotton and Flour Mills Ltd.	Day 1035 Night 1318	389	–Do–	15332	2112 0 0	1782 0 0
The Rai Bahadur Kanhaiyalal Bhandari Mills Ltd.	Day 977 Night 548	351	–Do–	16084	1514 10 8	1278 0 0

164. These may be compared with the payments made by representative Mills in Bombay.

Name of Mill	Amount of tax (Demand for 1948/49)			No. of Spindles installed			No. of Looms installed
	General Tax	Halal-khor (Conservancy tax)	Water charges by meter measurement including Meter hire	Nule	Ring	Total	
Khatav Makanji Mill	52393 8	10656 4	100772 5	...	62932	62932	1417
Spring Mill.	74241 14	15100 0	17265 5	...	109008	109008	3224
Indu Mills.	82597 0	16799 6	33203 3	6160	90232	96392	2228
Century Mills.	85688 10	17428 4	115336 1	....	95536	95536	2684

165. The Mills claim that they are paying over Rs. 3/-lacs to the Municipality by way of octroi. This has not yet been checked by the Municipality.

166. Some of the Mills have enormous areas of land. Some of them contain bungalows and residences for members of staff and the Manager and others.

167. The method of collecting what the mills should pay was defective to start with. The rates on which the calculations were based have long ago been left behind. The charges have been levied hitherto only on building without any reference to land. I, therefore, suggest that the whole of the land minus that on which the building is standing should be assessed as permitted by the Act at present value and the letting value be determined at the rate of 5% thereon. This should be in addition to what is being taken on buildings including the land on which the buildings are standing.

168. From this change, I expect an additional burden on Mills of about Rs. 11,000/- which I think they are well able to bear.

169. So far as the buildings are concerned, I find that the big factory for vegetable ghee is going up in Indore. This gives the present day cost of buildings and I recommend that the actual figures of the cost per unit or cubic feet should be secured from them and fresh measurements should be made of all buildings of the Mills. The rates so secured should be able to give them the actual cost, subject to the rate of depreciation provided and fresh assessment should be made. The cost of land, on which the buildings stand, has not hitherto been taken into account but hereafter it should be added to the net assessment figure.

170. Owing to Municipal Authorities not having revised the assesment during the years, when prices went up very high, the Municipality has already lost heavily for the last 7 years the enhanced taxes, which would have come to them. I mention this in order to enable the Mills to be reconciled to the extra contribution which they would be called upon to make.

171. Industry has a stake and seeks continuation of peaceful and healthy conditions. The public health of Indore ought to be a matter of some concerns to them. If Municipal administration was slack and if an epidemic broke out in Indore, the population would run away and the Mills would have to be closed. The loss to the Mills would be inestimable. It is to ensure against the occurrence of any such calamity that the industry

established in Indore should contribute to the maintenance of robust Municipality.

172. The same remarks apply to other factories in Indore which is the most important industrial centre in Madhya Bharat Similar revision of assessment should be made on them immediately.

173 It must be remembered that Mills and factories everywhere create special public health problems for the Municipal Authorities While sharing on the one hand the desirability of keeping down any burden on industry in order to attract more industry, the direct and indirect services which factories and mills require must be taken into account in assessing the burden which they have to bear. They create heavy traffic on the Municipal roads. The disposal of their waste material gives work to the Municipality. No charge of any kind on the Mills and factories for the collection of their refuse is made by the Municipality. They are attracting to Indore city a large number of workers for whom there is no adequate housing provision. More than 200 latrines in the mill work-men quarters have been provided by the Municipality free of charge. And lastly, the Mills are definitely recouping from the ultimate consumer of their goods outside Indore all that they are called upon to spend by way of small and reasonable increase in the assessment charges borne by them.

174. By a reference to other parts of the report, it will be seen that Mill's will have to pay an increased charge in respect of water used by them and also increased amount in octroi in respect of cotton and coal used by them. Being influential and vocal, representatives of Millowners will raise an outcry, but during War years, many a mill has actually earned during one year over 100% that is to say, the entire capital. The normal burden of heavy income-tax which the factories in other parts of India have to bear, is not falling on the Indore mills and factories. It is therefore, reasonable that they should accept with good gtace the additional burden for the re-assessment on a proper basis, the levy of tax on vacant lands, the increased rate on water and the octroi on coal and cotton and what would be for them a very petty charge in respect of business and shop tax.

CHAPTER IX

GOVERNMENT AND MUNICIPALITY

175. It was suggested from more than one quarter that the profits of the Power House should be given to the Municipality. I have not seen the balance sheet of the Power House but the distribution of electrical energy is an important function of Municipalities in many places of the world and there is no reason why the Indore Municipality should not, in due course, aspire to do this work.

176. When Indore was a separate State with the Ruler living in the capital, there may have been an issue of prestige. But since the Union has been established, there is no object any more in the Water-Works remaining the property of Government and being administered independently by Government, the Municipality being mainly a distributing body purchasing at 0-4-0 per 1000 gallons and upto 2½ million gallons and at Re. 0-3-0 above that and selling to the public at Re. 0-6-0 per 1000 gallons.

177. It will take some time for Government to take decision on this issue of giving the Water-Works as well as the Power-House to the Municipality. They will have to determine the conditions under which the Municipality will operate these plants. On the side of the Municipality, they will have to build up an administration capable of taking over these works and the personnel required to operate them.

178. When this question comes to the forefront, it will necessarily be a matter of intricate negotiations between the Government and the Municipality, but I hope the Madhya Bharat Government will encourage the biggest Municipality in the Union to assume responsibilities similar to those which larger Municipalities like Bombay and Calcutta carry.

179. In an absolute state, there is only one authority and one Government and the conception of a separate Municipal authority with powers and obligations in a limited field for urban areas was new in all Indian Sfates. A towu which happened to be the capital has some of its roads and other amenites provided because of the fortunate accident that it was the capital. The origin of Indore Municipality is something like this. Taxing powers entrusted to it were limited and reliance was necessarily placed upon Government grants and Government loans. This tradition survived to

some extent, but it should be the aim to put the biggest city in Madhya Bharat on a sound basis for Municipal purposes independent as far as possible of Government help.

180 This will take some years. In the meanwhile, there is a good case for a liberal grant being given to the Municipality. The present annual grant is Rs. 3 lacs, increased from the original grant of Rs. 1½ lacs. This hardly compensates the Municipality for the loss on State and Public Buildings and more particularly, for the Rent Act, which prevents a free contract and a balancing of a demand and supply in the charges available for accommodation on the basis of which Munioipal Taxes have to be paid. Public vehicles are using the Municipal Roads and these were intensively used during the war period. The Municipality has not yet undertaken many important functions such as that of Primary Education. The cost of material and labour has gone up heavily against the Municipality. Until the finances are put on a sound basis, there is a case, therefore, for an increased grant. As an important centre of industry and trade, the biggest city in Madhya Bharat should be provided with a model Municipal Administration which would serve as an example for many a smaller townships.

181. Government have been generous with regard to the drainage proposal in which they have undertaken to spend Rs. 60 lacs. Indore Municipality has been lucky to have its loans on the basis of 2½ per cent. Government have also increased the annual grant from Rs. 1,50,000/- to Rs. 3,00,000/- While appreciating this, I still recommend that the three lacs figure should continue for at least five years more. I think it would be gracious, if Government gives even a larger grant, if any proposal for increased revenue made in this report is disapproved of by them. I was told that in Madhya Bharat, the rate of Government grant to Gwalior Municipality worked out at Rs. 1/8/-per head and on this basis, Indore Municipality's present grant is certainly on the low side.

182. The Indore Municipality is indeed lucky in the sense that its old debt is negligible and its assets are valued at Rs. 50 lacs though all of them are not of a class, which could be disposed off and money realised for them. The present debt is Rs. 4 lacs incurred in the year 1942.

183. In connection with the drainage scheme, which is a 10 year programme, the Municipslity is liable for forty percent or two-fifth of the total expenses, the sixty per cent or three-fifths being borne by Govenrnment. The total estimated cost is Rs. I crore.

184. Already an annual contribution of Rs. 24,000 is being borne by the Municipality. To this will have to be added further annual burden to cover

Sinking Fund and interest on the Rs. 20 lacs out of the Rs. 40 lacs, that is the share of the Municipality, in the total cost of prainage. The Municipality is also making a contribution of Rs. 22,000 per year to the City Improvement Trust Board towards by traffic route scheme no. II. Recently a lone of Rs. 15 lacs has been sanctioned by Government, which is going to be spent mainly upon modernization of city's roads, construction of new drains, lane payments etc. The terms of repayment of this loan are 2½ % rate of interest, the capital amount being repayable, by not later than 1960 in instalments of not less than a lac of rupees at a time. This imposes an obligation of about Rs. 1,50,000 per year.

185. The Indore Municipality has still not got many things provided by other Municipalities. In particular, there is no Isolation Hospital or Infectious diseases hospital, which is in my opinion, a very urgent need. There is no Maternity home run by the Municipality. There are also lacking, at present, a General Hospital accommodation, public parks, botanical gardens, zoo, museums, and gymnasiums. There is the entire scheme of the improvement of the river area, whichever plan is adopted for, after due investigation.

186. It is impossible to achieve all these results suddenly and simultaneously. They could not be achieved merely by loans. All these things would have to be put off very long, if they have to be achieved by loans. While a moderate amount of increase in the grant made by Government may be confidently expected, it is impossible to expect heavy capital contribution from the Government of Madhya Bharat during the next two years. I, therefore, suggest for the serious consideration of Government that all Government lands within the newly expanded city limits should be given to the Municipality. This has been done in many cities in India and is a legitimate and proper form of encouragement to local authorities, who would never be able to find the capital to acquire these lands.

187. Under this suggestion, all public lands in the residency area, as well as in the area at present in the occupation of the military would be so transferred.

188. The location of the military so near the city is no longer justified or necessary. It is neither good for the soldiers nor the city population. As Mhow is going to continue as a military centre, it would not be improper. if it was suggested that no land inside the new Municipal limits of five miles from the centre should be in the hands of and in use by the milita...

189. Some of these lands could be turned into useful public institutions. For example, the Residency area on the river Khan, which is already laid out as a garden, should be maintained as a public garden in which more botanical specimens can be brought in every year and in which gradually a small zoo can be built up.

190. Indore can boast of a larger number of Millionaires than any other place in Madhya Bharat. With the munificence from these gentlemen, there is no reason why hospitals and museums should also not come into existence. Municipality should make available for such purposes plots from lands given to them by Government. The Municipality can also let out on 99 years' lease some lands so as to facilitate extension of housing as well as business buildings as the demand arises. This would give the Municipality an important source of income annually. There is no reason why, in due course, this should not be in the neighbourhood of Rs. 75,000 per year. The Municipality will also earn something by temporary letting out of other lands not in immediate use.

191 If the lands are given to the Municipality as suggested, the obligation of the Government to make a liberal contribution to Municipal finance would be, to some extent, fulfilled, but as will be shown in Chapter Ten, substantial assistance must be given by Government to the Indore Municipality during the next ten years in the manner in which this has been done elsewhere. Apart from a general grant, if the obligation for running primary education is given to the Municipality, Government must bear the whole cost thereof.

193 There is one more matter for the attention of the Madhaya Bharat Ministry. Under popular Government, Municipality must be enabled to use all the existing powers, and sanctions should not withheld or delayed. But where some of the recommendations involve a change of law or where legal opinion calls for an interpretation or a new section, Government must use their undoubted strength and majority in legislature for effecting such change as early as possible. For the Hon'ble Minister in in charge of the Local Self-Government, my earnest appeal would be to permit and encourage Indore Municipality to be built up on sound basis financially so toat it would be a model and a guide to other urban areas in Madhaya Bharat.

193. I would also invite reference to paragraph 52 in Chapter Three in which I have requested the Covernment to let the Indore Municipality have the services of a Senior Official for a short period for the purpose of re-assessment.

CHAPTER X

FUTURE REQUIREMENTS

194. It is quite impossible to estimate correctly on the side of revenue but a rough estimate has already been given. On the side of expenditure, it is still more difficult. The rate at which the progress is made in completing the drainge scheme and in other improvements required for the city including renovation of roads and improvement in the city area, wil depend on many circumstances.

195. The other works which the Municipality may be reasonably expected to carry out would be the maintenance of public parks, botanical gardens, zoo and museum. Still other necessary direction is the hospital for infectious diseases and isolation hospital, maternity homes, beggars homes, reformatory schools for defective children. The Municipality will be called upon, in due course, to take over Primary Education. Capital expenditure will also be required to set up organised markets.

196. The debt position of the Indore Municipality will be seen from the following :

	Loan of Rs 4 lacs.	Drainage Rs. 40 lacs	Loan of Rs. 15 lacs.
Outstanding boance.	Rs. 2,15,000	Rs. Nil	Rs. Nil
Annual contribution.	24,000	2,00,000 for ten years 2,00,000 for repayment thereafter.	1,40,000
Interest. (estimated average)	10,000	50,000	20,000
Total Rs. ...	34,000	2,50,000	1,60,000

197. From the above table, it will be seen that the annual requirements of Indore Municipality, over and above what they are spending now towards this purpose, for capital expenditure or capital re-payment and for interest on outstanding loans would be between Rs. 4 and 5 lacs, for the next ten years. What new plans and projects during the next ten years will arise and called for still more money, it is difficult at this stage to say. But it would be safe to assume that an annual sum of Rs. 6 lacs should be in the hands of the Municipality to enable them to fulfil all their financial obligations in regard to interest and repayment and their own compulsory contribution.

198. I have suggested in the body of the report, apart from the House Tax, several new levies. The resulting position is summarised hereunder, taking the main heads only :

Estimated new revenue for the Municipality.

Increased yield from re-assessment	Rs.	3,00,000/—
Increase of Rs. 2-15-6% (to be imposed next year after re-assessment is completed).	Rs.	2,50,000/—
Increase in water rate.	,,	75,000/—
Increase in House Tax wholly from the vacant lands and additional charge for extra open lands in factories and in house properties and open land now eligible for building.	Rs.	50,000/—
Conservancy tax at 4%	,,	3,00,000/—
Business firms and traders.	,,	1,00,000/—
Professional men.	,,	75,000/—
Tax on shops.	,,	75,000/—
Associations and Clubs.	,,	25,000/—
Extra income from markets.	,,	12,000/—
Octroi on Cotton and increase in Coal	,,	2,00,000/—
Income (ultimate and in due course) by letting out land given by Government	,,	75,000/—
	Rs.	15,37,000/—

199. From this would have to be deducted the loss of revenue arising from the changes recommended as follows :

Loss of revenue from existing conservancy levy.	Rs. 8,000/—
Takhat Tax	,, 14,000/—
Removal of octroi from gold and silver (items 34 & 35) and unmanufactured brass & copper etc., and old news papers, etc., (items 18 & 19), reduction in cigar, cigarettes (item 10) and photographic cameras etc. (item 13)	Rs. 17,500/—
Reduced yield from Octroi	,, 2,00,000/—
	Rs. 2,39,500/—

200. There will thus be roughly a nett addition of Rs. 12,97,500/- to the Indore Municipaltiy's revenue, as a result of the changes recommended by me, when all proposals are given effect to fully.

201. It will be seen that I am providing for increase of revenue not merely to cover the Rs. 6 lacs required by Municipaltiy debit and contribution purposes but about Rs 7, 00, 000/- more. All this will not be realised immediately. Some of the suggestions put forward by me may be modified by the Municipal authorities or Government to suit local conditions or in deference of local opinion. New taxes when levied do not reach maximum realisation till the third year. I expect that the Municipal authorities will levy new imposts to yield beyond Rs. 6 lacs per year as the need arises and the whole process may easily take two or three years.

202. I have attempted to place the burden for additional taxes on the whole on people, who have hitherto not borne their share adequately. The progress of self-Government is to be measured by the capacity of the people to tax themselves and to administer the revenues in the interests of the public. Indore Municipality will, I hope, set the model for the rest of Madhya Bharat by going ahead with the taxes suggested. One part of the increase falls directly on owners of property and through them on the general public and this is in respect of house tax. So far as water and conservancy are concerned, the attempt is to enable the Municipality not to make a loss on the essential services. For the rest, it will be noticed that the burden is thrown on those who can bear it. The tax on shops,

professional men, business firms and traders has become necessary on account of imposition of Rent Act. It will be a relatively moderate levy on a section, which is not doing badly in the City of Indore. The collection of dues on vacant lands will also fall on heads of people who are well able

INDORE MUNICIPALITY.

Statement showing the expenditure of the Municipality for the period 1933-34 to 1947-48

CHAPTER II (b)

Year	General administration	Collection of revenue	Public Health and Sanitation	Public Works	Water Supply	Public Safety	Grant & Contribution	Miscellaneous	Expenditure on special act	Leave allowance	Pension & Gratuity	Special allowance & payment to establishment	Provision for additional expenditure	Loan account	Total
1933-34	45,501	24,718	1,64,541	1,20,047	11,480	31,010	5,000	20,265	3,552	2,388	2,551	13,696	—	—	4,44,749
1934-35	45,330	24,872	1,74,213	1,68,872	13,435	33,172	5,000	22,392	3,552	2,899	5,260	14,827	—	—	5,13,824
1935-36	48,132	32,516	1,73,804	1,46,175	11,022	34,658	7,450	22,509	3,552	2,968	4,943	16,836	—	—	5,04,565
1936-37	45,626	27,188	1,79,492	2,01,151	11,911	38,487	7,650	26,490	3,852	2,667	4,663	17,988	—	—	5,66,565
1937-38	49,719	27,973	1,86,986	1,71,574	10,827	41,275	8,500	24,209	3,852	3,000	5,094	18,612	—	—	5,51,621
1938-39	47,572	35,221	90,423	2,03,848	10,769	39,712	6,000 2,250	23,410	321	3,936	5,218	6,586	—	—	4,73,016
1939-40	47,969	42,197	87,539	96,117	2,34,356	40,620	6,000 2,250	25,847	308	3,184	6,637	7,311	—	—	5,98,085
1940-41	46,793	46,673	1,11,688	2,04,822	2,43,025	47,202	6,450 2,250	30,421	382	1,906	5,336	7,507	—	—	7,52,205
1941-42	55,959	44,049	2,36,066	1,86,629	2,46,277	66,716	8,370	36,329	4,644	4,335	5,486	19,675	—	—	9,14,538
1942-43	49,310	47,708	2,35,998	1,78,967	2,55,022	73,441	8,500	1,23,633	4,740	4,187	4,577	37,158	—	—	10,23,241
1943-44	49,506	50,357	2,76,247	1,96,448	2,61,864	71,088	30,850	77,238	4,860	2,940	5,040	97,367	—	—	11,23 805
1944-45	62,199	50,247	3,01,665	3,17,432	2,66,346	60,599	31,450	93,042	9,040	3,164	4,457	1,58,045	—	—	3,57,677
1945-46	71,260	62,167	3,36,876	2,25,153	2,69,815	80,235	31 45	82,428	14,491	6,013	5,002	1,74,720	107	—	13,59,717
1946-47	1,29,268	59,005	3,27,702	2,11,181	2,44,614	81,905	33,950	60,417	15,266	8,258	10,221	3,94,020	1,559	24,000	16,01,366
1947-48	1,17,573	62,087	4,13,378	3,45,593	3,00,666	90,804	46,575	68,545	15,155	5,194	16,829	3,24,802	638	24,000	18,31,839

CHAPTER XI

SUMMARY OF RECOMMENDATIONS.

Change of names of Property-owners to be effected in the Municipal books only when all dues are paid. Similarly, water connections should be given only when all outstanding Municipal dues have been paid (paragraph 24).

Ground Rents must be made payable in advance wherever possible (paragraph 26).

Five year rule for purposes of assessment may be abandoned in practice and bye-law No. 17 of House Tax Bye-laws should be modified so as to give the Municipal Commissioner the power to enhance the assessment of a property upto the actual rent, no matter for what reason the rent may have increased (paragraph 41).

Extra tax payable to the Municipality by an increase of Rs. 2-15-6% should be recoverable from the tenants, as has been done in Bombay (paragraphs 43 & 63). In some Western Countries, all Municipal charges are payable by the tenants.

Re-assessment, which had been postponed through a mistaken idea that there could be no revision for five years, should be undertaken atonce (paragraph 51).

Government should give the loan to Indore Municipality of a Senior Officer who will be independent of all local considerations, for the purpose of doing the re-assessment work of the city and more specifically of the mills and factories, as well as vacant lands (paragraph 52).

System of appeals against assessments being heard by a Committee of the Municipal Council should be changed and these should be heard by the Civil Court (paragraph 53).

Government should permit free letting out of new property and to let the forces of supply and demand to balance themselves, no matter how high the rents may be (paragraph 62).

An increase of Rs. 2-15-6% should be made in the House Tax, with a view to have it at 10% in all (paragraph 64). This should be done after re-assessment is completed (paragraph 66).

A tax at the full rate of the House Tax should be levied on all vacant lands within the city limits. This will be in the nature of an incentive for more buildings (paragraph 69). Where a rule of local authority involves that a man has to keep so much land vacant, that land will not be liable to this tax (paragraph 70).

Every company, firm or individual engaged in business or trade in Indore will pay in respect of his business Rs. 100/- per year, under Section 21 (iii) (paragraph 77).

Every shop used by businessmen and professional men will pay to the Municipality Rs. 50/- a year, under Section 21 (ii) (paragraph 77).

Every shop where goods are sold will pay Rs. 50/- per year to the Municipality, under Section 21 (ii), (paragraph 77).

All shops in Bada Sarafa and Chhota Sarafa will however pay Rs. 100/- per year to the Municipality, under Section 21 (ii) (paragraph 77).

Every Chamber of Commerce, business association, exchange or association of merchants or professional men should pay Rs. 150/- per year to the Municipality (paragraph 77).

All men engaged in profession will be liable to pay a sum of Rs. 50/- per year to the Municipality, under Section 21 (iii). This will include doctors, lawyers, dentists, architects, licence brokers, etc., but not public employees (paragraph 77). Nurses, actors, barbers, washermen, etc., should pay Rs. 25/- per year (paragraph 77).

Every association or club, samaj, society, etc., whose object is not commercial, will pay Rs. 100/- per year to the Municipality (paragraph 77).

Hotels, restaurants and sweets shops will also be liable for business, trade or shop tax (paragraph 78).

Takhat Tax should be abolished (paragraph 80).

Special levy of 4% as Conservancy Charges on all properties should be imposed by way of Conservancy Tax, (paragraph 85). In consequence, the present levy of Rs. 2/- per bungalow per month should be abolished (paragraph 95).

The 'Jagirdari' system should be discontinued. The issue between the Jagirdars, the public and the Municipality should be settled by negotiations through a conference to be called by the Hon'ble Minister for Public Health (paragraph 91).

A fresh estimate should be made of requirements in respect of water of the city for 5,00,000 people and some kind of tentative scheme should be in hand for the additional supply (paragraph 98).

In order to meet the demand and to make the budget of the Water-Works less unfavourable than it is now, a diesel plant should be installed to enable the pumps to send more water (paragraph 100).

Water rate on metered connections should be raised from 6 annas per 1000 gallons to 9 annas per 1000 gallons (paragraph 102) with a 33% surcharge on the bill for water at 9 annas per 1000 gallons on factories and industrial establishments, Hotels, Clubs and boarding houses (paragraph 106). This rate may further be revised if deemed necessary (paragraph 109).

Supplementary Water-Works should be erected on the South side of the city and the unfiltered water from them may be used for cleaning purposes. Use of filtered water for cleaning is wasteful (paragraph 103).

All connections should be metered as early as possible (paragraph 104).

Practice of giving water connections directly by the P. W. D on behalf of the Government to Mills and industrial concerns should be forthwith discontinued and all connections within the Municipal limits should be given by the Municipality (paragraph 110).

Octroi duty on gold and gold articles (item No. 34) and silver and silver articles (item No. 35) ; unmanufactured brass, copper, iron, tin, zinc, aluminium and all kinds of metallic scrap (item No. 18) ; old newspapers, wrapping papers and card-boards, etc. (item No. 19) should be removed (paragraph 117 and 118).

Octroi duty on cigars, cigarettes and snuff (item No. 10) and photographic cameras, plates, films etc., medical appliances and scientific instruments (item No. 13) should be reduced from $6\frac{1}{4}\%$ to 3-2-0% (paragraph 118).

Octroi duty on coal and coak (item No. 15 (a)) should be raised from $7\frac{1}{2}$ pies per maund to 12 pies per maund (paragraph 119).

Octroi duty should be levied on Cotton at Re. 1/- per bale and Re. 0-8-0 per bori (paragraph 130).

The system of refund of octroi should be re-cast (paragraph 125).

Municipal warehouses should be provided in Siyagunj area for additional facility for refund (paragraph 126).

Normally, octroi duty should be collected on invoice value (paragraph 127).

A committee may be set up by the Municipal Council to re-cast the octroi schedule (paragraph 131).

The city limits should be extended to a radius of 5 miles from the Palace (paragraph 132). Even the outside areas like Jayarampura and Gandhinagar should also be liable to full Municipal taxes if any service is given to them by the Municipality (paragraph 132).

Government should give to the Municipality all lands belonging to them in the new city limits including the Residency area. This applies more specifically to the areas hitherto in the occupation of the military (paragraph 134).

No private scheme be permitted by the Housing Commissioner until he is satisfied that the scheme is sound and also the private party has deposited with the Municipality enough funds for making the roads as provided in the plan (paragraph 140).

It is necessary to provide a larger minimum size for a house-hold as well as for a living room. Municipality should prevent the re-erection of houses with small frontage (paragraph 144).

A set back of five feet at least on both sides should be imposed on all new buildings, the construction of which has yet to commence, in the case of Route No. 2 (paragraph 147).

Municipality should have the right in certain cases to give additional height to buildings along routes Nos. 1 and 2 (paragraph 148).

The sanctioning of buildings on the new route-roads by the City Improvement Trust should be discontinued and the plans should be submitted to and sanctioned by the Municipality (paragraph 149).

Certain improvements have been suggested in respect of the two rivers of which a survey should be taken with a view to establish two new reservoirs (paragraph 153).

The creation of a central market with two ancilliary markets is recommended (paragraph 162).

The buildings of mills and factories and other industrial establishments should be assessed on the basis of the actual cost incurred in Indore this year (paragraph 169).

The question of transferring the Power House and the Water-Works to the Municipality should be examined by the Government (paragraphs 177 & 178).

The annual grant of Rs. 3 lacs given by Government to the Municipality should be assured for at least five years. The grant should be increased in case any proposal for increased revenue made in this report is disapproved of by them (paragraph 181).

THE HOUSING PROBLEM

By

KEKI D. MISTRY*

At the outset I will thank you all for inviting me to speak on "The Housing Problem." The subject as you know is an old one and recently much has been said on this subject, but despite that very little has actually been carried out. That is how we stand today and it is a very miserable plight.

I am quite sure everyone will agree that it is logical to view the many complex problems which arise in different parts of the country in such a manner as to appreciate their true significance as part of a whole.

To plan is to arrange things in an orderly manner so that we obtain the best from our efforts in comfort, convenience, health, happiness and efficiency. Planning is not something that must be imposed upon people but it is a means of assisting life to be carried on in reasonable comfort and with efficiency. Those who resist planning because they misunderstand its true purpose and place, are barring the way to the improvement of national living and efficiency. Those who think that planning means regimentation of buildings and of lives are unaware of that freedom, charm and beauty that can be achieved by thought and care by those who wish to arrange things with sympathetic understanding.

Due to the war and the terrific devastations it has caused, housing is on the lips of everyone and is a top item of the agenda of most of the countries. The population of the Urban areas, especially Bombay, has grown enormously but unfortunately there has not been a corresponding increase in the number of new houses. The contributing causes are many, such as Control over building materials, very high prices of building materials, inflated land values, influx of refugees and so on; hence the housing problem needs to be tackled with intelligence and foresight.

Bombay, one of the largest cities in the world, has one of the worst housing records. According to official statistics, today about 60 per cent

* A Summary of a talk given by Keki D. Mistry A.R.I.B.A., A.M.T.P.I., A.I.I.A., before the Indian Town & Country Planning Association on 28th Sept. 1949.

of the total population of Bombay, *i. e.* about 17 lakhs, live miserably in one-room tenements (each room measuring only 150 Sq. Ft.), 5 lakhs live in two-room tenements, 3 lakhs in three-room flats and there is a lucky lot of about 1 lakh who live rather comfortably in four and more roomed tenements. This is as far as the population that is housed is concerned, but there is another lot unfortunately of about 6 lakhs who can be classed as "Homeless" who sleep on the footpaths. It is said that many of these unfortunates could afford to pay rents if houses were available. So this brings the total to 32 lakhs which is roughly the population of Bombay today.

Statistics show that the population of our city for the last ten years has been increasing at the rate of 500 persons per day. This increase is neither good nor healthy—rather a threat to society and a liability for the ruling authorities. Although the population has shot up in gigantic proportions housing very unfortunately has not kept pace with this increase and you would be surprised that new tenements have sprung up only to house 60 persons per day for the same period *i. e.* 10 years.

So this is the picture of Bombay that I have put before you and now I want to tell you how our city stands in comparison to other cities of the world. Reports show that while 97 per cent of our working class population live in one-room tenement, in England only 10 per cent of the people do so. Moreover, while in India majority of the workers live in one room, in France, Belgium and Russia he has two rooms, in Sweden and Holland three and in England and U. S. A. four rooms or even more. So it is quite natural that due to such miserable and apalling living conditions of our workers their progress is checked, which ultimately tells on their health with the result that an average Indian unfortunately dies early. It is said that while an average Indian lives for 27 years, an Egyptian lives for 33 years, a Russian 45 years, an Englishman 53, an American 55, while the lucky New Zealander tops the list with a long life of 67 years!

From all this you will see and it is a notorious fact, that Bombay lacks a healthy and balanced Plan. It is good news that a Master Plan for Bombay has been prepared and that it is now before the Government and that it will be soon translated into reality. The Master Plan envisages the dispersal of industries which will ultimately decentralise the population. Dwellings very close to industrial areas have become so insanitary due to over-crowding that they have become veritable breeding places of germs of diseases like Malaria, Cholera and so on with the result that nowhere in the world, as here in India, is there such a high rate of infant mortality. Decentralisation of population by decentralising the industries is very

essential and the only solution. Development of other areas on scientific lines and providing modern amenities with cheap and quick transport to their works are necessary. In Welwyn Garden City, sponsured by Ebenezer Howard in England and built on scientific lines there have been very few cases of infant mortality. A scientific appoach to the problem under expert advice is never more imperative than it is to-day. The distribution of population over a wider area by spreading out the industries would minimise the destruction of people and property.

Our Government is very keen on the rapid industrialisation of India. Indian progress however, will be dependent largely on a healthy contented labour force and this can only result from better living conditions amongst them, including a higher standard of housing. It is no wonder that our labourers are known for low-level productivity because of their poor living conditions.

Proper housing is a social problem affecting and moulding the lives of generations. The necessity and importance of proper housing for a corporate and communal life is now universally accepted and in almost all the leading countries of the world, the problem of housing has gained a civic and national importance.

The Administration & Finance of Primary Education in the Province of Bombay

(Excluding the City of Bombay)

CHAPTER I

Introductory

1. Administration and Finance of Primary Education in the Province of Bombay Prior to 1923:

For the purposes of this dissertation it is not necessary to go further back into the past, than 1923, when the Primary Education Act was passed, and to begain with, we may describe the system of administration and finance of primary education that prevailed in the Province prior to 1923.

(a) *Municipal Areas:* In 1884, every Municipality was authorised under certain restrictions, to manage the primary education in its area. In other words, there was no distinction between one municipality and another, and all municipalities — irrespective of the modern sense of the term. This system continued to exist right up to 1923.

The powers of the municipalities over primary education were governed by rules made under Section 58 of the Bombay District Municipal Act of 1901. The Section runs as follows:—

"58. The management, control and administration of every public institution exclusively maintained out of municipal property and funds shall vest in the municipality by which it is maintained:

Provided that the extent of the independent authorithy of any municipality in respect of public education and their relations with the Educational Department of the Provincial Government shall from time to time be prescribed by the Provincial Governments".

Government published rules under this Section from time to time and the municipalities managed primary education in accordance with those rules. There was no special Act or rules for primary education.

The actual powers enjoyed by the municipalities over primary education were few. The budget of the schools was passed by the municipality. The municipality was also consulted in respect of the appointment and transfer of teachers. The inspection of primary schools was, however, exclusively done by government. In practice, therefore, government exercised far more powers over primary education than the municipalities themselves.

The government grant to the municipalities was fixed block-grant. In 1884, the grant was calculated at 33.1/3% of the total expenditure. In 1902, this percentage was raised to 50. The original idea was that government should revise these grants from time to time, but in practice the revision was not frequent. In several municipalities the expenditure increased very considerably but there was no corresponding increase in the government grant. Particularly during World War I, the cost of education rose very greatly and the municipalities found it more and more difficult to meet the increase in expenditure.

(b) *Rural areas:* In so far as the non-municipal areas are concerned, the local authorities were the district local boards. At this time, the Collector used to be the president of the district local board, and the people had very little real power in them.

In the case of local boards also, there was no special Act for primary education. There was one Section in the Local Boards Act of 1884, under which rules were made defining the authority of the local boards over primary education. In practice, these local boards had hardly any authority over primary education. They passed the budget of the schools, and made certain broad recommendations. All real power was exercised by the Education Department. Every district had a Deputy Educational Inspector who inspected schools, administered them, appointed teachers and controlled their services and did all the things necessary to carry on the administration of the schools.

Each district local board levied local fund cess at the rate of 1 anna in every rupee of land revenue and paid 4 pies out of it for primary education. All the extra amount required was paid for by government ever since 1913.

2. Changes introduced by the Primary Education Act of 1923 in the Administration and Finance of Primary Education :

The Primary Education Act of 1923 introduced fundamental changes in the administration and finance of primary education. These changes may be summarised as follows :—

(a) The Act distinguished between the smaller and the bigger municipalities. The bigger municipalities were authorized to manage primary education They were, therefore, called *Local Authorities*. The smaller municipalities were called *Non-Local Authorities* and the education in their areas was to be managed by a district local board or a local authority municipality according to convenience. In the rural areas all the district local boards were made *Local Authorities*.

(b) Each Local Authority was to elect a School Board which consisted entirely of elected members. Seats were reserved for women, backward communities, Muslims and for persons experienced in education. There was no educational qualification prescribed for the members.

(c) Inspection was transferred to the Local Authorities. Prior to 1923, inspection of primary schools was done by government officers. It was now decided that it was the duty of Local Authorities to arrange for the inspection of all primary schools.

(d) Every school board was given an Administrative Officer who was to be appointed by Local Authority. He was the chief executive officer of the school board.

(e) The Local Authorities were given complete powers over primary education and government reserved to itself only a few broad powers of supervision and control.

(f) In the case of Local Authority Municipalities, Government decided to give 50% of the *approved expenditure* as grant-in-aid. The old system of fixed grants was, therefore, abandoned.

(g) In the case of non-Local Authority Municipalities, every municipality was required to pay one-third of the expenditure incurred

in its area during the preceding year. The remaining two-thirds was paid by Government.

(h) In the case of the district local boards, a complicated formula was devised. Government guaranteed that it would continue to contribute that expenditure which was incurred by Government in the area of the local board concerned in the year prior to the transfer of control. In addition, government agreed to pay two-thirds of all the increase in expenditure approved by Government.

The actual formula for grant was the following:—

Datum-Year =	Year prior to the transfer of control.
Datum-Expenditure =	Expenditure on primary education in the Datum Year.
Datum-Assets =	Assets in the Datum-Year.
Datum-Grant =	Datum Expenditure—11/12 (Datum Assets) because I/12 of Datum-Assets were written off for imminent increase in expenditure.
Total grant payable in a year } =	Datum grant–2/3 (approved expenditure in that year-Datum Expenditure.

For facility of calculations, the Department has evolved the concept of the *Datum-Constant* which is defined as being equal to one third of the Detum-expenditure minus eleven-twelfth of the Datum-assets. The origin of the idea and the method of calculations may be explained as follows:—

We have,

Grant payble in a year } — Datum grant—2/3 (approved recurring expenditure in that year–Datum-expenditure)

—Datum-Expenditure – 11/12 Datum-Assets–2/3 (approved recurring expenditure in that year-Datum Expenditure.)

—2/3 approved recurring expenditure in that year–1/3 Datum–Expenditure.

—11/12 Datum-Assets.

–2/3 approved recurring expenditure in that year–Datum Constant.

The Datum-constants are calculated once and for all for each district and consequently the grant payable to any district local board could be readily calculated on that basis. The following is the list of Datum grant per head of population:—

Serial No.	Name of the District	Population of the District excluding the Population of the L. M. Municipalities	Datum-line grant for Primary Education to the District	Grant per head of population
1	2	3	4	5
				as. ps.
1.	Bombay Suburban	1,38,875	22,992	2— 7
2.	Thana	8,36,625	2,25,572	4— 6
3.	Nasik	9,24,862	3,84,462	6— 7
4.	Ratnagiri	13,02,527	4,28,818	5— 3
5.	Kolaba	6,28,721	2,42,412	6— 2
6.	Ahmedabad	5,41,276	3,91,534	11—11
7.	Kaira	7,07,066	4,90,129	11— 1
8.	Broach	2,99,894	2,79,296	14—10
9.	Panch Mahals	4,54,526	1,92,633	6— 9
10.	Surat	5,30,403	4,81,155	14— 4
11.	Poona	9,89,776	4,65,104	7— 6
12.	Satara	11,55,685	4,78,148	6— 0
13.	East Khandesh	11,48,240	5,67,944	7—10
14.	West Khandesh	7,32,138	5,50,403	12— 0
15.	Ahmednagar	9,46,316	3,99,027	6— 8
16.	Sholapur	7,42,110	2,72,250	5—10
17.	Dharwar	9,32,439	5,99,324	10— 3
18.	Belgaum	10,76,701	4,47,052	6— 7
19.	Bijapur	8,29,467	4,22,347	8— 2
20.	North Kanara	4,17,835	2,51,215	9— 7

3. The working of the Primary Education Act of 1923.

The Primary Education Act of 1923 was in force for about fifteen years, and considerable experience of its working has, therefore, been obtained. On the whole, it may be said that it was a failure. To begin with, it may be pointed out that the main purpose of the Act was not fulfilled. The Chandavarkar Committee, on whose recommendations the Primary Education Act was passed had suggested that the number of

children in primary schools should be doubled in ten years. Sir R. P. Paranjpe who was responsible for passing the Primary Education Act wanted to double the number of children in six or seven years. But in fifteen years the actual statistics show that the number of children increased by 58.8% only as will be seen from the following table:—

Year	Schools			Pupils		
	On local Board Budget	Aided	Total	In Local Board Schools	In Aided Schools	Total
1921–22	7,638	963	8,601	4,46,290	33,701	4,79,991
1937–38	9,278	1,653	10,931	6,90,030	72,488	7,62,518
Net increase	1,640	690	2,330	2,43,740	38,787	2,82,527
Percentage of increase	21	73	27	54.4	115	58.8

Secondly, compulsory education was not sufficiently extended under the Act. The original idea was to introduce compulsory education in most parts of the Province, but actually it was introduced only in a few towns and villages. In 1937–38, the population of the towns and villages where compulsion was introduced was only 5% of the total population of the Province.

It must be admitted that these failures were due not so much to the Act as to the financial stringency that prevailed in the period 1927 to 1937. On account of financial difficulties government postponed the consideration of several schemes of compulsion and expansion which were prepared by the local authorities. It also refused to admit, for purposes of grants large amounts of legitimate expenditure incurred by the local authorities. In addition to all this, government also imposed emergency cuts on the grants due to the local authorities. The local authorities tried to save the situation by spending larger amounts from their own resources, but their revenues were meagre and therefore the financial difficulties could not be overcome. It is due to these difficulties rather than to any other cause that these failures of the Act are to be ascribed.

Thirdly, the administration of primary education suffered very greatly under the transfer to the Local Authorities. In his speech in the Assembly,

number of local authorities in any country is generally large. Their membership is larger still. It is in the working of these local bodies that non-officials and persons who are not professional educationists come in contact with educational problems, and seriously begin to think of them. In the absence of local authorities this valuable training of public opinion is lost. It is true that parent's associations can be organized even in a centralized system and that public opinion may be educated to some extent through them. But such associations can only supplement the fundamental work of local authorities; they cannot replace it altogether. On the whole, therefore, it is not possible to develop satisfactorily public opinion on educational problems in a centralized system of administration and it has been said of Australia that "the average citizen does not worry his head about education unless it be to complain from time to time as a tax payer about the cost of it."*

Australian educationists and administrators realise the disadvantages of the absence of that free and enlightened public opinion on educational problems which one finds in England or U. S. A. They, therefore, try to educate public opinion but owing to certain limitations, these efforts do not succeed to any appreciable extent. For instance, the education departments publish their annual reports. These might have been helpful in educating the public but unfortunately they are so formal and stereotyped that "they are hardly ever read by any one who does not have to read them". (This might be equally applied to India or to most countries). The teachers make occasional attempts to educate the public but their efforts are so often concerned with remunerations of service that the public generally ignores their educational views on the ground that "they are interested". The officers of the department also try to educate public opinion but they cannot do this properly because an official is not allowed to criticize government policy. The official attempts at educating the public therefore usually imply that they are made more with a view to justify and defend the existing policy of government than with a desire to present the truth. It may, therefore, be said that all these feeble attempts to educate public opinion do not go a long way and that the absence of local authorities has inevitably resulted in a lamentable lack of public opinion on educational problems.

As a result of this absence of public opinion, educational policies become more and more the concern of professional experts who evolve and impose their policies on the public at large. Experts have their own place in life and in education. But in any society where the professionals are

* The Year Book of Education (Evans Bros., London), 1936, p. 634.

Fourthly, government felt powerless to bring about a radical reform in the administration of primary education because under the Primary Education Act of 1923, they had few powers of control and supervision.

Fifthly even in the few areas where compulsory education had been introduced, the local authorities did not enforce it vigorously. In most cases, compulsion was more or less on paper only.

Sixthly, the financial arrangements of the Primary Education Act of 1923 were far from satisfactory. For all local authority municipalities, government had prescribed a single uniform rate of grant-in-aid viz , 50 per cent of the approved expenditure. In practice, this meant that a small and poor municipality like that of Satara was treated on the same basis as a rich municipality like Ahmedabad. In the case of districts also there were great inequalities. The table given earlier in para 2 (b) shows that the Datum-grants to the districts were extremely unequal. For instance, the Datum-grants vary from 14 as. 10 ps. per head of the population in Broach to 2 as. 7 ps. in the Bombay Suburban District. In several cases the rich districts got more and the poor districts got less. These inequalities led to unequal expansion of education in rural areas. Moreover, it was argued that under the system of Datum-grants a backward district was placed under a handicap e. g. in a rich district there was already considerable expansion of education in 1923. The further expansion of primary education in order to introduce compulsion was small and the district had to pay one-third of this small amount. On the other hand, a backward district had comparatively few schools and teachers in 1923. The further expansion of education required in such a district was, therefore, much larger and the district was required to pay one-third of this greater cost, in spite of its poverty. The system was therefore, unfair to the poorer and backward districts.

On the whole, therefore, the general opinion among educationists of this period was that there was a necessity of a drastic revision of the existing machinery of administering primary education. The Congress party was of the view that such reorganisation must be carried out before programmes of expansion of primary education could be undertaken. In short, the view of the Congress party was that a good deal of the expenditure on primary education was wasted because the local bodies did not administer it properly and because government had no powers to rectify their mistakes of commission and omission. Any increase of educational expenditure, without improving the machinery of administration would lead, therefore, to a still greater waste of public funds. The Congress,

therefore, was of opinion that no programmes of expansion should be undertaken unless and until the powers of the local authorities were curtailed. It was with this object that government carried out the following resolution in the Bombay Legislative Assembly on 20th September 1937 :—

> "This Assembly recommends to government to introduce free compulsory elementary primary education all over the province as early as possible after taking steps to overhaul the present system in the manner already set out in the declaration of policy made by Government."*

It was in accordance with this resolution that the Bombay Primary Education (Amendment) Act of 1938 was passed when the first Congress Ministry came to office.

4. The Primary Education (Amendment) Act of 1938:—

The following were the main changes made by the Primary Education (Amendment) Act of 1938:

(i) The number of local authority municipalities was reduced still further and some small municipalities which had become local authorities under the Act of 1923, were now classed as non-local authorities.

(ii) The Act introduced the principle of prescribing educational qualifications for some members of school boards. Section 3 of the Act laid down that members other than women or representatives of minorities and backward communities must have a "requisite educational qualification". A person was deemed to possess this requisite educational qualification if he had passed the vernacular school final examination held by the Provincial government, or had passed the Anglo-Vernacular third standard or possessed any other equivalent or higher educational qualification which the Provincial government may prescribe in this behalf.

(iii) The Act transferred inspection from the local bodies to the government. In every district, an officer called the Deputy Educational Inspector was appointed. The supervisors (who were the inspecting officers under the local authorities) were transferred to the service of government and were placed under the Deputy Educational Inspector, as Assistant Deputy Educational Inspectors. The Deputy Educational Inspector and his assistants

* Bombay Legislative Assembly Debates 1937 Vol. I, p 1223.

inspected all primary schools, while the duty of administering them was left to the local bodies.

(iv) The administrative officer of the school board was now made a servant of the government. This position gave him strength and he ceased to be merely a "glorified head clerk" of the school board. He now had the courage to exercise his own powers. The Rules under the Act made the Administrative officer fully responsible for the appointment, transfers etc. of primary teachers. In these matters he was to be subordinate to the Education Department and not to the school board.

(v) The Act did not make any financial changes. In fact it was not a financial measure at all. But the government issued the following two orders which changed the financial relations between government and the local authorities to some extent:—

(a) Government became more liberal towards the local authorities. The emergency cuts on grants were removed. In addition government sanctioned large grants either for the introduction of compulsion or for expansion;

(b) Under the old rules, all local authority municipalities were treated on one basis (they paid 50% of the expenditure) and all non-local authority municipalities were treated on another basis (they paid 33.1/3% of the expenditure). These flat rates were very simple to administer but they caused injustice to the poorer municipalities. Government now laid down a rule that there will be no such flat rates, that the case of municipalities would be considered on merits and that the richer municipalities would receive less grant-in-aid. On this basis, government decided that it would pay 25% of the expenditure to Ahmedabad, 33.1/3% to Poona, Surat and Sholapur and 50% to the other local authority municipalities. In the case of non-authority municipalities also, government made two divisions. In one case it paid 50% of the expenditure as grant-in-aid (this policy was adopted in the case of all those local authority municipalities which were made non-local authorities under this Act and in the other case it paid two-thirds of the total expenditure.

5. The Working of the Primary Education (Ammendment) Act of 1923:—

The Primary Education (Amendment) Act of 1938 did not work very satisfactorily. In the first place, it did not please any one. Those who

It took a long time to bring them together and ultimately a compromise on the following lines was evolved:—

(i) It was agreed that the school boards should be continued though their powers were to be reduced still further.

(ii) In the case of district school boards it was decided that government should go back to the position which prevailed before 1923, that is to say, the school boards should be more or less advisory bodies only. They should contribute a definite sum to the expenditure on primary education and all the deficit should be borne by government.

(iii) In case of the local authority municipalities, their powers were to continue unchanged, because they contributed atleast 50% of the expenditure on primary education.

(iv) The non-local authority municipalities were to be treated on the same basis as the district school boards.

These were the main lines of the compromise and the Bombay Primary Education Act of 1947 was passed principally on them. Its main provisions are the following :

(i) The Municipalities of the Province are now divided into two groups-Authorized and non-Authorised. These terms replace the old terms 'local authority' and 'non-local authority'.

(ii) Upto this time, all members of the school board were elected. Under the Act of 1947 government have the power to nominate not less than two and not more than three members. One of these must be an officer of government and the other two would ordinarily be non-officials having experience of primary education.

(iii) As in the past seats are reserved for women, minorities and backward communities.

(iv) Higher educational qualifications for members of the board have been prescribed. For instance, persons representing the backward communities shall have passed at least the primary fourth standard examination. At least three members must have passed the Matriculation Examination or the second year Training examination. Other elected members must have passed the Primary School Certificate examination or shall possess such other equivalent or higher educational qualification as may be prescribed by government.

(v) Under the Act of 1923, it was the District Local Boards which were made the local authorities and the school boards exercised powers on primary education on behalf of the local boards. The Act of 1947 changes this position and makes the district school boards independent of the district local boards. But the position of the Municipal School Boards continues as before.

(vi) The district shoool boards have been deprived of most of their powers and are now made more or less advisory bodies only. Section 13(2) and (3) describe their powers in the following words:

(2) Subject to the provisions of this Act and the rules made thereunder, and so far as its primary education fund will allow, the district school board shall perform the following duties and functions:—

(a) to provide for the welfare of the children attending primary schools;

(b) to maintain an adequate number of primary schools;

(c) to provide adequate accommodation and equipment for primary schools;

(d) to maintain an adequate staff of Assistant Administrative Officers, Supervisors, Attendance Officers, Clerks, teachers, inferior servants and other staff as may in the opinion of the Provincial Government be necessary;

(e) to maintain an adequate number of engineering staff required for the construction and maintenance of schools and other buildings;

(f) to determine, on the recommendation of the Administrative Officer, the distance measured according to the nearest road between an approved school and the residence of a child for purposes of clause (c) of section 33;

(g) to determine with the approval of the Educational Inspector the hours of instruction and the numder and duration of vacations;

(h) to determine the exact location of primary schools;

(i) to grant on the recommendation of the Administrative Officer exemptions from attending an approved school to a child who is receiving instruction otherwise than in an approved school;

(j) to sanction all tenders for the supply of forms, stationery, furniture or equipment;

(k) to suggest the opening of additional schools for the sanction of the Provincial Government.

(l) to recommend to the Director such modifications in the curriculum as may seem necessary to suit local requirements;

(m) to advise the Provincial Government generally in respect of primary education within the district;

(n) to carry on propaganda for the expansion of primary education;

(o) to perform such other duties and functions as may be prescribed.

(3) The district school board shall from time to time with the sanction of the Director make regulations not inconsistent with the provisions of this Act and the rules made thereunder for–

(i) Laying down the days, the time and the periods on each day during which a child shall be present for instruction at an approved school;

(ii) Determining the constitution, powers and duties of the taluka advisory committees;

(iii) The supply of books, slates, educational requisites, milk, meals or clothes to children of any age receiving primary education, if provision for such supply is made.

(vii) The Act also provides for the famous 'suicide' clause. It was argued out that some of the boards may not like to accept such limited powers as described above and they would prefer extinction to continuance as advisory body. To meet this argument Section 14 provides that it shall be lawful for a district school board to relinquish its powers in favour of the Provincial Government, and that on such relinquishment, the district school board concerned would be abolished.

(viii) Prior to 1947, there were no Taluka Committees to advise the district school boards. It was argued that the district was too big a unit to be administered as a local area. In order to meet this argument Section 15 provides that a district school board may appoint Taluka Advisory Committees and delegate certain powers and duties to them.

(ix) The position of the Municipal School boards continues unchanged as before.

(x) The Administrative Officer continues to be a government servant but he is to be given assistants who would be called Assistant Administrative Officers, Supervisors and Attendance Officers.

(xi) The powers of inspection are continued with government as before.

(xii) Under the Act of 1938, the control over primary teachers was vested entirely in the Administrative Officer and there was an appeal in some cases to the Department. Under the Act of 1947, this position is considerably changed. The Act creates a Staff Selection Committee consisting of the Educational Inspector, the Administrative Officer and the Chairman of the School board. The Committee will select candidates for the posts of Assistant Administrative Officers, Supervisors, Attendance Officers and teachers. Moreover, any employee who is aggrieved by an order of the Administrative Officer has now a right of appeal, not to the Department but to a tribunal consisting of the Chairman of the school board concerned and the Educational Inspector of the division. If there is a difference of opinion in the tribunal an appeal is made to the Director whose decision is final (Sections 23 and 24).

(xiii) The Act makes far-reaching changes in the financial relations between government and the local authorities. In the case of the district local boards, each board "shall pay over annually to the district school board for the purpose of primary education such portion of its income from its revenue described in clauses (b) and (c) of Section 75 of the Bombay Local Boards Act, 1923 as the Provincial government may from time to time fix in this behalf". Actually government has decided that every local board must raise its Local Fund Cess to 3 as. in a rupee and pay 15 pies out of that for primary education. The budget of the school board is to be sanctioned by government and all the deficit in the budget is also to be paid for by government.

(xiv) In the case of non-authorized municipalities the Act prescribes that "Every non authorized municipality shall pay over annually to the district school board or the authorized municipality, as the case may be, for the purposes of primary

education such proportion of the rateable value of properties in the area of the municipality as may from time to time be fixed in this behalf by the Provincial Government and the income accruing from any funds (including trust funds) held, and all moneys received by it for the said purpose". All the deficit in the case of non-authorized municipalities will also be paid by government. As yet, government have not fixed the percentages in the case of any non-authorized municipalities. It is not known, therefore, how and on what principles government is going to decide the question.

(xv) In the case of authorized municipalities the Act is not very happy. It is presumed that these municipalities will continue to get the same grants for primary education as they used to get before. That is to say, Ahmedabad will get 25%, Poona, Surat and Sholapur will get 33.1/3% and the others 50% of the approved expenditure. In future if they submit schemes of compulsion which are sanctioned by government the Provincial government shall bear half of the additional recurring and non-recurring annual cost of the scheme so sanctioned, but the liability of the Provincial government shall not exceed half of the said cost, as it was estimated by the authorized municipality.

7. Criticism of the Bombay Primary Education Act of 1947:

The Primary Education Act has come into force only on 1st April 1949. There is, therefore, no experience of the working of the Act. But even now there is a good deal of satisfaction about the Act and several changes are being proposed. It is necessary to understand what the criticism against the Bombay Primary Education Act of 1947 is, so that the reforms required can be clearly understood.

The first and the most important point to be decided is whether the the local authorities should not exist. In other words, it is to be decided whether a decentralized form in which power and responsibility is shared between government and the local authorities is preferable.

If it is decided that it is not necessary to have a decentralized form of administration the problem becomes extremely simple. Questions like the size of the local authorities, the constitution of local authorities, the division of powers between government and local authorities and the financial relations between government and the local authorities do not arise at all. It is a question whether this simplicity is not obtained at too great a cost.

If, on the other hand, it is decided to continue the local authorities, the following problems will have to be faced and solved:

(a) What should be the size of a local authority ?

(b) What bodies can be conveniently regarded as local authorities ? Municipalities, Village Panchayats etc.

(c) How should powers over primary education be divided between government (both Federal and Provincial) and the local authorities; and

(d) How should the financial responsibility for primary education be divided between government and the local authorities.

Secondly, the problem of supervision of primary schools is also very difficult and remains unsolved so far. In this connection the following problems arise:

(a) At present, the district is the unit for administration and supervision of primary schools. Every school is independent of another, and all schools are directly subordinate to the Administrative Officer and the Deputy Educational Inspector. Is this system working satisfactorily ?

(b) If it is not working satisfactorily what alternative system should be devised; and

(c) Should the office of Administrative Officer and the Deputy Educational Officer be separate or be combined into one ?

Thirdly, it is necessary to find out how a compulsory primary education can be introduced throughout the Province and how it can be successfully enforced. In this connection the following points arise:

(a) What would be the total cost of a scheme of compulsory primary education for the Province as a whole ?

(b) Will the Federal and Provincial governments and the local authorities be able to bear this expenditure and

(c) If not, what measures can be suggested to make compulsory primary education a practicable programme ?

8. The Object of this Book is to suggest some solution to these problems in the light of a comparative study. The system of the administration and finance of primary education in Australia, Philippines, England, France, and U. S. A, will be studied and its application to the Province of Bombay will be discussed in the course of the following five chapters. The final chapter will be devoted to the discussion of the manner in which the above problems can be solved.

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2. Report of the Provincial Board of Primary Education on the Financial Relations between Government and the Local Authorities, 1942.
3. The Bombay Primary Education Act, 1923 and Rules made thereunder.
4. The Bombay Primary Education (Amendment) Act, 1938 and Rules made thereunder.
5. The Bombay Primary Education Act, 1947 and Rules made thereunder.
6. Assembly Debates on the above Acts.

The Administration and Finance of Primary Education in the Province of Bombay

(Excluding the City of Bombay)

CHAPTER II

THE ADMINISTRATION AND FINANCE OF PRIMARY EDUCATION IN AUSTRALIA

1. Introductory :—

The most outstanding and particularly interesting feature of the administration of primary education in Australia is that this is the only country among the important English-speaking nations of the world that has evolved an extremely centralized system of education which is in marked contrast to those of England, U. S. A. and Canada, and that it has never attempted to establish institutions corresponding to the local education authorities of England, nor has it levied local rates for the purpose of education. This aspect of the problem has, therefore, attracted world-wide notice and several educationists have given their careful consideration to the causes that have led to this centralization and effects thereof. In the Province of Bombay, the abolition of the local bodies and centralization of authority in the hands of Government is being largely advocated. It is, therefore, of utmost importance for us to study the Australian system of educational administration and to determine whether it is really a system that this Province should copy.

2. Reason for the absence of Local Bodies to control and Finance Primary Education :—

The absence of local control of education in Australia has been a subject of frequent discussion among educationists. Why is it that

Australia did not create local bodies to control and finance primary education? To say that the exigencies of colonial life led to centralization is not the correct answer, because both U. S. A. and Canada had to face similar exigencies of colonial life and yet they did create local bodies for the control and finance of primary education. There must, therefore, be some peculiar sociological reasons which have led to the absence of local educational control in Australia. Various attempts have been made to explain these reasons; but probably the best of them comes from Prof. G. V. Portus, Professor of Political Science and History in the University of Adelaide. His views on the problem may be summarized as follows :-

(a) The centralized administration of Australia is partly due to its peculiar internal environment. About half the population of Australia lives in the capital cities of six Australian States. As Prof. G. V. Portus points out:—

> "This brings us to the extraordinary metropolitan concentration of the Australian population, which is equalled nowhere in the world.....Forty-seven per cent of the Australian population live in six capital cities. Here are the percentages:—
>
> 47 per cent of the population of New South Wales is in Sydeny.
>
> 54½ per cent of the population of Victoria is in Melbourne.
>
> 53½ per cent of the population of South Australia is in Adelaide.
>
> 47 per cent of the population of Western Australia is in Perth.
>
> 32 per cent of the population of Queensland is in Brisbone.
>
> 26 per cent of the population of Tasmania is in Hobart.
>
> The only place that eclipses these figures in the world is New York City, which holds 55 per cent of the people not of the United States but of New York States." *

This centralization of nearly half of the population in the metropolitan cities makes the Australian people prefer a centralized form of administration to a decentalized one.

* *G. V Portus* :—Free, Compulsory And Secular — A Critical Estimate of Australian Education, p. 10.

(b) Even the external environment of Australia helped the development of centralized administration. For example, Australia was an isolated colony and began as a settlement for convicts. Consequently, a centralized form of administration was more suitable to the governance of Australia than a decentralized or a democratic one. As Prof. G. V. Portus observes:—

> "There is also what might be called the external environment. From the point of view of the British settlers who went to Australia, this external environment meant isolation. There were no white English speaking people nearer than India and South Africa; for New Zealand began much later than Australia. The voyage from England took from two to three months. The colonists were planted as far away from their motherland as it was possible to plant them on this planet. This situation demanded self-reliance from the colonists; while on the other, the social structure of the new colony necessitated an autocracy. There cannot be self-government in convict settlements. Not till the free population outnumbered the free population was any thought of democracy possible. So the early periods of Australian history are marked by a dependence on the State which is strangely at variance with the individualistic, *laissez-faire* temper of early nineteenth-century England. That temper does not appear in Australia until 1836." *

(c) The third reason which led to centralization of administration in Australia was the necessity to provide communications as early as possible. The continent of Australia was vast and the number of colonists was very small. No agency other than that of government was in a position to provide the communications required by the colonists to develop the Continent. This led to the establishment of a strong central government—an event which ultimately resulted in thwarting local enterprise.

(d) It is necessary to explain why the local bodies grew up in America while they did not come into existence in Australia, although the settlers in both the colonies came from England - a country where the idea of local bodies had a firm hold upon the people. Prof. G. V. Portus offers the following explanation of this phenomena : -

* *G. V. Portus :* Free, Compulsory And Secular — A Critical Estimate of Australian Education p. 12.

"So that really we are left in both cases with a group of emigrant Anglo-Saxons facing a huge unknown continent. The Americans may have been more protestant, even anarchistic, in temper. But there is no reason to suppose that the men and women who were enterprising enough to pull up their roots and journey 17,000 miles to seek a new home in Australia carried with them any such exaggerated respect for Governments or Established Churches as would lead to acquiescence in centralization in politics or religion. The different reactions of the Australian and Americans to their problems seem to me to be better explained by the different material conditions they encountered in Australia and America.

"Note that the transplanted Britons of Australia had not to fight for their continent. They did not encounter an already developed civilization in Australia such as the invaders of India had met. The savages who possessed the country had, it is true, an ancient culture. But it was primitive, having advanced no further than the nomadic hunting phase of the Stone Age. And it was stagnant, in that it had not been stimulated by fresh invasions from the outside for thousands of years. Compare the Australian aboriginals with the vigorous Maoris of New Zealand, or the hardy mounted Red Indians of America in respect of their numbers, their command of their environment, and their social cohesion. The Australian aboriginal lived *on* rather than *in* Australia. He submitted himself to its geographical controls and made little attempt to control them. He hunted the marsupials but never domesticated them. He ate the native seeds, but never planted them.

"So the Australian advance into the interior was ever so much more unrestrained and disorderly than the American conquest of the West. Squatters poured forth from the coast, taking grass and water on the interior plains where they could find it - semi - legalized tresspassers with no title, like the patriarchs of the Old Testament. Nor did the outpouring cease till it touched the fringes of the desert lands, where drought and dust do corrupt and sheep cannot break through and meal. The American Advance was far more orderly. If had to consolidate each position if won. It had clear to the

forests, bring up its vanguard of women and children, and establish permanent settlements before it could extend its frontier one stage farther to the West. This meant a stationary population, rooted to the soil in certain selected spots, slowly winning more cultivable land from the forest, but forced by fear of outside attack, to live closely together in defensible positions, with a central loopholed block-house as a nucleus. Here were all the essentials that have, in the course of human history, produced that type of social organization called a village community. These American village communities were also frontier posts in the back-woods. What more natural than that these isolated and self-supporting groups should have taken charge of communal activities such as defence, justice and education? But Australia has never had a frontier in this sense. Her only frontier is a nebulous line on the map separating the bad lands from those areas where sparse pastoral occupation is just possible. This is not a situation which makes for defined population-spots scattered through the island. And, from what I have already told you of our metropolitan concentration, you can judge that the factors I have here outlined have continued to operate in Australia. Perhaps I might add this. Taking the State in the order of their population, here are the number of towns, outside the capitals containing 10,000 or more inhabitants. In New South Wales there are ten; in Victoria there are three; in Queensland, which is much the most decentralized of the Australian States, there are eight; in South Australia there is one; in Western Australia there is one; in Tasmania there is one. Outside the capitals there is only one town in the whole of Australia which contains 100,000 people–Newcastle, the port of the Hunter River in New South Wales. You will readily see that the absence of defined population-spots in the country naturally inclined the Australians to expect their governments, situated in the capitals, to take over many communal activities that are, in other more evenly and densely populated countries, left to local enterprise."*

(e) Private educational enterprise in Australia was never so extensive nor so efficient as that in England. Consequently, the view that the State must assume responsibility for education, gained

* *G. V. Portus:* Free, Compulsory And Secular —A Critical Estimate of Australian Education pp, 13 to 15.

ground far more quickly in Australia than in England. The absence of an Established Church as in England and the obvious weakness of the church enterprise in education made it difficult for the church to offer strong opposition to this growing view of state control. The very weakness of private enterprise was one of the causes that indirectly assisted the creation of a centralized system of educational administration.

3. Advantages of a Centralized Administration:

For the various causes discussed in the preceding paragraphs, a system of extremely centralized administration has grown up in Australia. For purposes of educational administration, each State is a unit by itself and there are no local authorities with any delegation of power. The administration of primary schools, their finance, and their supervision are all entrusted to a single agency viz. the Education Department of the State concerned.

Such a system has several advantages. To begin with it leads to *simplicity in administration.* Wherever the local authorities exist problems regarding the division of authority between the local authorities and government, methods of financing primary education etc. are bound to arise. In several countries, these problems have become extremely controversial and in consequence the efficiency of administration has suffered greatly. In a centralized system of administration such as the one we have in Australia these problems do not and cannot exist.

Another important advantage of this centralized system of administration is that it has been possible for the State government to provide *educational facilities to people living in isolation in the remote parts of the country.* In Australia the population is extremely scattered and in some instances it is less than one person per square mile. In such thinly populated areas, it is difficult to create local authorities. If they were to be created at all, then resources would be extremely limited and they would not be able to provide the necessary educational facilities. Under the centralized system of administration, however, all the resources of the State as a whole were available for providing educational facilities in sparsely populated rural areas. It is to the credit of the Australian system of educational administration that it has provided better educational facilities in rural areas than what any other country has done. The Australian Education Department undertake to organise a public elementary school if 20 children can be made to attend. But even this is not often possible, and the departments organise 'provisional' schools if ten children can be made to attend. In several areas, even this standard becomes too high

and the departments arrange half-time schools in which the teacher divides his time between two centres several miles apart. In some areas, even a half-time school becomes impossible and the department is compelled to organise 'correspondence' courses for isolated children or to subsidize the employment of teachers by rural families. In fact, the acuteness of the rural education problem in Australia is only equalled by the ingenious and determined effort made by the Education departments to overcome it. All this good work would not have been possible under a system of local control.

The third advantage of centralized administration is *that in times of economic depression, all the resources of the central government are available for the needs of education.* It is, therefore, possible in such a system to tide over a period of economic depression without suffering very heavy losses. For instance it is interesting to compare the results of economic depression on primary education in U. S. A. and in Australia. In the former country the local authorities are *mainly* responsible for financing primary education. In the depression of 1930, the local authorities were first affected and consequently the teachers' salaries were reduced. Large numbers of teachers left their jobs and hundreds of schools were closed. This deterioration was only stopped when the federal government came forward with financial assistance under its emergency programme. In Australia on the other hand, the effects of the depression were not so keenly felt as in America.

The fourth advantage of centralized administration is that it is easier under such a system to provide for *equality of educational opportunity* in all parts of the country. In a system of administration where the local authorities are mainly responsible for primary education, the provisions of educational facilities varies from one local authority to another because the financial resources of all local authorities are not the same. On the other hand, there is no direct correspondence between the money raised in an area and the educational expenditure incurred therein, if a centralized system is adopted. It is, therefore, easier to provide adequate educational facilities in poor and thinly populated areas under a centralized system of finance and administration.

4. Disadvantages of Centralized Administration:

A centralized administration has several disadvantages also. First and foremost is the fact that under a centralized system *public opinion is not generally well developed on educational matters.* It is only when the control of education is transferred in some form or other to local authorities that a large number of people begin to think of educational problems. The

number of local authorities in any country is generally large. Their membership is larger still. It is in the working of these local bodies that non-officials and persons who are not professional educationists come in contact with educational problems, and seriously begin to think of them. In the absence of local authorities this valuable training of public opinion is lost. It is true that parent's associations can be organized even in a centralized system and that public opinion may be educated to some extent through them. But such associations can only supplement the fundamental work of local authorities; they cannot replace it altogether. On the whole, therefore, it is not possible to develop satisfactorily public opinion on educational problems in a centralized system of administration and it has been said of Australia that "the average citizen does not worry his head about education unless it be to complain from time to time as a tax payer about the cost of it."*

Australian educationists and administrators realise the disadvantages of the absence of that free and enlightened public opinion on educational problems which one finds in England or U. S. A. They, therefore, try to educate public opinion but owing to certain limitations, these efforts do not succeed to any appreciable extent. For instance, the education departments publish their annual reports. These might have been helpful in educating the public but unfortunately they are so formal and stereotyped that "they are hardly ever read by any one who does not have to read them". (This might be equally applied to India or to most countries). The teachers make occasional attempts to educate the public but their efforts are so often concerned with remunerations of service that the public generally ignores their educational views on the ground that "they are interested". The officers of the department also try to educate public opinion but they cannot do this properly because an official is not allowed to criticize government policy. The official attempts at educating the public therefore usually imply that they are made more with a view to justify and defend the existing policy of government than with a desire to present the truth. It may, therefore, be said that all these feeble attempts to educate public opinion do not go a long way and that the absence of local authorities has inevitably resulted in a lamentable lack of public opinion on educational problems.

As a result of this absence of public opinion, educational policies become more and more the concern of professional experts who evolve and impose their policies on the public at large. Experts have their own place in life and in education. But in any society where the professionals are

* The Year Book of Education (Evans Bros., London), 1936, p. 634.

in sole charge of policy-making the result is generally "a narrow, bigotted and inexpansive rule of experts" as the late Mr. G. K. Gokhale expressed it. (Speeches, 1920 edition, p. 256). In the interest of society at large, therefore, the expert must take the common man into his confidence and the common man must exert himself to understand specific problems and the ultimate policy on every issue must be shaped by experts and laymen sitting together. This is extremely essential in a popular subject like education, and this is the one thing that does not happen in a centralized system of administration. As Mr. K. S. Cunningham observes "Put in another way, we may say that, in the long run, the community cannot absolve itself from its educational-responsibilities by any process of delegation. This involves the corollary that it is the duty of the community to keep itself informed both of what its schools are doing and of what they ought to be doing. . As already indicated, the Australian public is unfortunately situated in this matter. Practically the only persons who have any responsibilities in the way of deciding school policies or procedures are the professional educators themselves—a very small fraction of the total population. Indeed, the system tends to concentrate responsibility in the hands of a few officials at the top." *

The absence of local authorities has led to another disadvantage in Australia viz. *the size of the unit of administration has become very large.* In each state the unit of educational administration is the State itself. Such large units of administration have several disadvantages. To begin with all power becomes centralised in the hands of a few officers at the top, and subordinate officers and teachers do not generally get an opportunity to show their independence or originality or to share in the framing of policies. In other words, the policies are prepared at the top and dumped down on those below, in a dictational manner. They are not evolved democratically by the participation of teachers and officers. Moreover, in a big educational administration things move slowly and red-tape and delay become unavoidable. The larger the administration the greater is the time required for deliberation and decision. Consequently, the introduction of new ideas becomes a slow and a difficult affair in centralized system of administration which necessarily deal with large units. Thirdly, it is necessary to frame voluminous rules and to enforce them vigorously in a big centrolized unit of administration. Consequently, the rules become tyrants and many a gaod work is held up because of the rules or the difficulty af amending them. Fourthly, criticism of official policies is much easier when the administration is conducted by local authorities than by

* The Year Book of Education (Evans Bros., London), 1936, p. 634.

government itself; because people are generally afraid to criticise government. Mistakes in official policies can, therefore, be rectified more quickly in a decentralised system than in a centralised one. Fifthly, the principle of seniority becomes all too important in large administration and often results in placing inefficient people in key positions.

Another aspect of a centralized administration is that of *Parliamentary control.* In a decentralized system of administration a change in government does not necessarily imply a change of policy all over the country. If a new Minister of Education wants to change a certain policy he will be required to consult the local authorities in the first instance. This means delay, modifications and in some instances even abandonment of earlier proposals. In other words, the local authorities resist sudden changes so that the danger of instability which is so common a feature of parliamentary control is greatly lessened. Secondly, there is a danger in a centralized system that the schools may be used for political propaganda. Thirdly, the private opinions of the Minister are far more effective in a centralised system than in a decentralised one. It is, therefore, felt that all things considered the vagaries of parliamentary control can only be minimised in a decentralised system in which considerable power is delegated to local authorities.

Views of the type expressed above are gaining ground in Australia and there is a move to create local authorities and to evolve a decentralised system of administration. Unfortunately, it has not yet succeeded.

5. Application to the Province of Bombay :—

A study of a centralized system of administration such as that which exists in Australia is of great importance to the Province of Bombay. As stated in Chapter I, there is a large section of opinion in the Province of Bombay which believes that local authorities should be abolished. These persons might do well to study the disadvantages of a centralized administration which have now become too conspicuous in Australia. They will then realise that the abolition of local authorities is not a panacea for all our ills, and that a centralized form of administration will bring in its own difficulties and disadvantages.

It may be argued that a decentralized system is suited only to countries like England and U. S. A. where the people are keenly interested in education. But such a system is not at all suited to the Province of Bombay where the vast majority of the public is uneducated and uninterested in education. Some educationists therefore, propose that the

local authorities should be abolished as a *transitional measure* until the public is sufficiently educated and that they may be revived again in the due course. This view is open to several objections. It is very difficult to abolish the local authorities which have been in existence for several years; once the local authorities are abolished and a centralised system is established it would be equally difficult to recreate them. The Australian experience shows that the existence of a centralized system is itself the direct cause of a lack of public opinion which is, in its turn, a reason for the inefficient working of the local bodies. In other words, public opinion can be created only through the organization of local authorities. It would, therefore, be much better if we try to improve our system of local authorities and through it, to educate public opinion. The suggestion that the local authorities should be abolished is an over simplification of the problem and is just like the suggestion that a patient might be killed outright in order to escape the necessity of devising a complicated treatment. Such over simplification of any problem is of no use in life and should be avoided as far as possible.

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CHAPTER III

The Administration and Finance of Primary Education in the Philippine Islands

1. Introductory :

The Philippine Islands number about 7100 in all of which only about 2800 are named. The total area of all the islands put together is 1,15,600 sq. miles and the population, according to the census of 1939 is 16,000,000. The country is mainly agricultural and a part of it is forest area. The nation is not rich. It went under American authority in 1899 and after a struggle for freedom obtained independence in 1946. The social, political and economic conditions in these islands are very similar to those in India, and a study of the administration and finance of primary education in the Philippines is sure to be of great interest to Indian educationists.

2. General Data About Primary Education :

The course of primary education in the Philippines spreads over seven years, as at present in the Province of Bombay. This is divided into two stages – a primary stage of four years and a further intermediate stage o three years. The primary stage is devoted mainly to the three R's, and in the intermediate stage there are two courses—one general and one agricultural. In 1938, the primary and the intermediate schools were as follows :—

	Number of Schools	Pupils	Teachers	Number of pupils per teacher.
Primary	9,489	1,408,652	26,858	52
Intermediate	1,316	250,503	9,072	28

The Americans adopted English as the medium of instruction even in primary schools and every Filipino child was required to study through English right from the first day of his entrance in a school. This sweeping method was adopted because the Americans wanted to make English the mother-tongue of all the people in the Philippines. The ideal could not be and was not achieved. It only resulted in adversely affecting the general educational progress of the Filipino children.

One important aspect of primary education in the Philippines is that the American rulers and the Filipino people always emphasized quantity

against quality, whereas the educational administrators in India always emphasized quality against quantity. The result is that in India primary education and literacy have made slow progress whereas in the Philippines both literacy and primary education expanded at a very rapid rate. For instance in 1900, literacy in the Philippines was 20%. In 1930, it was 48.8%. In India, literacy was less than 5% in 1901. In 1941, it rose only to 12%. In 1899 there were 200,000 of children in the primary schools of the Philippine islands. This works out at about 3% of the then population of the Philippine Islands. In 1938, their number rose to about 1,659,000 which works out at a little more than 10%. In the Province of Bombay which is the most advanced part of India in primary education, the number of children at school in 1901 was about 2.5% of the then population of the Province and even in 1941, it was only about 8% of the population as enumerated in 1941 census. These comparative statistics show that the Filipino policy of encouraging quantity has led to much better results than those so far achieved in India.

3 General Data About Philippine Administration:

The highest government in the Philippine Islands is the 'Insular Government' which corresponds to our Central Government. Under it there are 49 Provinces, and in each Province there is a Provincial Government. Under the Provincial Governments are the units of Local Self-Government. These last are of three types-Chartered Cities, Municipalities and Municipal Districts. The Chartered Cities correspond to our Corporations or Municipal Boroughs The Municipalities are established in bigger towns and the rural and semi-rural areas are grouped under Municipal Districts, each district containing one or more villages. There is therefore, nothing in the Philippine Island which corresponds to our district local boards. Their municipal districts are really small groups of villages which are very convenient to administer. There are in all 6 chartered cities, 939 municipalities and 261 municipal districts.

The Provinces of the Philippine Islands are not equal in size. They vary in area from Cotabato with 9,260 sq. miles (this is equivalent to about three districts of ours) to Batanes which has an area of 74 sq. miles only. In population they vary from Celu with more than a million people to Batanes which has a population of 9,500 only. It must also be remembered that these provinces are not complete governmental units with a legislature, a ministry and a high court as in our provinces. They are merely subordinate administrative units under the Insular Government, and their main functions are two, to act as agents of the Insular Government on one hand and to supervise the working of the municipalities and municipal districts on the other.

The municipalities and the chartered cities also vary largely in population. For instance, Manila, the capital of the Philippine Islands has a population of 6,23,192 whereas the smallest municipality has a population of less than 2, 000. The population of the Municipal Districts also varies considerably. In some cases it is less than a 100 and in others exceeds 35,000. These local bodies are fully representative of the people and they are in charge of all local functions in which education is included.

4. The Finance of Primary Education in the Philippine Islands;

The problem of the finance of primary education in the Philippine Islands can be conveniently studied under three periods (a) prior to 1938, (b) between 1938 and 1940 and (c) after 1940.

Prior to 1938: The Primary schools were financed by the councils of municipalities and municipal districts. The funds for primary education were generally provided by a percentage of the land-tax, one-half of the cedula tax (this was a sort of Poll tax) and additional funds sanctioned by the municipal council. In the case of intermediate schools, the agricultural schools were financed partly by the Provincial Government and partly by the Insular Government. The general intermediate schools were maintained by municipal councils. The Insular Government also paid for the cost of the administration and supervision of all schools–primary and intermediate, and paid the salaries of all-American teachers and also of a number of Filipino teachers. It will be seen from this that the bulk of the expenditure on primary education was borne by the local authorities. This is not surprising. In America 90% of the expenditure on primary education is paid for by the local authorities. The Americans, therefore, introduced their own model in the Philippines.

But this system did not work satisfactorily and a number of difficulties arose in practice. Very often, the municipalities could not and would not provide the adequate funds for primary education, the funds sanctioned by the local authorities for primary education varied from year to year and consequently it was not possible to maintain definite progress. In the depression which followed the year 1929, the revenues of the local authorities were greatly reduced and this had a very bad effect on education. And finally, in 1937, the cedula tax was abolished because it was very unpopular. As the cedula tax formed an important source of financing primary education, this system of finance practically collapsed and a new plan had to be devised.

In 1938, a new plan was prepared to finance primary education. Under the terms of this plan (a) the Insular Government was to pay the cost of

all primary schools (std. I to IV); (b) the local authorities were to provide school sites for all schools and should pay for the cost of all intermediate schools; (c) the local authorities may raise funds for the purpose by imposing the cedula tax on all inhabitants between the ages of 18 and 60.

But this plan also could not work, the local authorities refused to levy the cedula tax and consequently the plan had to be given up in less than two years.

In 1940, the Education Act passed by Philippine government made the Insular Government fully responsible for all expenditure on primary education.

The Philippine Islands, therefore, have now established a completely centralized system of educational finance since 1940. This has had two results. "It should make the administration of school finances much easier and result in a greater uniformity in the quality of the public schools throughout the Islands. On the other hand, it may be expected still further to reduce the responsibility of the governments and the people of the local units for their schools for the local public affairs generally. Such a result would tend to accelerate the decrease in democratic local self-government which has been in progress during the Commonwealth period."*

5. The Administration of Primary Education in the Philippine Islands:

The administration of primary education in the Philippines has always been centralized to a great extent and this centralization has increased all the more after the Insular Government has taken the whole responsibility for financing primary education. The present system of administration of primary education is as follows :—

(a) At the head of the whole Education Department, there is the Director of Education.

(b) Under the Director of Education come Divisional Superintendents of schools. In the Philippine Islands there are 55 Divisional Superintendents—one for each of the 49 Provinces and 6 chartered cities.

(c) A Divisional Superintendent of schools has large powers. He is the head of all the school work in his area. He appoints all 'municipal' teachers. All correspondence from and to teachers

* *Hayden*: The Philippines (A Study in National Development,) p. 473.

passes through his office. He distributes school supplies and is responsible for school property. He travels from town to town and inspects schools.

(d) Under the Divisional Superintendent of schools are Supervising Teachers and School Principals. Each Supervising Teacher is in charge of a group of schools within a convenient distance.

6. *The Education Act of 1940 :*

The most interesting event in the history of primary education in the Philippine Islands is the passing of the Education Act of 1940. This law made a complete revision of the system of primary education. A reference has already been made to its provision that primary education will in future be financed completely by the Insular Government. But its other provisions are even more interesting. To understand them it is necessary to remember the situation under which the Act was passed. Prior to 1940, there was no compulsory education law in the Philippine Islands. The Filipino people wanted to introduce compulsion and to liquidate illiteracy as early as possible. But being a poor nation they did not have the necessary funds. They had, therefore, two alternatives before them—either to abandon compulsion or to introduce economy devices. Like wise administrators, they chose the latter alternative. It is interesting there fore, to see how the Filipino people decided to expand primary education in spite of the inadequate funds which they had.

The objects of the Education Act of 1940 are stated as follows :—

(a) " To simplify, shorten, and render more practical and economical both the primary and intermediate courses of instruction so as to place the same within the reach of the largest possible number of school children.

(b) To afford every child of school age adequate facilities to commence and complete at least the primary course of instruction.

(c) To give every child completing the primary course an adequate working knowledge of reading and writing, the fundamentals of arithmetic, geography, Philippine history and government, and character and civic training, and

(d) to insure that all children attending the elementary schools shall remain literate and become useful, upright and patriotic citizens. "*

* *Hayden:* The Philippines (A study in National Development, pp. 475–76).

To realise the above objectives a number of changes are made in the primary school system by the Education Act of 1940. The most important of which are the following :—

"(1) The elementary school curriculum is to be revised.

(2) With the approval of the President, the required age for admission to the elementary schools may be raised from seven to not more than nine years and the elementary course (including the primary and intermediate grades) reduced from seven to not less than five years.

(3) No child shall be admitted into the public schools, except on condition that he shall remain in school until he shall have completed at least the primary course (four years, at present).

(4) Compulsory school attendance through the primary grades is provided for with exception, the chief ones, being inaccessibility to a school or the financial inability of the parents to keep the child in school.

(5) To accommodate all children qualified to attend the elementary schools, the Secretary of Public Instruction may, with the approval of the President, authorize the holding two or more complete single sessions a day, or adopt other measures calculated to take care of the largest number of school children.

(6) Public elementary education shall be supported by the National Government, except that chartered cities, where financially able to do so, shall support intermediate classes within their jurisdiction."*

7. *Application to the Province of Bombay:*

It can be easily seen that the Province of Bombay has a good deal to learn from the system of administration and finance of primary education in the Philippine Islands. Among these the most important are the following:—

(a) The system of administering and supervising primary schools in the Philippines should be adopted in the Province of Bombay in so far as rural areas are concerned. Our villages should be grouped into suitable circles. And each circle should be in charge of a supervising teacher, who shall stay in the circle and work as the

* Huydon: The Philippines Study in National Development p. 476

Head Master of one school of the circle. Above all such circles in a district, there should be a single officer (and not two as at present) who should be assisted by one touring officer for every twenty circles. This unified system would be far more efficient than the present system of divided authority.

(b) In the Province of Bombay the adoption of economy devices is being advocated by persons like Mr. R. V. Parulekar ever since 1934 when he published his "Mass Education in India". His proposals, however, have never been considered seriously by the Government of Bombay although the Education Act of 1940 of the Philippine government adopts them *in toto*. If the Government of Bombay can find all the money required for compulsion, no one would press for the adoption of economy devices; but if for any reason it cannot do so, it is suggested that the economy devices, like the shift system, reducing the duration of the course, raising the age of admission to school etc. may be adopted.

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CHAPTER IV

THE ADMINISTRATION AND FINANCE OF PRIMARY EDUCATION IN ENGLAND

1. Introductory:

A study of the administration of primary education in England is of great importance because the idealogies and methods of England have exerted a very great influence over the development of educational administration in all the English-speaking nations of the world and in India. In the U. S. A., Australia, and New Zealand the majority of the original settlers were of British stock and very naturally, they tried to imitate, in their new habitations, the educational practices of England with which they were most familiar. In India also, the British administrators generally tried to imitate English educational methods. Consequently, there is a fundamental resemblance between the forms of educational administration in all these countries. A careful study of the administration and finance of primary education in England will, therefore, enable us to get an insite into the administration and finance of primary education in the other English-speaking nations of the world and also in India.

2. The English View regarding the Administration of Primary Education:

The question whether primary education should be a responsibility of the National Government and administered directly by it, or whether it should be a responsibility of local bodies and administered by them, has been extremely controversial. In some countries, as in Australia the former of these views has prevailed. Consequently, no local bodies exercise any authority over primary education which is both financed and administered solely by the States. On the other hand, the prevailing practice in the U. S. A. has been to regard primary education mainly as a responsibility of local bodies and to entrust its administration to them.* The English view is based on the golden mean between these two extreme positions. England has always believed that primary education is a joint responsibility of local bodies and the national government, that powers over primary education should be shared between the national government and the local authorities, and that the expenditure on primary education should also be borne jointly by the National Government and the local authorities. Dr. Corlett expresses this typically English view in the following words:—

* For details, see Chapter VI.

> "The educational system of this country and its development are typical of our methods of dealing with semi-national services. Education is a service, the cost of which theoretically should be a national charge, for children are educated not because they are citizens of the future, and it is to the benefit of the nation as a whole that its citizens should be educated. But although regard must be paid to this national aspect of education, the question of administrative efficiency overrides all other considerations. To put the administration of the service wholly under the central authority would divorce it from local interest and local criticism, and would tend to undue uniformity and the suppression of healthy variety of method. In fact it would be impossible to administer effectively the Education Acts without local knowledge, and therefore the duty of administration is discharged by Local Authorities which are really the agents of the State."*

3. Historical evolution of the administration and finance of Primary Education in England (1800-1870):

In order to understand the existing system of the administration of primary education in England it is necessary to study the manner in which it has been evolved in the course of the last hundred and fifty years. The British people have a great genius for evolution. They always make a humble beginning; but slowly they move on from one position to another through a series of compromises. At every stage, they conserve all that is best in the old and at the same time take a step ahead. As it is very often expressed, the Englishman always muddles through to success. This national peculiarity can be very well illustrated in the history of the administration and finance of primary education in England.

Prior to 1833, primary education was provided in England either by individual or by charitable enterprise and the national government neither conducted primary schools of its own nor assisted those conducted by other agencies. At the beginning of the 19th century, there was a great movement to provide primary education to the poor children. This was due to several causes the chief among which were the following:

(i) The humanitarian movements which arose after the French Revolution;

(ii) A revival of a deep religious fervour which made people contribute largely to church funds and to devote their lives to furthering the

* A Survey of the Financial aspects of Elementary Education by J. Corlett, p. 8.

cause of religion. This enabled the churches to undertake an extensive programme for providing schools for the poor children; and

(iii) The desire of the upper classes to give moral education to the poor in order to prevent such catastrophies as the French Revolution.

Consequently the number of private schools, most of which were conducted by the Church, increased very greatly between 1800 and 1833. As funds collected by voluntary subscriptions were not adequate to meet the situation, an agitation was started in order to compel the national government to give grants-in-aid to the private schools. This succeeded finally and, in 1833, an educational grant of £. 20,000 was sanctioned from the national Exchequer.

Between 1833 and 1870, the private schools, then popularly known as the 'voluntary schools', were the only agency which provided primary education. The national government did not yet conduct any schools of its own because such action would have meant competition with private enterprise. It was, therefore, decided to take full advantage of the enthusiasm among the people and of their voluntary effort to spread primary education. The national government, therefore, concerned itself with only one activity, viz., the supervision and inspection of voluntary schools and the payment to them of liberal grants-in-aid from public funds.

4. Historical evolution of the administration and finance of Primary Education in England (1870-1914):

A change in the earlier policy of the national government was brought by the Elementary Education Act of 1870. The main features of the new policy in primary education which was adopted by the national government after 1870 were as follows:–

(1) The principle of compulsory primary education was accepted.

(2) It was agreed that private enterprise alone would not be able to provide all the schools that were necessary to give a minimum education to all the chidren of the country. This inability of voluntary enterprise to meet the situation was due mainly to the inadequacy of funds and to the uncertainty of their continuance.

(3) It was, therefore, decided to create local school boards with power to levy local rates, to establish all the schools that were necessary, and to enforce compulsion.

(4) One proposal of reform which was put forward at this time was that all the voluntary schools should be superseded by board schools; and the other view was that no board schools should be established at all. The national government actually adopted a policy which was a compromise between these two extreme positions. It allowed the voluntary schools to function and gave them more liberal grants. It also established school boards with a view to filling in the gaps and supplementing private enterprise. This policy preserved all the good work which the voluntary schools had done so far; and at the same time, made further progress possible through the establishment of the schools boards.

(5) It must be noted that the area of each of these earliest boards was very small. Under the Elementary Education Act of 1870 as many as 2182 school boards were established. Under the Elementary education Act of 1876, as many as 730 school attendance committees were established in areas where no school boards existed. At one time, there were as many as 3351 local authorities managing primary education in England and Wales. This large number of local authorities implies that each one of them had a small area in its charge. Such an arrangement gave full scope for the expression of local interest, local knowledge and local patriotism. It was precisely these factors that made the enforcement of compulsory primary education a success.

(6) These early school boads had nothing to do with the voluntary schools. They maintained some schools of their own and received grants from the national government, on the same principles as those on which the voluntary shools received grants-in-aid direct from the national government. This arrangement substantially eliminated competition between the board schools and the voluntary schools and made the development of both possible

Between 1870 and 1944 the cost of education rose very considerably. This was due to the following reasons among others:

(a) This number of children to be educated increased very substantially because the age limits for compulsion were slowly raised from 5 to 10 in 1870, to 5 to 15 in 1944.

(b) The cost per pupil was 25 s. per year in 1870. It rose to 327 s. in 1938-39. In the post-war period, this has increased still further, although exact statistics are not available. Broadly

speaking, it may be said that the cost of educating a child in primary schools is now about 16 times to what it was in 1870. This phenomenal rise is due to the following causes:-

(i) Expansion of the curriculum;

(ii) Adoption of better methods of teaching;

(iii) Provision of better buildings and equipments;

(iv) Reduction in the number of pupils taught by each teacher (it was more than 50 in 1870 and is now about 30); and

(v) Rise in the salary of teachers owing to a rise in the standard of living and the better qualifications expected of them.

This rise in the cost of education made it necessary to change the educational policy adopted by the Elementary Education Act of 1870. In particular, a change was felt to be inevitable on the following lines:

(1) The voluntary schools began to lose ground more and more. The costs grew enormously; but the amount collected by way of subscription either remained the same or even declined in some cases. This implied that the voluntary schools had to depend more and more on grants from public funds. As a corollary to this financial dependence, they were gradually annexed by the school boards and were deprived of several of the independent powers which they enjoyed in the past.

(2) The small-sized local authorities also began to lose ground. A small unit of administration and finance works satisfactorily under conditions when costs are low, the course of compulsory education is short and the problem of administration is simple. All these conditions existed in 1870, but they ceased to exist rapidly after 1890. Now the costs increased rapidly, the course of compulsory education was elongated and the local authorities were required to deal not only with primary education but also with secondary and technical education. They were also called upon to provide a school medical service, mid-day meals and such other facilities. All these charges implied that the small-sized local authorities which were created by the Act of 1870 must be replaced by bigger units of administration.

(3) On the financial side, two changes were needed. In the first place, larger grants from the national government became essential

to meet the rising costs; moreover, the old complicated methods of calculating grant-in-aid also became out of place in the new conditions and had to be replaced by newer and simpler methods.

It must be said to the credit of English people that they rose to the occasion and with their genius for evolution brought about all these changes in good time under the Education Acts of 1902 and 1944.

5. *Voluntary Schools (1870-1944):*

Under the Elementary Education Act of 1870 the voluntary schools had full internal autonomy. They received grant-in-aid from national government and were subject to inspection. They also had to meet all the deficit between the expenditure of the school and the amount of grant-in-aid. This position was greatly altered under the Education Act of 1902. They were now described as "Non-Provided Schools". The managements of these schools were relieved of all expenditure connected with the school, except the cost of capital expenditure on buildings and structural repairs and alterations. All recurring cost inclusive of the salaries of teachers was to be paid by the Local Education Authorities (briefly L. E. As.) which superseded the school boards. The managers of the 'Non-provided schools' of course lost some of their rights in return for these larger grants. For instance, one-third of the managers of a non-provided school were to be appointed by the L. E. As. and although the managers retained their right of appointing and dismissing teachers this could only be done with the approval of the L. E. As. on educational grounds.

Under the 1944 Act, the voluntary schools have lost their ground still further. They are now divided into three classes viz., Local Agreement Schools, Controlled Schools and Aided Schools.

(i) *Local Agreement Schools*: After 1926, the managements of voluntary schools were not able to provide over the cost of new buildings or alterations and required financial assistance even in this matter. The Education Act of 1936, therefore, put forward a scheme under which the managements of 'Non-provided schools' would be paid a grant-in-aid of not less than 50% nor more than 75% of the cost of the new building subject to the following conditions:

(a) The building proposals must be approved by the L. E. As. and the Board of Education.

(b) The teachers in the school had to be appointed or dismissed

by the L. E. As. subject to the right of the management to be satisfied as to the fitness and competence of the "reserved" teachers who gave religious instruction.

This scheme did not materialise satisfactorily, either because the managers could not raise their share of the cost or because they disliked the increased control given to the L. E. As. or because the L. E. As. themselves were unwilling to give the grant. Only 519 proposals were submitted under this scheme and out of them only 37 were sanctioned.

Under the Act of 1944, this scheme has been revived. All schools which had submitted proposals before 1944 would now be given an opportunity to revise them and would be given financial assistance on the same terms if they chose to have it. Those schools which accept this scheme will be known as Local Agreement Schools.

(ii) *Controlled and Aided Schools:*— The relation of these two types of schools with the L. E. As. are thus described by the White Paper on Educational Reconstruction:—

"To the Managers of all other voluntary schools, whether primary or secondary, the choice of two alternatives will be offered.

A. If they find themselves unable or unwilling to meet half the cost of the alterations and improvements needed to bring the buildings up to standard, and of the continuing external repair of the fabric, all financial obligations will pass to the Authority. The power of appointing and dismissing teachers will also pass to the Authority, subject to the right of the Managers to be consulted as to the appointment of the head teacher and to the right of the Foundation Managers to be satisfied as to the appointment of reserved teachers, within limits to be prescribed. These teachers will give denominational instruction for not more than two periods a week to those children whose parents desire it. Apart from such denominational teaching, the religious instruction will be in accordance with an agreed syllabus. Schools, the Managers of which elect for this alternative will be termed "Controlled Schools".

B. Where the Managers are able and willing to meet half the cost of alterations, improvements and external repairs, the remaining half will be met by a direct grant from the

Exchequer. The opportunity will be taken of simplifying the present law relating to the respective responsibilities of Authorities and Managers in regard to repairs, by getting rid of the unsatisfactory "fair wear and tear" clause and placing the responsibility for external repairs upon the Managers and for other repairs, including those to the playground and playing fields, upon the Authority. The powers and duties of Managers in regard to the appointment and dismissal of teachers and the giving of denominational religious instruction will remain substantially unaltered and denominational religious instruction will continue to be given as at present, subject to the right of parents who so desire to have their children given syllabus instruction. Schools falling in this category will be known as 'Aided Schools'.

"57. There will be no transfer of the property or ownership of the schools of any of the three types. In the case of local agreement and aided schools, the Managers will be constituted as at present, namely two-thirds appointed in accordance with the trust deed and one-third by local authorities concerned. In the case of controlled schools, in view of the fact that the whole cost of maintaining and improving the fabric and running the schools will be borne by the public, the proportion of Managers will be reserved, and two-third will be appointed by the local authorities and one-thirds by those now responsible for appointing the Foundation Managers."*

It will be seen from this narrative that the Voluntary Schools have been gradually annexed, relieved of their financial burden and also deprived of a larger number of powers which they formerly enjoyed.

6. Increase in the size of the unit for Administration and Finance: (1870-1944)

As stated earlier the local units for administration and finance of primary education were very small under the Elementary Education Act of 1870, and that there were as many as 3351 local authorities for primary education in England and Wales. As days passed by, this small unit became unsuitable for our reasons — rise in the cost of education, increase in the age-range of compulsion, the extension of the sphere of local authorities to secondary and technical education and the growing complexity of the problems of education. A view, therefore, began to be put forward that a number of local authorities must be reduced, and the problem came up for serious discussion at the time of the passing of the Education Act of 1902. One section put forward the view that only county boroughs and county councils should be retained as local authorities. This would have reduced the number of local authorities to 132. The other section felt that this was too drastic a reduction, and either proposed very few changes or defended the *status quo*. As usual, the controversy was settled by a compromise, and the following 333 local authorities were created instead of the 3351 which existed before the Education Act of 1902 :

1	London
69	County Boroughs
62	County Councils
62	Urban Districts with a population of 20,000 and more
139	Non-County Boroughs with a population of 10,000 or more.
333	Total

The county boroughs and the county councils were designated as Part II Local Authorities and were made responsible for primary, secondary and technical education. They had also the authority to provide scholarships, to train teachers, and to grant fees to students in colleges or hostels. The urban districts and non-county boroughs were known as Part III Local Authorities. They were concerned with primary schools only, which however were defined as institutions (excluding evening schools) which gave education to pupils not over 16 years of age.

This compromise worked well for a time but owing to the same reasons as above, it again became unworkable, especially after the reorganisation which began in 1926. The Education Act of 1944, therefore, reduced the number of the local education authorities still further. Its main achievement was to do away with the distinction between the Part II and Part III Local Authorities. The reasons for this change and the consequences thereof are lucidly explained by the White Paper on Educational Reconstruction and may be summarised as follows:—

* Educational Reconstuction — p. 16.

(1) The system of having to types of local education authorities is open to two serious objections. In the first place, it is a barrier to the proper unity of educational organisation, because one part of the child's education is entrusted to one authority and the subsequent put to another. Such an arrangement makes the transfer of children from primary to either a modern school or a grammar school, or a technical school, a difficult and complicated problem. The second objection is that the distinction between Part II and Part III Authorities was based on the population figures of 1901 which have now become obsolete and led to incongrous results. For instance "Harrow Urban District, which had in 1938 an estimated population of 1832,000, has no educational powers because its population in 1901 was under 20,000. Tiverton Borough, which in 1938 had an estimated population under 10,000 remains an Authority for elementary education because in 1901 its population exceeded that figure".*

(2) It was, therefore, decided that the distinction between Part II and Part III Authorities should be abolished and only Part II Authorities should be allowed to continue. The number of local education authorities is, therefore, reduced to about 150 under the Education Act of 1944, and every L. E. A. is charged with all educational functions i. e. with the functions relating to primary, secondary, and technical education.

(3) The new L. E. As. are fairly big in size. It was, therefore, felt essential to stimulate and preserve local interest in education by creating education districts under each L. E. A. Generally it may be stated that an area with a minimum population of 60,000 or a minimum primary school population of 7,000 children will be constituted into a school district. For each district there would be a district committee which will be delegated with some powers by the L. E. As.

The net effect of the changes brought about by the Education Act of 1944 was that it reduced the number of Local Education Authorities by increasing the size of the area under each thereby having a bigger unit for financial administration. At the same time it preserved and stimulated local interest in educational affairs by providing for the appointment of district education committees.

* 'Educational Reconstruction'. Para. 113.

7. *Methods of Grant-In Aid: (1870–1944)*

Another important aspect of the educational developments between 1870 and 1944 is the evolution of the existing system of grant-in-aid. In 1870 the prevailing system of grant-in-aid was that of *payment by results.* This system involved the scrutiny and evaluation of the work of each child, and not merely his work as a whole but in detail of each of the important subjects. The adoption of this system led to several evil results, the chief among which was the adoption of mechanical methods of teaching. This system was, therefore, abandoned and a new system of calculating the grant-in-aid for a school as a unit was adopted. But even this system had its disadvantages. In the first place, there were as many as 2568 school boards and 14,238 bodies of managers of voluntary schools, each of whom had to be dealt with separately. Secondly, there were not one but several different basis on which grant-in-aid was calculated. This made the system of grant-in-aid extremely complicated. For instance, Dr. Corlett describes the grant-in-aid system in 1911–12 in the following words:

> "*The Annual Grant*, which was the most important financially, was that fixed by the Board in respect of the normal instruction given to children in ordinary elementary schools...It was calculated in the offices of the Board separately for each schools, and was a uniform grant of 21s. 4d. per scholar for children over 5 years of age in average attendance, and 14s. 4d. in respect of scholars under 5.
>
> "*The Aid Grant*, was calculated at 4s. per child *plus* three-quarters of the difference between the produce of 1d. rate and 10s. per child in average attendance. It was paid in two instalments and the total was based on the average attendance not for that year, but for the school year (different for each school), which ended in the previous financial year.
>
> "*The Fee Grant* was payable under Section I of the Elementary Education Act 1891 in replacement of school fees formerly charged. Like the Annual Grant, it was based on average attendance. It was paid at the rate of 10s. per unit in average attendance.
>
> "*The Small Population Grant* was really an Aid Grant to the Authorities of county areas. It was paid under the 1876 and 1890 Acts at rates of £, 25,£20, or £10 for schools in sparsely populated districts. It was an arbitary attempt to counteract the unfair inequalities produced by the other grants.

"*The Special Subjects Grant* (for cookery, laundry-work, dairy-work, household-management and handicrafts) each with its own set of complicated conditions, was paid under the Board's Regulations at rates varying for each subject.

"*The Special School Grant* for blind, deaf and defective children was paid under the Board's regulations at rates varying from £4 to £5 5s. per child.

"*The Necessitous Area Grant* was a special grant introduced in 1906-7, and was three-fourths of the sum by which the net expenditure from the rates exceeded the produce of a rate of 18d. in the £. It was a temporary expedient to alleviate the very heavy burden in certain areas until the whole system of grants for education could be thoroughly revised.....

"The cost of the *School Medical Services* amounted to £. 50, 374 in 1912–13, the year in which the grant was introduced."*

This system was undoubtedly better than the earlier one, but it was still too complicated to be efficient. "The complications of calculation due to the variety of grants were fast becoming excrescencies in any grant system and a simplified system was desirable from an administrative point of view. Each Local Authority was receiving a stream of separate credits on the Paymaster-General from the Board for small amounts due in respect of each particular grant for particular schools. As a case in point, Liverpool in 1911 received its annual subvention in the form of about 125 separate claims on the Paymaster-General, two-thirds being in respect of Elementary Education"† It was, therefore, decided in 1917 to adopt a still simpler form of grant-in-aid. Under the new rules a single grant was instituted for each Local Authority on the following principles:—

(1) *The Substantive grant* was calculated at 36s. per child in average attendance plus 60 per cent of teachers' salaries, *plus* 50 per cent of expenditure on special services (school medical service, free meals, etc.) *plus* 20 per cent of expenditure on other items, *minus* the produce of 7d. rate.

(2) The maximum limit of grant was either (a) two-third of the net expenditure or (b) the excess of net expenditure over the

* A Survey of the Financial Aspets of Elementary Education, pp.73-75

produce of a 12d. rate *plus* the grant under the Agricultural Rates Act.

(3) The minimum grant was fixed at 50. per cent.

This improved the situation to a great extent. In the course of the following few years both the maximum and minimum limits were abandoned and a grant of about 50 per cent of the total approved expenditure was given to each local authority. The increase of cost due to the second World War necessitated a change even in this basis and the following system has been introduced by the Education Act of 1944:

"12. The revised grant system will result in payment of the three types of grant:

(i) A main grant to each authority based on the percentage which the total grants for education for that authority's area bore to the corresponding expenditure on education 1938–39. This percentage will be increased by stages to a total increase of 5 in the fourth year (i. e. 1948–49).

(ii) Additional grants to the poorest areas, on the basis yet to be settled.

(iii) Grants at special rates in respect of expenditure on school meals and milk". *

The net result of these changes can be stated as follows:—

(i) The general tendency has been to simplify the system of grant-in-aid, to substitute a single grant (or a few grants) for a large municipality of them and to adopt each local authority as a unit.

(ii) The number of Local Authorities is reduced from 3351 in 1870 to 150 in 1944. This development combined with the principle of adopting each Local Authority as a unit for purposes of grant-in-aid has led to a still further simplification in the system of grant.

(iii) The amount of grant-in-aid given by the national government has increased on account of the increase in the total cost of to day, national government education and pays more than half of the total expenditure on primary education.

† Ibid, p. 73.

* Beatlie and Taylor: The New Law of Education, P. 78.

8. The English system of Financing Primary Education And Periods of Economic Depression:

The typical feature of the English System of financing primary education is that the cost of primary education is shared jointly between the national government and the Local Authorities This system has one special advantage viz. it prevents a sudden decline in educational expenditure in a period of economic depression.

In a country like Australia where a single authority is responsible for financing primary education, cuts in expenditure can be carried out very quickly. In periods of economic depression, therefore, the expenditure on education gets immediately and drastically reduced. In a country like England on the other hand, where the expenditure on primary education is shared jointly between the national government and the local authorities, it is not equally easy to cut down the expenditure. As a rule, the expenditure is first incurred by the local authorities and government is called upon, at a later date, to pay a grant-in-aid on an expenditure basis. Although it may be open to government to refuse to pay grants on certain items of expenditure incurred on education, the local authorities always have a moral claim which cannot be ignored for a long time. Moreover, the pressure of public opinion also begins to be continually exerted upon government through the local authorities and government always finds it difficult to retrench expenditure in the teeth of public opposition. Lastly, the local authorities themselves often come forward with additional funds in order to make up the deficit due to retrenchment in government expenditure. Under a joint system of financing primary education, therefore, the cuts in educational expenditure due to a period of depression are not so severe as those in a system where a single authority is responsible for the finance of primary education.

A study of the finance of primary education in England in the years between 1922 and 1937 will conclusively prove these general statements. During these years, the national government tried to economise on educational expenditure in a number of ways; but they did not succeed very much, because of the resistance offered by the local authorites. In the Province of Bombay also, the same experience was obtained. Between 1927 and 1937, Government restricted its expenditure on primary education, but the local bodies increased their share of the expenditure on primary education, with the result that the cause of primary education was saved to some extent.

9. *Applications to the Province of Bombay*

The educational developments in England described in the preceding paragraphs have greatly influenced the history of primary education in the

Province of Bombay. Our educational administrators always looked to England as a model, and consequently the Primary Education Acts in the Province of Bombay have been broadly modelled on the Educational Acts of England. The following points will show the similarities between the two histories:

(i) The idea of levying a local rate for educational purposes was first developed in England and came to India from there. Actually, however, a Local Fund Cess for education and other purposes was levied first in the Province of Bombay (1863-1869) and then in England in 1870.

(ii) The idea of making local authorities responsible for the finance and administration of primary education was first developed in England (1870) and introduced in India in imitation thereof (1884).

(iii) The Bombay Primary Education Act of 1923 was based on the Education Act of England of 1902. In the Bombay Act, the local bodies were divided into two groups...Local Authorities and Non-Local Authorities...on the basis of the English concept of Part II and Part III Local Authorities. It must, however, be noted that the functions of non-local authorities were quite different from those of Part III L. E. As.

But unfortunately, it must be said that this imitation of English models was not a happy one. In the first place, the socio-economic conditions in England are completely different from those in the Province of Bombay. England is an urban, industrial and a rich country. The Province of Bombay is mostly rural, agricultural and poor. This difference was forgotten in making a blind imitation of the English models. Moreover, several important things were overlooked in imitating England. For instance, England began with local authorities each of which had a small area. In later years, the area under a local authority increased, but local interest was still maintained by creating small school districts and appointing education committees in charge of each. In Bombay, on the other hand, the areas under local authorities were unmanageably big from the very beginning. In the rural areas, for example, the unit of administration was a district with 1100 to 1200 villages, ten to twelve lakhs of population and an area of 3 to 5 thousand square miles. This cannot be called a local unit at all. If the English model were to be properly adopted, it was necessary to have a local authority for a small group of villages having a population of 10,000 or so. As another example of this wrong imitation, it may be pointed out that the local rates in England were levied mainly on urban property while, in the Province of Bombay, a local cess was levied on land revenue only

and this affected the rural areas alone. Lastly, some of the good features in the English Acts like liberal grants from government, introduction of compulsion etc, were not at all copied in the Province of Bombay. On the whole, therefore, it may be concluded that we have had only an ill-considered and wrong imitation of English models.

Is there anything that we can learn from the system of finance and administration of primary education in England? There certainly are a number of good points that we can learn and among these, the following may be mentioned:—

(i) England is an urban country and its system of administration can be applied to the urban areas of the Bombay Province. We must, therefore, have a separate Act of Primary Education for all urban areas, i. e. the areas of authorized municipalities like Bombay, Ahmedabad, Poona, Surat, Sholapur, Hubli etc. In all these areas, we should follow the English model i. e. primary education must be a joint responsibility of government and the local authorities, government must give not less than 50% of the expenditure as grant-in-aid, and the municipalities should be given the same powers over primary education which they have in England.

(ii) A city or a big town is too large to be a local unit. It should therefore be divided into small school districts with an education committee for each. The municipality should delegate some powers to such committees on the English model.

(iii) England cannot be a model to us in so far rural areas are concerned. For this purpose we must look to some other nation for guidance.

(iv) We are today at a stage where England was in 1870. It is, therefore necessary for us to imitate the methods and practices which England adopted in 1870. Instead of doing this, we are now imitating what is being done in England in 1944. This is really equivalent to giving the diet of an adult to a young child; and the attempt can never succeed. We must, therefore, study and imitate the methods by which England made compulsory education successful between 1870 and 1902. This does not mean that we shall need 32 years for making compulsory education successful. We can shorten this stage to ten years because of our previous experience, but we cannot escape it altogether.

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CHAPTER V

THE ADMINISTRATION AND FINANCE OF PRIMARY EDUCATION IN FRANCE

1. *Introductory:*

The system of the administration of primary education in France is of great interest to the students of educational administration in the Province of Bombay mainly because it is a system which can be copied advantageously in respect of rural areas. This system must, therefore, be studied with very great care and attention.

2. *The French Local Bodies:*

In the Province of Bombay, there are five different types of local bodies viz., the district local boards which are in charge of all villages in a district, municipal corporation in the metropolitican city of Bombay, borough municipalities in the bigger towns, district municipalities in smaller towns, and panchayats in villages. Although a Panchayat Act has been in existence in our Province since 1920, most of the villages do not yet have a panchayat. In France, there is no local body which corresponds to a district local board. In all population centres in France, there is only one type of local body, viz., the '*Commune*'. In other words, a 'Commune' corresponds, according to the population of its area, to a village panchayat, a district municipality, a borough municipality or a municipal corporation. In the republic of France as a whole, there are 37, 944 communes. Some of them have a population of less than 50 persons while the city of Paris with a population of 46 lakhs is also a Commune. The administration of a commune is entrusted to a council which has 10 members if the population is less than 500 and 36 members if it exceeds 60,000. The existing Communes may be grouped as follows according to their population :—

Population	*No. of Communes*	*Populalion*	*No. of Communes*
50 and less	346	2,001 to 2,500	685
51 to 100	1,750	2,501 to 3,000	440
101 to 200	6,420	3,001 to 3,500	303
201 to 300	5,867	3,501 to 4,000	208
301 to 400	4,548	4,001 to 5,000	248
401 to 500	3,210	5,001 to 10,000	429
501 to 1,000	1,880	10,001 to 20,000	207
1,001 to 1,500	2,883	20,000 and over	159 *
1,501 to 2,000	1,388		

* F. H. Swift: European Policies of Financin Educational Institutions, p. 172.

3. *The Division of Powers between the National Government and the Communes:—*

The most important feature of the administration of primary education in France is that the teachers form a central cadre which is recruited and controlled by the national government alone. As a corrollery to this, the national government also bears all expenditure in connection with the salaries and allowances of teachers. The second important power which the national government in France exercises is that of inspection. All inspecting officers are the servants of the national government and are appointed, paid and controlled by the national government.

The powers of the communes over primary education are, therefore, greatly limited. They construct and maintain the buildings of primary schools, appoint inferior servants required by the schools, purchase and supply school furniture and materials of instruction and arrange for school excursions, mid-day lunches etc. In short, the powers of the communes over primary education relate to all matters other than the control of teachers and their remuneration.

This system has several advantages. The teachers are happy are under it, because their service conditions are centrally determined and because they escape the tyranny of local committees. The efficiency of the teaching service is also greatly increased owing to centralised administration. The teachers get a better remuneration as servants of the national government than what they would have obtained as servants of the communes. The system also does not throw a great financial liability on the communes, because the biggest item of expenditure – the salaries and allowances of teachers – is borne by the national government. It also leaves enough scope for local initiative and local interest in maintaining and improving the efficiency of the school. On the whole, therefore, the French system of administering primary education is very useful in a plan where government provides the largest part of the expenditure and desires to share authority with the local bodies on the basis of the funds provided.

4. *Division of Financial Responsibilities:*

The financial responsibility for primary education is shared between the national government, the *Departments** and the communes. As may be easily anticipated, the largest part of the expenditure is provided for by the national government. The Departments provide the smallest part and also have hardly any authority over primary education. The 'communes' provide all the remaining expenditure.

* The 'Department' corresponds to a District. The area of the French Republic as a whole is divided into 90 Departments.

According to the French system all expenditure is divided into two classes; (i) Obligatory and (ii) Optional. The Obligatory expenditure is further divided into *Ordinary* (i. e. recurring) and *Extraordinary* (i. e. non-recurring). The following is a list of the important ordinary, extra-ordinary and optional expenditures borne by the national government, the Departments and the Communes:—

A. Costs borne by the National Government

(*1*) *Ordinary expenditure* :—

(a) The salaries and allowances of the personnel of primary schools of every grade, including infant schools, elementary and higher primary schools, apprentices' schools and normal schools.

(b) Salaries and allowances of the administrative and inspecting personnel.

(c) Travelling and moving expenses of inspecting officials.

(d) Living costs of pupils in normal schools, including food, laundry, class supplies, etc.

(*2*) *Extraordinary expenditure* :—

Grants-in-aid for the purchase, erection, repair, or enlargement of primary school buildings.

(*3*) *Optional expenditure* :—

All expenditure not classified as ordinary or extraordinary is optional. Of the more important optional expenditure, the following may be noted :

(a) Supplementary allowances for moving expenses of officials of primary instruction.

(b) Grants of books and materials of instruction.

(c) Grants to the school welfare (*caisse des ecoles*).

(d) Grants for continuation courses.

(e) Grants for expenditure for optional schools.

(f) Scholarships, relief funds etc.

B. Costs Borne by the Departments

(*1*) *Ordinary expenditure:*—

(a) The upkeep and, if necessary, the rent of normal school buildings, the upkeep and the renewal of furniture and all materials of

instruction of these schools; the residence of the director or directress, as well as the residence of the accountant and all the *surveillants* (directors of studies and of pupils).

(b) A residence allowance for non-resident pupil teachers, in *lieu* of a residence.

(c) The rent and upkeep of the residence (*du local*) and furniture of the academy inspectors; the costs of the office of the academy inspector.

(d) The costs of printing of the following:

Cantonal delegations; academy inspections including the printing of the departmental bulletin of primary instruction.

(e) Allowances to foremen, overseers, and master workmen appointed by the department to provide instruction in agricultural, commercial and industrial branches in all classes of primary schools, and in apprentice schools established by departments.

(*2*) *Extraordinary expenditure;*

The costs of the original erection of departmental normal schools for primary teachers.

(*3*) *Optional expenditure:*

Various allowances, prizes, medals, departmental scholarships, subventions, etc.

[*N. B.* :— It will be seen that the *Departments* bear most of the expenditure for training institutions for teachers].

C. Costs Borne by the Communes

(*1*) *Ordinary expenditure:*

(a) The upkeep and, if necessary, the rent of primary school buildings; a lodging for teachers or an allowance in lieu of the same, a residence for directors and directresses.

(b) School costs of heat and light.

(c) Wages of domestics (*gens de service*) in infant schools.

(d) Costs of sweeping and cleaning the school premises in communes, or divisions, having a total population of at least 500 inhabitants.

[*N. B.* :— In communes or divisions of less than 500 inhabitants, the sweeping must be done by pupils of suitable age or by their families. It must not be placed upon them as a punishment but rather as a social duty.

(e) The purchase, upkeep, and renewal of school furniture and materials of instruction.

(f) School record forms and printed materials.

(g) Allowances to foremen, overseers, and workmen appointed by the commune to provide instruction in agricultural, commercial and industrial branches.

(2) *Extraordinary expenditure:*

The cost of purchase, construction, and remodelling of school premises when the establishment of a school has been decided upon in conformity with the laws and regulations.

(3) *Optional expenditure:*

(a) Grants for school furniture.

(b) Appropriations for the school welfare fund (*la caisse des ecoles*).

(c) Communal prizes and scholarships.

(d) Medical inspections.

(e) Cost of maintaining continuation classes and classes or schools provided at the option of the commune.

5. *Financial Powers of the Communes* :—

The communes meet their financial responsibilities for primary education by raising funds in the following six ways:—

(1) Amount set aside for primary education from their ordinary revenues.

(2) Grants from national government.

(3) Payments by families for supplies of lunches, and other services not furnished *gratis* by the commune.

(4) Giftes of patrons.

(5) Funds received from the local charity bureau for the luncheons, aprons, and overshoes of children from poor families; and

(6) The school welfare fund (*caisse des ecoles*).

Of these various sources of revenue, the most interesting is the School Welfare Fund or *Caisse des ecoles*. This fund is raised by the voluntary contributions from the people living in the commune and is utilised for certain local requirements of the primary schools. The first idea of this

fund probably dates from 1849. F. H. Swift describes the organisation and utilization of this fund in the following words:—

> "Certain companies of the National Guard from the section which today forms the second *arrondissement* of Paris, conceived the idea of establishing by contributions a fund to pay for the work of poor pupils and to be used to aid their families in the purchase of books and clothing. The institution thus voluntarily created proved its own worth to such an extent that in 1882 its establishment was made compulsory for every commune. Its purpose as stated by existing law is 'to encourage and facilitate school attendance by rewards to industrious pupils and by assistance to indigent pupils.
>
> Other purposes to which the money in the school chest may be applied include prizes, school supplies, free lunches, payment for supervised study of indigent students. One rural school I visited in 1928 had used 5000 francs of its school chest to send sixteen poor children to the seashore the previous summer and the balance of its fund for school excursions to places of historic interests.
>
> The *caisse des ecoles* is distinctly a public fund. It may not be used to aid private schools or to aid pupils attending private schools. For similar reasons the school chest is debarred from accepting gifts or legacies to be used for the benefit of private school pupils.
>
> The *caisse des ecoles* is composed of private subscriptions, gifts, bequests, contributions of books, clothing, food, subventions from the commune, from the department, and from the national government. The schoolmaster of a rural school informed me with great pride that every family in his commune, had given something to the school chest and that the individual gifts ranged from 5 to 300 francs and the totals from 7000 to 8000 francs per year. The national appropriation is apportioned by the Ministry among the departments on the basis of the number of *caisses des ecoles* maintained and their activity. The local apportionment of the fund is in the hands of a committee composed of members of the local school commission and certain elected members."*

* *F. H. Swift:* European Policies of Financing Educational Institutions, pp. 30–31.

6. Application of the Province of Bombay.

The French system of the finance and administration of primary schools is extremely suitable for adoption in the rural areas of the Provinc of Bombay. At present, the Provincial Government pays 96% of the expenditure on primary education incurred in the areas of district school boards and only 4% is paid by the local bodies. According to law, a district local board is required to raise its Local Fund Cess to 3 as. in a rupee and to pay 15 pies out of it for primary education. Similarly, the non-authorised Municipalities have to pay such part of their revenue from house-tax as may be fixed by government from time to time. All the additional expenditure required for primary education in the areas of these authorities is to be borne by the government itself. With the introduction of compulsion, the cost of primary education is increasing year by year. As the contribution of these local authorities is fixed and as government is to bear all the deficit, the portion of expenditure borne by government will increase still further in days to come. In other words, practically all the expenditure on primary education will be borne by government. In spite of this disparity between the share of expenditure borne by government and that borne by the local authorities, we have adopted the English model of administration in our rural areas. It was shown in the preceding Chapter that the English model may be adopted in cases where the local authorities bear an almost equal share of expenditure with government. It is not applicable to the financial relations that now exist between government and the district local boards in the matter of primary education. For the rural areas, therefore, the French model would certainly be better.

If the French model is to be adopted in the Province of Bombay, the *first reform necessary is to make the primary teachers servants of the Provincial Government.* At present, the Primary teachers working in the Board schools of the Province of Bombay are nominally the servants of the district school boards or the municipalities, as the case may be. But practically all control over them vests in Government only. They are recruited and appointed by a Staff Selection Committee which consists of a majority of government officers. The control over their services is exercised by the Administrative Officer who is a government servant. Their pay and allowances are fixed by government and their work is evaluated annually by government inspecting officers. The idea that the primary teachers are servants of school boards (or municipalities) is therefore merely a fiction and should be given up as early as possible. Government should declare that all primary teachers (other than those working in the areas of authorised municipalities) would be treated as government servants and that the expenditure on account of their salaries, allowances, provident

fund etc. would be paid directly by government.* The expenditure on this account is about 90% of the total expenditure on primary education. As government is already paying 96% of the expenditure on primary education, there would be no financial difficulty in this proposal. Government should, therefore, introduce this reform at an early date. It is to be noted that the primary teachers themselves have been asking for this reform and demanding that they should be treated as government servants.

The second proposal is that the *district school boards should be abolished.* The district is really too big an area to be called a unit of local administration. It should, therefore, cease to exist.

The third proposal is that *local school committees should be established separately for each town and village (or for all areas which are not authorized to manage their own primary education).* In other words, every town and village having a Panchayat should be regarded as a 'commune' and should have the same powers over primary education which a 'commune' has in France. That is to say *the local authorities,* for primary education in non-urban areas would be the following:

(a) Municipalities which are not authorized to control primary education on the English model. (All the smaller municipalities will be included in this class); and

(b) All Village Panchayats.

[*N. B.*:—At present, there are large numbers of villages where no panchayats exist. In such cases, Government should be directly responsible for primary education. But as it is a policy of Government to establish a Panchayat in every village or group of villages, it is hoped that ultimately, the French model can be applicable to all over rural areas].

Each *local authority* would be responsible for all items of expenditure oher than the salaries and allowances of teachers. These will include the following:

(i) Construction and maintenance of a school building,

(ii) provision of school equipment,

(iii) school contingencies,

(iv) pupils and teacher's libraries,

(v) school servants other than primary teachers,

* As it is proposed to adopt the English model for urban areas the primary teachers under authorized municipalities will continue to be servants of the municipalities concerned as at present.

(vi) supply of books, slates and clothes to children, and

(vii) provision of scholarships and prizes.

In order to meet this liability the *local authorities* will raise funds in three ways. They should be required to set aside certain funds from their ordinary revenue. Government must make it a rule that a certain minimum percentage of their revenues (say 10 per cent) must be set aside for education. Then they should be asked to adopt the idea of the *caisse des ecoles*. Such local collections will stimulate local interest and local sympathy for the school. Government should also give them grants-in aid. For example, at present, Government gives 75% of the expenditure on the construction of a school building. This practice should continue. Government should also pay a fixed percentage of the expenditure on certain obligatory items such as school contingencies. Moreover, Government should give a grant-in-aid on account of *caisse des ecoles* in proportion to the amount collected locally. Over and above these grants which will be common to all local authorities, Government should give special grants to poorer and backward localities in order to bring them on a level with the others.

If these suggestions are adopted, the administration and finance of primary education in the rural areas of the Province will be placed on a more scientific basis than at present.

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CHAPTER VI

The Administration and Finance of Primary Education in the United States of America

1. Introductory:

The problem of the administration and finance of primary education in the United States of America is of great interest to Indian educationists for several reasons. In the first place, the Americans have been conducting an intensive agitation for federal grants to education in general. They have evolved voluminous literature regarding the necessity of federal aid to education, the principles on which federal aid should be based, the amount of the federal aid and the manner of its grant and the nature and degree of control which the federal government should exercise in return for the grants. These are questions of vital importance to India, where the problem of central grants to provincial governments is still in a nebulous state. Moreover, the American system of administrating and financing primary education is essentially a system of small local education authorities. Both the strength and weakness of such a system is very well illustrated in the present conditions in America, and forms a very interesting subject of study. Lastly, the U. S. A. provides a vast field of experiments to a student of educational administration. This is because of the fact that education in America is primarily a responsibility of the States. The forty-eight States of which the Union is composed, have developed distinctive educational systems of their own and it would be correct to say that in the U. S. A. there is not one system of education but as many systems as there are states, territories and island possessions. In other words, the American educational system reveals a variety of educational practice which is of inestimable value to students of educational administration. It would be more desirable, therefore, if Indian educationists turn their attention to a study of the hitherto neglected systems of educational administration in America.

2 The History of Federal Grants to Education :

From the point of the constitution, the federal government in America has no responsibility for education. A close study of the American constitution shows that no educational functions have been assigned to the federal government and even the word " education " is not mentioned anywhere. The American constitution provides that all residuary powers and all

powers which are not specifically assigned to the federal government must vest in the States. Consequently, education has always been regarded as a duty of the States and not of the federal government.

In practice, however, the federal government has taken a very keen interest in educational matters right from its inception and this interest continues even today. The first example of federal aid to education is dated 1785 i. e. two years before the constitution itself was formed. In this year it was laid down that the sixteenth section of every township should be reserved for the support of education. This policy was continued steadily in future. In 1802, when the State of Ohio was admitted to the Union the federal government made special grants of land for the support of education in return for the concession that the State should give up the right to tax fedual lands within its jurisdiction. This policy was continued in other States admitted to the Union after 1802. The number of sections reserved for education in each township was raised to two in 1848, and in the case of the last three States admitted to the Union it was raised to four. Over and above these usual grants of land, the federal government also made special grants of lands to some States. It has been estimated that the total grants of land made by the federal government in these ways comes to more than 153,000,000 areas.* It must be remembered that these huge land grants were possible because America is a newly settled country. They represent an immense endowment for education.

All the land given by the federal government which was referred to in the preceding paragraph, was granted without specifying the type of education it was to support. In 1862, the Morril Act was passed which changed this policy to some extent. Under the provisions of this Act the federal government granted to each State an area of land at the rate of 30,000 acres for each senator and representative of the State in Congress. These lands were earmarked for the establishment of a college for teaching agriculture and mechanic arts. These colleges are known as "Land Grant Colleges." They number 69 in all (17 of these are specially meant for Negro students) and it has been estimated that a total of 11,000,367 acres of federal land has been granted for these colleges. †

In 1867, a Department of Education was organised in the federal government. Since 1929, it is being called the office of Education and since 1939, it forms a part of the Federal Security Agency. The main work of this office at present is collection of data regarding all States and their publication. It also carries out a considerable amount of research on

* *Julia E. Johnson :* Federal Aid for Education, p .10.
Ibid, p. 11.

educational problems. Broadly speaking, it may be said that the office of Education deals with those aspects of education only which affect the country as a whole.

The federal government began to give money grants for educational purposes fairly early. In 1887, the Hatch Act was passed which alotted grants ($15000 a year to each State) to the Land-Grant Colleges for the establishment and maintenance of an Agricultural Experimental Station. These grants were increased from time to time and in 1939–40 it stood at $7,500,000.* In 1890, the second Morril Act was passed which sanctioned federal grants for the general maintenance of Land-Grant Colleges. These grants stood originally at $15,000 a year but were increased from time to time. In 1914, the Smith-Lever Act was passed which sanctioned federal grants for extention services in agriculture and home-making. These grants also have increased tremendously in recent years and in 1942–43 they otalled $18,500,000. †

In 1917, the Smith-Hughes Act was passed which sanctioned grant for the first time for vocational education in schools of less than college grade. These grants were subject to the condition that the States granted an equal amount from their own resources. (This policy had been adopted earlier under the Smith-Lever Act also). These grants have also been increased from time to time and in 1939–40 they stood at $ 22,235,000. ‡

Under the National Defence Act of 1920, federal grants began to be sanctioned for millitary training in secondary schools and colleges. This programme stands in a class by itself because under it the federal grants are given, not in the form of lands or money but in the form of personnel, equipment and other services.

In the depression of 1931 onwards the federal government gave special Emergency grants for education. During this period we had in India a series of cuts in education grants. It is, therefore, interesting to note how the federal government gave Emergency assistance to educational programmes. This assistance took five forms :

(a) Educational features of Civilian Conservation Corps were emphasized.

(b) An Emergency Education programme was started with the help of teachers drawn from relief rolls and paid from relief funds. Classes of many different types were maintained for adults; emerg-

* *Russell and Judd :* The American Educational System, p. 82.
† Ibid, p. 83.
‡ Ibid, p. 85

ency freshman colleges were established in some centres; nursery schools were instituted; workers education received considerable stress; and a large amount of research bearing on educational problems was fostered. *

(c) Grants were given to needy students through the National Youth Administration.

(d) Special grants were given to local authorities to keep going those schools which would have had to be closed for want of funds.

(e) Large grants were sanctioned for construction and repairs to school buildings because such work gave employment.

It will be seen from this historical sketch that the federal government has been assisting education from the very beginning and that it is also doing the work of co-ordination and research.

3. *The Deffects of the Existing Position:*

It must be noted that the American people are not quite satisfied with the present role of the federal government in education. It is true that the federal grants for education have been continuous and large but the situation is open to the following serious objections :—

(i) The federal aid to education is a very small part of the total federal revenues. It is felt that the federal government must pay a much larger amount to education than what is being paid at present.

(ii) The federal grants for education also form a very small part of the total amount spent on education. In 1935-36, the total expenditure on education was shared as follows :—

Local Bodies ...	...	65%
States	...	30%
Federal government ...	...	2%
Philantrophy, fees, endowments etc. ...		3%

It is claimed that the federal government can and should contribute a much larger portion of the educational expenditure of the nation.

(iii) At present, there is no constitutional obligation on the federal government to support education. It is claimed that the constitution should be amended and the federal government should be compelled by law to assist education.

(iv) At present, all the federal grants to education are given for specific purposes like agricultural education, vocational education or military training. It is claimed that the federal government should give grants for education of a general type also.

(v) A comparative study of education in the 48 States of the Union shows that the progress of education varies from State to State. It is claimed that it is the duty of federal government to create equality of educational opportunity in every State because every child is a citizen of the federation itself. It is, therefore, suggested that the federal government should give educational grants to States in order to create equality of educational opportunity.

* *Russell and Judd* : The American Education System, p. 87.

4. *Principles on which Federal Grants should be given to Education*

It is very interesting to study the principles on which it is suggested that federal grants should be given to education, because these can be adopted in India with advantage.

The American educationists have evolved six objective criteria for measuring the educational performance of the individual State. These are :

(a) accomplishment in education,

(b) ability to support education,

(c) degree in which accomplishment is commensurate with ability,

(d) degree of educational effort,

(e) efficiency of educational effort,

(f) educational level of the adult population.

Accomplishment in education is measured by the following five standards :—

(i) Percentage of children completing eighth grade of primary schools,

(ii) Percentage of youths age group of 14-17 enrolled in high schools,

(iii) Percentage of youth aged 17 years who successfully complete the school course,

(iv) Percentage of the youth of the age group of 18-21 years enrolled in colleges.

(v) Percentage of youth aged 21 years who complete the college course.

On the basis of these five standards the accomplishment of every State is measured separately for each standard in the first instantce and then the combined results of all the standards are taken and the States are ranked according to their educational accomplishments.

Ability to support education is measured on the basis of income per child of school age. It is obvious that absolute income is not an adequate consideration because the number of children varies from one State to another. In cities the incomes are large and the number of the children is less. In the rural area the incomes are low and the number of children is large. It is, therefore, necessary to consider the income per child of school age as a measure of ability to support education.

Degree in which accomplishment is commensurate with ability is also a very important consideration. A study of the actual conditions shows that some States have a high ability but yet an inferior accomplishment. Other States have low ability but a comparatively higher accomplishment.

Degree of educational effort is measured as the percentage of total income devoted to education. The total amount spent on education is not a sufficient criterion by itself because the incomes of States vary considerably. A more scientific basis is therefore, provided by a percentage of total income devoted to education.

Efficiency of educational effort is measured as the ratio between the State's accomplishments in education and its expenditure on education per child. The assumption is that increasing expenditure must result in a proportionate increase in accomplishment, otherwise a loss in efficiency may be presumed.

The Educational level of the adult population of the State is measured in terms of years spent at school. In other words, the number of years spent at school (in terms of course completed) by every adult is noted at the time of the census and the average is worked out for the State as a whole.

Finally, the overall performance of every State in respect of all the above standards is also assessed and the States are ranked accordingly. The table given on the page Nos. 266-67 gives the ranks of the 48 States separately for each standard and also for their overall performance.

It is recommended by educationists that it is the duty of the federal government to see that the inequalities of educational opportunities which are revealed in the above table are removed. The only way in which this can be done is by giving federal grants for the purpose.

5. Federal Control over Education :

While educationists in America are all agreed on the necessity for federal aid for education they are keenly divided on the issue of federal control. It is feared that control eannot be separated from purse and that the federal government will inevitably exercise control in proportion to its financial assistance. Some educationists believe that the federal aid is of such importance that it should be accepted even if it implies greater federal control. The other view is that federal control of education is extremely dangerous and will result in centralization and dull uniformity. It is, therefore, argued that it is better to sacrifice federal grants than to submit to greater federal control. There is a third section which tries to work out a compromise between these two extreme view points. It believes that a measure of federal control within certain well defined limits is likely to be more beneficial than harmful, and that it is possible to work out a compromise formula which will combine federal finance with essentially local control of education. This view is gaining ground, but the necessary legislation for the purpose has not yet been passed.

6. Local Control in Education :

In U. S. A. it was the local bodies that took the initiative in establishing schools and providing other educational facilities. The local authorities in America are, therefore, very old and well—established. In fact, it is the strength of the local bodies that has become the main obstacle in creating bigger units of administration.

The size of the local authorities in U. S. A. is generally small. In the whole of U. S. A. there are more than 1,14,000 local authorities. Usually, a school district is defined as the area served by a single school. There are, of course, exceptions to this rule. The towns and cities, for instance, are regarded as a single school district, but on the whole, and particularly in the rural areas the area served by a single school is still regarded as a school district, in most instances. In other words the local authorities in the U.S.A are of the same type as those of England in 1870.

These small school districts arose under peculiar conditions, In the pioneer days, when America was just being colonized the rural population was small, the needs of education were simple and the means of communication were almost non-existent. Under these circumstances, it was but natural for the small and isolated American townships to establish small school districts. But unfortunately these reasons are no longer applicable. Today, good means of communication have already been provided, the requirement of school systems have become extremely complex and several

Apparent Rank of the States as to General Performance in Education.

State	All-around Rank	COMPONENT RATINGS				
		Educational Accomplishments	Degree accomplishment commensurate with ability	Degree of Effort	Efficiency of Effort	Education of Adults
1	2	3	4	5	6	7
Utah	1	1	1	4	1	1
Kansas	2	4	2	7	5	12
Oregon	3	2	5	24	3	3
Nebraska	4	5	3	16	2	10
Iowa	5	9	10	12	8	8
Washington	6	3	8	32	6	5
California	7	8	9	24	9	2
Idaho	8	13	11	5	19	7
New Hampshire	9	7	13	29	4	16
Colorado	10	11	16	17	14	8
North Dakota	11	18	4	3	11	24
Nevada	12	10	15	31	21	4
Iklahomo	13	22	6	6	7	28
South Dakota	14	20	7	1	27	17
Massachusetts	15	6	14	43	10	15
Montana	16	14	22	13	32	13
New York	17	12	12	32	15	27
Wisconsin	18	15	17	21	17	25
Vermont	19	23	23	20	13	11
Indiana	20	16	19	22	20	21
Minnesota	21	17	18	19	26	20
Wyoming	22	24	31	9	40	6
Choi	23	19	27	39	31	18
Maine	24	29	30	46	12	14
Texas	25	30	21	18	28	34
Illinois	26	21	29	42	35	22
Michigan	27	25	38	34	36	18
North Carolina	28	40	19	10	25	42
Connecticut	29	26	25	45	39	23
Missouri	30	28	37	36	29	29
Arizona	31	33	38	8	45	31
Pennsylvania	32	27	42	30	41	32
Tennessee	33	42	36	27	16	40
New Mexico	34	41	34	2	46	39
South Carolina	35	44	26	14	30	46
Louisiana	36	38	35	15	34	47
West Virginia	37	37	40	23	37	37
Missipi	38	48	24	11	38	45
Kentucky	39	43	33	37	17	41
New Jersey	40	32	45	28	48	30
Alabana	41	46	31	26	22	44
Virginia	42	39	41	37	23	38
Arkansas	43	47	28	35	23	48
Rhode Island	44	31	44	44	44	35
Florida	45	36	46	41	42	33
Delware	46	34	47	48	47	26
Maryland	47	35	48	47	43	36
Georgia	48	45	43	39	33	43

* America's Magic:—Raymond H, Hughes & William H. Lancelot, p. 85.

problems of administration and finance require centralized administration. England adopted bigger school districts in keeping with modern requirements; but in America, the attempt to adopt a bigger size for local authorities has been very strongly opposed and has generally failed. The reasons are mainly two: The conservatism of the people which supports the well-established small units and the sparseness of the population.

All the same, the disadvantage of the small size of the local authorities have become sufficiently obvious during this century. In a number of States, there are more school office-holders than there are teachers. In some school districts the number of pupils is extremely small and often less than ten. It is not possible to set up efficient central schools because this would imply the elimination of a number of existing schools and the creation of a bigger school district. A very large percentage of schools are just single teacher schools which from the educational point of view are not very efficient. These fundamental defects can only be remedied by adoption of bigger school districts.

A still greater defect of the American system is that the local authorities are made mainly responsible for financing primary education. Taken as a whole, they pay about 65% of the cost of education; in some cases they pay as much as 90% of the cost of primary education. This system leads to several defects. To begin with the teachers are appointed by the local authorities and are the servants of the local authorities. The salaries of the teachers, therefore, vary from one local authority to another; and there is nothing like a national scale of pay for teachers. There is no security of tenure as in a centralized cadre. In periods of depression the finances of the local authorities are affected quickly and extensively so that education suffers to a great extent. For these and other reasons, it has been advocated that the State and the Federal governments should bear a much larger portion of the primary education than what they have done so far.

7. *Application to the Province of Bombay:*

The administration and finance of primary education in U. S. A., illustrates a number of points which would be useful in reconstructing the administration of primary education in the Province of Bombay; in particular, the following points deserve notice:

(a) The necessity of federal aid to education.

(b) The principles on which the federal government should assist the states in educational matters, and

(c) The disadvantages of having small units, for finance as well as for major and minor activities of administration.

We must adopt the findings of American educators on the first two issues given above. The last issue shows a defect of American education which we should avoid. It would be much better for us to create separate units for (a) minor administration, (b) major administation and supervision and (c) finance. This would be particularly necessary in our rural areas.

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available basis, if necessary. Of the remaining expenditure the provincial government should pay not less than 50% and the local authorities should pay the balance.

(b) In the rural areas the French model should be adopted. The provincial government should pay, with the help of the federal grant the salaries and allowances of all primary teachers and also pay for inspection and training of teachers. The balance should be paid for by local authorities with the help of suitable grants-in-aid from the provincial government. This subject has been discussed already in Chapter V.

(c) In very small villages, there would be no local authorities, at any rate for some time to come. In these cases the provincial government should be solely responsible for financing primary education with the help of such federal grant as it may receive.

7. Supervision:

In respect of supervision in urban areas we have already recommended that supervision should be done by government and administration by the local authorities. As the urban areas are all compact and well developed there is no difficulty in organizing supervision in urban areas.

In the rural areas, the provincial government is responsible for two functions - supervision and major matters of administration such as appointment, transfer and control of teachers, original construction of school buildings, etc. The number of schools is very large and there is also the problem of distances and lack of means of communication. For these and other reasons the problem of arranging adequate supervision and efficient administration of primary education in the rural areas is far more difficult than that in urban areas.

The present system of administration and supervision for rural areas is as follows:—

(a) The district is the unit of administration and supervision.

(b) For each district there are two officers in charge - the Administrative Officer and the Deputy Educational Inspector.

(c) The Administrative Officer is responsible for administration of primary schools. He is in full control of the teachers. He is also responsible for the enforcement of compulsory primary education. But he has no touring assistants.

(d) The Deputy Educational Inspector is in charge of supervision. He has a number of touring assistants - usually at the rate of one officer for eighty schools. He inspects the schools, makes reports regarding the work of teachers, enquires into complaints but he has no authority to pass final orders. He has only to make reports to the Administrative Officer.

(e) All the inspecting officers have their headquarters at the district town and then they go out for inspection. It is expected that they would visit every primary school thrice a year - one inspection and two visits.

This system does not work very satisfactorily for the following reasons:—

(a) The division of authority between the Administrative Officers and the Deputy Educational Inspector is artificial and inconvenient. It was due mainly to the Primary Education Act of 1938. Prior to 1923, there was only one educational officer for a district viz. the Deputy Educational Inspector and he managed both the administration and inspection of primary schools. After 1923, both these functions were still united in one officer - the Administrative Officer. It was only in 1938, that they were separated because government wanted to take over supervision under its direct control. This separation has not been working satisfactorily. The Administrative Officer has no feet to tour although he has hands to pass orders. The Deputy Educational Officer has feet to tour but no hands to pass orders. Co-ordination between these two officers is difficult, involves delay and leads to inefficiency. It is, therefore, necessary that these duties should be recombined in one officer.

(b) It is not desirable to keep the headquarters of all inspecting officers in the district town. They must stay in their 'beats' which should be small. In this way only a close supervision over primary schools can be exercised.

(c) The number of inspecting officers is inadequate at present with the result that an officer hardly goes to a school twice a year. This number has to be increased considerably.

In order to remove all these defects we should give up the existing system of administration and supervision and have a new system on the following lines:—

(a) The district should continue to be the unit for inspection and major matters of administration.

(b) The posts of the Administrative Officer and the Deputy Educational Inspector should be combined into one and the new officer may be designated as Superintendent of Schools.

(c) All the villages in the district should be divided into small groups of not more than thirty villages. If such groups are formed, it will be found that all villages in the group are within a distance of five to seven miles of a central village. Such a village should be the headquarters of the group. An average district will have seventy to hundred of such groups and in each group the average number of villages will be fifteen to twenty.

(d) The head-master of the primary school in the headquarters of the group should be called a Supervising Teacher. It would be his duty, to supervise all the schools in his group. He can do this conveniently in addition to his own work as head-master. He should be given an allowance for the work and whenever necessary an additional assistant.

(e) The Superintendent of Schools should have Assistant Superintendent of Schools at the rate of one Assistant Superintendent for twenty groups. Their main work would be to check the work of supervising teachers.

Such a system as this, would be more efficient and more economical than the present one.

8. Finance of Compulsory Primary Education.

The population of the Provinces of Bombay is now about 3 crores owing to the merger of Deccan States, Kolhapur, Baroda and Gujarat States. At 15% of the population, we shall have to provide for 45 lakhs of children if compulsory education of four years is to be introduced.

In 1947 it was stated in the Bombay Legislative Assembly that the cost of primary education per pupil was Rs. 36 per annum. Since than the scales of primary teachers have been revised and improxed. The cost per pupil may, therefore, be put at Rs. 40 per annum.

On this assumption, the total cost of compulsory primary education of four years in the Province would be Rs. 18 crores. If basic education is made universal, this cost will increase still further, although it is not possible to say by how much.

At present the Government of Bombay is spending about Rs. 7 crores on primary education. Its total revenue is about Rs. 52 crores (excluding Kolhapur and Baroda). It may, therefore, be taken at Rs. 60 crores in total. At 20% it would be able to spend Rs. 12 crores at the most on primary education. It is obvious that government will not be able to find

Rs. 18 crores for compulsory primary education, unless the federal government comes to its aid or economy measures are adopted.

It is of fundamental importance to introduce compulsory primary education all over the Province as early as possible. If the necessary finance can be found by the Federal and Provincial governments and the local authorities, the problem is solved. But if they cannot we will either be required to slow down the pace of compulsion or to adopt economy devices. The latter alternative is certainly better. We should, therefore, do what the Filipino people have done in their Education Act of 1940 and adopt measures like the shift system to reduce the cost of education. Under no circumstances, however, should compulsory primary education be either given up or slowed down.

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NOTES ON
THE LAND ACQUISITION
and
Town Planning Acts*

By

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LAND ACQUISITION ACT

Notes

1. Terms used in Valuation under the L. A. Act:

(1) Gross rent per month.

(2) Gross rent per annum.

(3) Age of building.

(4) Future life of building.

(5) Cost of building as new.

(6) Outgoings out of gross rent (a) Municipal taxes, (b) Vacancies, Bad debts & cost of collection, (c) Repairs, (d) Sinking Fund (e) Insurance.

(7) Net rent per annum.

(8) Perpetual annuity.

(9) Terminable annuity.

(10) Security of investment.

(11) Rate of interest or return on investment or on capital.

(12) Rate of interest on Sinking Fund.

(13) Single rate table.

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* The notes and Valuations herein are meant for students of the Local Self-Government Classes. The terms Market Value and Compensation in Sec. 23 of the Land Acquisition Act, Undeveloped Value, Developed Value, Increment and Contribution in the Town Planning Act and other technical terms such as Annuity, year's purchase (Y. P.), Sinking Fund, Statutory percentage etc. used in connection with Valuations are entirely new to the student. It is hoped that the definitions, notes, interest tables and examples of Valuation set out herein will give the student an elementary knowledge of these and a concrete idea of simple Valuations under the Land Acquisition Act I of 1894 and the Bombay Town Planning Act IV of 1915.

(14) Dual rate table.

(15) Reversionary Value.

(16) Present Value of an amount due some years hence.

(17) Present Value of an annuity in perpetuity due now.

(18) Present Value of an annuity in perpetuity due some years hence.

(19) Present Value of an annuity to run for a term of years from now onwards.

(20) Years' purchase (Y. P.) e.g. $\frac{100}{4}$: 25, $\frac{100}{5}$: 20 etc.

(21) Capital Value e.g. Rs. 1000 × 20 Y. P. : 20,000/- Capital Value.

(22) Annual Value e.g. Rs. 1000/- net rent p.a.

(23) Market Value, e.g. Rs. 20,000/- above.

(24) Statutory percentage — 15% under Sec. 23(2) of L. A. Act.

(25) Compensation.

2. Definitions:

(a) Annuity means an annual income or the net annual rent.

(b) Perpetual Annuity means an annual income which accrues for ever, such as the income of a building with a future life of 50 or more years.

(c) Terminable annuity means an annual income which terminates or comes to an end, such as the income of a building with a short future life of less than 50 years.

(d) Age and future life of a building are estimated by inspection of the building.

(e) Cost of building is estimated by multiplying the cubic contents of the building by cost per foot cube for similar buildings at date of Valuation.

(f) Sinking Fund is a sum invested every year to replace capital at the end of a term of years.

(g) Security of investment –Investment in properties may be secure or insecure e. g.–Investment in agricultural land is subject to vagaries of the season and is therefore insecure. Amongst buildings return from Chawls is insecure as compared with a return from flats or shops. Return from stables which require a licence from the Municipality every year is very insecure.

(h) Rate of interest — The interest or return expected on an investment in properties would be high or low according as the income is–insecure or secure. For income which is secure the return would be low. Properties are generally 6% investments, shops and flats in a good locality would be 5% investments, chawls 7% and stables 8%.

(i) Years' purchase is the multiplier which gives the Capital Value of an annual value.

(j) Dual table is a table based on two rates of interest – one rate for interest on capital and a lower rate for the investment of sinking fund for the replacement of capital.

(k) Reversionary Value–means the value of a reversion or deferred payment.

(l) Capital Value is the opposite of annual value. It is the capitalised value of the net annual income.

(m) Market Value is the value obtained in open market, by a willing seller from a willing purchaser.

(n) Cost is not value. It may be more than the value in the case of a bad investment and less than the value in a good investment.

(o) Present Value is the discounted value of a sum not due immediately but due some years hence.

(p) Statutory percentage is the 15% solatium added to the market value under Sec. 23 (2) of the L. A. Act.

(q) Compensation under the L A. Act is made up of the market value plus 15% under Section 23 (2) plus amounts paid under clauses 2 to 6 of Sec. 23 (1) of the L. A. Act.

3. How to arrive at the Market Value of a property:

Ascertain:—

(a) Net annual rent.
(b) Cost of building as new at date of valuation.
(c) Future life of building.
(d) Security of investment.
(e) Rate of interest or return on investment.

4. Interest Tables:

Perpetual Annuity.

(1) Present Value of an annuity of Re. 1/- in perpetuity.

Rate of interest per cent per annum			Y. P.
4	$\frac{100}{4}$	=	25
5	$\frac{100}{5}$	=	20
6	$\frac{100}{6}$	=	16.66

Terminable Annuity

(2) Present Value of an annuity of Re. 1/- for a term of years.

Years	Y. P. allowing interest on capital at 6% and redemption of capital at 3%	Y. P. allowing interest on capital at 5% and redemption of capital at 3%	Y. P. on 4% & 3%
20	10.28	11.46	12.95
30	12.34	14.08	16.38
40	13.65	15.80	18.77

Sinking Fund.

(3) Annual Sinking Fund invested at 3% for the replacement of Re. 1/- at the end of a term of years.

Years.		S. F.
20	—	.0372
30	—	.210
40	—	.0133
50	—	.0089
60	—	.0061

Reversionary Value.

(4) Present Value of Re. 1/- payable at the end of a term of years.

Years.		P. V. at 6%
30	—	.174
40	—	.097

Valuations

1. A bungalow property fetching Rs. 250/- p. m. as rent is to be acquired under the L. A. Act. The total outgoings amount to 25% and it is ascertained that similar properties in the neighbourhood show a return of 4%.

(1) What would be the market value.

(2) What would be the compensation (Examination–March 1945)

Gross rent per annum Rs. 250/-×12	Rs.	3,000/-
Less: Outgoings at 25% of the gross rent		750/-
Net rent per annum		2,250/-
Y. P. on 4% table		× 25
Capital Value or Market Value		56,250/-

Compensation: Market Value+15% of Market value= 56,250+8,437/8

Conpensation:- Rs. 64,687/8

2. A building property yielding a monthly rent of Rs. 50/- is to be acquired under the L. A. Act. The annual outgoings on account of taxes, general repairs, etc. amount to 20% of the gross rent. The building requires immediate capital repairs amounting to Rs. 200/-. What amount of compensation would be awarded to the owner if the rent were capitalised at 4%.

Gross rent per annum Rs. 50×12	Rs.	600/-
Less: outgoings at 20% of gross rent		120/-
Net rent per annum		480/-
Y. P. on 4% Table		× 25/-
Capital value		12,000/-
Less for immediate repairs		200/-
Market value		11,800/-

Compensation:—Market Value+15% of Market Value=11800+1770

Compensation :— Rs. 13,570/-

3. What compensation would you pay for a plot acquired under the L. A. Act, containing a newly constructed building which fetches a gross rent of Rs. 150/- p. m. if the total outgoings amount to 25% taking the net return expected by the investors to be 6%. (Exam. - April 1943)

Gross rent per annum Rs. 150×12	Rs.	1,800/-
Less: outgoings at 25% of gross rent:		450/-
Net rent per annum		1,350/-
Y. P. on 6% table		×16⅔
Capital Value		22,500/-

Compensation:—Market Value+15% of Market Value=22500+3375

Compensation :— 25,875/-

4. A building in a sound condition with a future life of more than 50 years fetches a rent of Rs. 120/- p. m. and the total outgoings are 25% per annum. Immediate expenditure necessary to maintain rents is Rs. 200/-. What amount would you advise your client to pay for the property if he expects a net return of 60% on his investment? (Exam. - March 1944)

Gross rent per annum Rs. 120 × 12	Rs.	1,440/-
Less outgoings at 25% of gross rent		360/-
Net rent per annum		1,080/-
Y. P. on 6% table		×16⅔
Capital Value		18,000/-
Less for immediate repairs.		200/-
Market Value:		17,800/-

5. Find out the market value of a Hindu Sanatorium at Panchgani, having an accommodation for 10 families. The letting rate of similar properties in the neighbourhood for the season is Rs. 250/- and Rs. 100/- for off season per family. Assume that the total amount of outgoings is 30% of the gross rent and the return expected on the property is 50%. (Examination—September 1941).

Gross rent per annum Rs. 250+100 per annum per flat Rs. 350 × 14 flats :	Rs.	3,500/-
Less outgoings at 30% of the gross rent		1,050/-
Net rent per annum		2,450/-
Y. P. on 5% table		×20
Capital Value or Market Value.		49,000/-

6. A wealthy merchant having 2 sons desired to divide his whole property in such a way that the younger son should get Rs. 5,000/- more than his elder son for his education. After his death the property was found to consist of:

(1) Rs. 25,000/- cash in his treasury, (2) A nice flat of residence on market road fetching Rs. 250/- p. m. as monthly rent, the municipal taxes and other outgoings amounting to Rs. 6005 per annum (3) a hill side bungalow fetching an annual income or net annual rent of Rs. 1200/-. Assume reasonable rates of interest giving reasons for the same for investment in flats and bungalows. Apportion the property in such a way that each son must get one building property and part of cash. (Examination — March 1941).

(1) Flats-Gross rent per annum Rs.250×12:	Rs. 3,000/-
Less outgoings	600/-
Net rent per annnu	2,400/-
Y. P. on 5% table	× 20
Capital Nalue or Market Value	48,000/-
(2) Bungalow:—Net annual rent:	1,200/-
Y. P. on 4% table	× 25/-
Capital Value or Market Value	30,000/-

Total assets 25000 cash + 48000 value of flats+30000 value of bungalow.

One son is to get Rs. 5,000/- extra, so the assets to be divided equally are 20000 + 48000 + 30000 = 98000/-
One son therefore gets half of 98000 = 49000/-
The other son gets 49000 + 5000 = 54000/-
The properties will therefore be apportioned as under:

I Flats + 6000/- cash
II Bungalow + 19000/- cash.

7. A building property covering an area of 7 gunthas is proposed to be acquired for a hospital. During acquisition proceeding it is found that the area is ⅓rd built over for family blocks and the remaining area is used for gardens. The owner realises under an yearly contract Rs. 5,000/- per annum as rent but he has to pay Rs. 1,500/- towards Municipal taxes and general expenses. What is the Market Value of the property with the future life of 50 years to run if properties in the neighbourhood fetch 4% interest. Calculate the amount of compensation to be paid by the acquiring body under the L. A. Act. (Examination — March 1942)

Gross rent per annum	5,000/-
Less outgoings	1,500/-
Net annual rent	Rs. 3,500/-
Y. P. on 4% table	×25
Capital value or Market value	Rs. 87,500/-

Compensation Market Value+15% of Market Value=87,500+13,125
Compensation under the L. A. Act:— 1,00,625/-

8. A newly built building is let at a rent of Rs. 60/-p. m. The total outgoings are 22 per cent of which the tenants pay taxes to the extent of 7%. Immediate expenditure necessary to maintain rent is Rs. 200/-. The future life of the building is estimated to be 75 years and the annual repairs included in outgoings cost Rs.65/-. What amount would you advise your client to pay for the property if he expects a net return of 3½% on the investment and what compensation would you pay if the property is acquired under the L. A. Act. I of 1894? (Examination—November 1946)

Gross rent Rs. 60× 12	Rs. 720/-
Less outgoings at (22-7) 15%	108/-
Net rent per annum	612/-
Y. P. 3½%	× {200/- 7/-}
	17484/-
Less immediate repairs	2/00-
Market Value	17285/-
Add 15% of Market Vlaue	2592/12
Compensation:—	19877/12

9. A third part of a new building has to be acquired for road widening under the L. A. Act. The owner is getting a monthly rental income of Rs. 500/- and pays in taxes and other outgoings annually 25% of the gross income. Similar properties in the neighbourhood are found to yield a net return of 4½% per annum in perpetuity. An estimated sum of

Rs. 500/- is to be paid as damages of severance due to the acquisition. Assuming the total area of the property to be 240 sp. yds. find out-

(a) the Market Value of the same per sq. yd. and

(b) the total compensation which you will award for the portion in acquisition under Sec. II of the Act. (Exam.-April 1946)

Gross rent Rs. 500 × 12	Rs.	6000/-
Less outgoings at 25% of gross rent		1500/-
Net rent per annum		4500/-
Y. P. on 4½% ...		×200
		9
Capital Value or Market Value		100000/-
Market Value per sq. yd.		100000/-
		240/-
		416⅔/-

Compensation:— $\frac{100000}{3}$ +15% of $\frac{100000}{3}$ +500

: 33333⅓ + 5000 + 500

: 38833⅓

10. Find out the Market Value of a newly built building whose carpet area is 1800 sq. ft. Similarly situated properties in the neighbourhood fetch Rs. 5/- p. m. for 100 sq. ft. as rent. Assume that the total amount of outgoings is 20 per cent of the gross rent and that the return expected on the investment is 5%, what compensation shall have to paid in the above case if the net rent is capitalised at 4% (Examination April 1946)

Rent at Rs. 5/- per 100 sq. ft. for 1800 sq. ft.	Rs 90/- p.m.
Gross rent 90 × 12	1080/-
Less out goings at 20% of gross rent	216/-
	864/-
Y. P. on 5%	×20/-
Market Value giving a return of 5%	17280/-
Net rent	864/-
YP on 4%	×25/-
	21600/-
Add 15% of Market Value	3240/-
Compensation:—	24840/-

TOWN PLANNING ACT

Notes

1. Under the T. P. Act land required for public purposes *is not* acquired directly as under the L. A. Act, but it is acquired indirectly under a T. P. Scheme by proposing works such as roads, streets etc. on the land or by reserving the land for similar future use. (Secs. 3 & 8)
2. Similarly compensation for land so taken up for public purposes in a T. P. Scheme is not paid directly, but the said compensation is deducted from the contribution due from the owner of the land in respect of his plot in the Scheme—Sec. 16 (bb), (bc), (d) and Sec. (19).
3. In Valuations under the T. P. Act the original plot and the final plot which is usually smaller in area, are first valued undeveloped. The difference in the values is the compensation for the area taken up.
   Value of O. P. — Value of F. P. both undeveloped = Loss to owner.
4. For arriving at the contribution to be paid by an owner of a plot in a Town Planning Scheme under the T. P. Act, the final plot is valued both in an undeveloped and developed condition and the difference in the values is the Increment.
   Value of F. P. developed — Value of F. P. undeveloped = Increment.
5. Under the T. P. Act an owner of a plot included in a T. P. Scheme has to pay contribution for improvement of his plot with the result that a Municipality preparing a T. P. Scheme gets proposed improvements done at little cost or at no cost. The owner in all cases bears a part of the cost or the whole cost.

   As against this in all schemes under the L. A. Act the cost of improvements by a Municipality is borne by that body. The owner of a plot in such a scheme of improvements gets the benefits of the scheme without any payment. (Sec. 24 L. A. Act.)
6. Terms used:
   1. T. P. Scheme
   2. Draft Scheme
   3. Original Plot
   4. Reconstituted Plot
   5. Final Plot
   6. Developed Value
   7. Undeveloped Value
   8. Increment
   9. Incremental Contribution
   10. Net Contribution

12. Arbitrator
13. Tribunal of Arbitration.

T. P. Act Definitions

1. T. P. Scheme: A systematic arrangement proposing the development of building areas so as to secure hygienic and pleasing conditions of living.

2. Draft Scheme: A scheme which is tentative and open to modifications. See Secs. 10, 11, 12, 13.

3. Original Plot: A plot as it exists,prior to modifications in the Scheme· See See. 16 (d).

4. Re-constituted Plot: Final plot in a Scheme. See Sec. 20.

5. Final Plot: Plot included in the final scheme.

6. Developed Value: Value of a plot on the assumption that improvements contemplated in the scheme have been completed. See Sec. 17.

7. Undeveloped Value: Value of a plot without reference to improvements contemplated in the scheme. See Sec. 17.

8. Increment: Difference between the developed value and undeveloped value of a plot or the excess of the developed value over the undeveloped value. See Sec. 17.

9. Incremental Contribution: Contribution levied on a plot calculated in proportion to the increment estimated to accrue in respect of such plot. See Sec. 18.

10. Net Contribution: Contribution due after deducting from the incremental contribution in respect of a plot in the final scheme, the amount due to the owner from the Municipality for land taken up in the Scheme or after adding to the incremental contribution the amount due from the owner for extra land or works given to him in the final plot. See Sec. 19.

11. Zoning of Areas: Dividing the area in a town planing to zones or belts or distinct portions with conditions and restrictions with regard to the open spaces the number, height and character of buildings and the purpose to which specified areas may or may not be used etc. e.g. Areas reserved for residences, for business and offices, for godowns, for factories etc. See Sec 22 (2).

12. Commencement Certificate: Permission granted by a Local Authority to the owner of a plot in a Town Planning Scheme to erect or proceed with any building or work etc. See Sec. 15 (a).

13. Disputed Ownership: If a plot in a T. P. Scheme is claimed by one person against a similar claim to the plot by another person, the ownership is said to be in dispute. See. Sec 4 (1)

14. Arbitration: Settlement of values and other points arising in a T. P. Scheme by the Arbitrator appointed under Sec. 29 of the T. P Act to carry out the duties mentioned in Sec. 30 of the T. P. Act.

15. Tribunal of Arbitration; A Board consisting of three members empowered to arbitrate in a T. P. Scheme under sec. 37 of the T. P. Act.

16. Lay-Out: A plan showing the development of an area into roads, building sites, etc.

17. Master Plan: A Plan prepared by the Special Engineer, Bombay Municipality in 1948 for the development of Bombay City and Greater Bombay.

18. Assessor: A person appointed on the Board of the Tribunal of Arbitration to assist the President of the Tribunal in technical matters.

19. Joint T. P. Board: A Board comprising members of two or more local authorities of contiguous areas, inrespect of which a joint T. P. scheme is prepared.

20. Varied Scheme: After a T. P. Scheme has come into force, if the local authority considers that an amendment of the scheme is necessary, they may apply to Government for variation of the T. P. Scheme. After sanction by the Government the Scheme in force will be the Varied Scheme.

Contributions

1. An owner in a T. P. Scheme is allotted a final plot of 2½ areas in lieu of his original plot of 3 acres. The values of the original plot and final plot are estimated to be Rs. 1,600/- and Rs. 4,000/- per acre respectively. What is the maximum amount of incremental contribution the owner will be liable to pay ? (Examination- December 1947)

		Rs.
O. P.	3 acres × 1600	4,800/-
F. P.	2½ " × "	4,000/-
Municipality to pay less		800/-
F. P.	developed 2½ × 4000	10,000/-
F. P.	undeveloped 2½ × 1600	4,000/-
	Increment	6,000/-
Incremental contribution at 50%		3000/-
Net Contribution Rs 3000 - 800 =		2200/-

2. If the incremental contribution charged in a scheme is 40% what would be the contribution payable by the owner whose Final plot admeasuring 4 acres is allotted in lieu of an original plot admeasuring 5½ acres and the undeveloped and developed values of land in the locality are Rs. 5,000/- and Rs.9,000/- per acre respectively? (Exam. March 1944)

O. P. 5½ acres × 5,000	Rs.	27,500/-
F. P. 4 " × "		20,000/-
		7,500/-
F. P. developed 4 acres × 9000		36,000/-
F. P. undeveloped acres × 5,000		20,000/-
Increment		16,000/-
Contribution at 40% of increment		6,400/-
Less: Loss to owner which Municipality pays.		7,500/-
Municipality to pay		1,100/-

3. An owner having 4½ acres of land loses 1½ acres of the land in the proposed scheme but he is allotted 15 gunthas of additional land from his neighbour's land. If the original and developed values are Rs. 2,800/- and Rs. 6,000/- respectively per acre, what is the maximum amount of contribution that can be demanded from him?

(Examination— September 1941)

O. P. 4½ acres × 2800	Rs.	12,600/-
F. P. 3 acres & 15 gunthas.		9,450/-
Municipality to pay		3,150/-
F. P. developed 3 3/8 acres × 6000		20,250/-
F. P. undeveloped " × 2800		9,450/-
Increment		10,800/-
Maximum incremental Contribution at 50% of increment.		5,400/-
Less: Loss to owner in F. P. undeveloped which Municipality is to pay.		3,150/-
Net contribution which can be demanded from the owner.		2,250/-

4. If the owner of a plot, 3 acres in area, in a T. P. Scheme valued at Rs. 3,000/- per acre is given a final plot of 2 acres in the adjoining better land valued at Rs. 3,500/- per acre, and if the developed value of the area is Rs. 6,000/- per acre what is maximum amount the owner would be called upon to pay.? (Examination April 1943).

O. P. 3 acres × 3,000	Rs.	9,000/-
F. P. 2 acres × 3,500		7,000/-
		2,000/-
F. P. devoloped 2 acres × 6000		12,000/-
F. P. undeveloped " × 3500		7,000/-
Increment		5,000/-
Maximum Contribution at 50% of increment		2,500/-
Less:- Loss to owner in F. P. undeveloped which Municipality is to pay		
Net Contribution which the owner has to pay:		2,000/-
		5000/-

5. An owner on a T. P Scheme area with a holding of 5 acres is allotted a final plot admeasuring 4 acres 10 gunthas. The original plot very awkward in shape was worth Rs. 600/-per acre. It was reconstituted into a regular sized plot and as such was valued at 750/-per acre. The final plot value is Rs. 1 ,600/- per acre. What would be the net Contribution payable if incremental Contribution is levied at 43% (Examinatin— March 1946).

O. P. 5 acres × 600	Rs.	3,000/-
F P. 4¼ " × 750		3,187-8
Owner to pay		187-8
F. P. developed 4¼ acres × 6100		6,800-0
F. P. undeveloped 4¼ ," × 750		3,187-8
Increment		3,612-8
Contribution at 43% of increment		1,553-8
Add: Gain to owner in F. P. undeveloped.		187-8
		1,741-0

6. In a T. P. Scheme, a person owns an irregular piece of land admeasuring 4 acres and valued at Rs. 800/- per acre. The original plot is reconstituted into a regular shaped plot of 3 acres and 10 gunthas and is valued at Rs. 1,200 /- per acre. The value of the final plot on the assumption that the scheme is completed is estimated to be Rs. 1600/- per acre. Find out: (1) the increment in Value;

(2) the maximum amount of incremental Contribution payable by the owner; and

(3) the incremental Contribution payable by the owner at 33 1/3% of the total increment

(Examination— May 1947)

O· P. 4 acres × 800	Rs.	3,200/-
F. P. 3¼ " × 1200		3,900/-
Owner to pay		700/-
F. P. developed 3¼ acres × 1600		5,200/-
F. P. undeevloped 3¼ " ×1200		3,900/-
		1,300/-
(1) Maximum incremental Contribution at 50% of increment.		650/-
(2) Incremental Contribution at 33⅓% of increment		433⅓
Net maximum Contribution 650+700		1,350/-
Net Contribution if incremental Contribution is levied at 33⅓% • 433+7 00		1,133/-

7. A zamindar owns 27 acres of lands valued at Rs. 450/- per acre. The lands contain 2 wells worth Rs. 500/- each and 20 mango trees worth Rs. 40/- each. Due to a T. P. scheme he loses 2 acres and one well. What will be the maximum net demand made from him towards contribution to the scheme, if the final value of his plot is estimated at Rs. 1,500/- per acre? (Examination—March 1941).

O. P. 27 acres	× 450	Rs.12,150	Rs.
2 wells	× 500	1'000	13,950/-
20 mango trees	× 40	800	
F. P. undeveloped 21 acres	× 450	9,450	
1 well	× 500	500	10,750/-
20 mango trees	× 40	800	
Municipality to pay			3,200/-
F. P. developed 21 acres	× 1500	31,500	
1 well		500	32,008/-
20 mango trees		800	
F. P. undeveloped			10,750/-
Increment			22.050/-
Maximum Contribution at 50%			11,025/-
Less : Loss in F. P. undeveloped which Municipality is to pay			3,200/-
Net Contribution			7,825/-

8 A zamindar is in possession of 10 acres of tobacco yielding land. The local authority proposes to have a 80 feet road through his land and offers him Rs. 1,200/- for the loss of 1½ acres of his land and values the remaining area in the final scheme at Rs. 3,000/- per acre. Calculate the net demand from the owner if the Municipality proposes to demand 40% contribution under the T. P. Act. (Exam. March 1942)

O. P. 10 acres	× 800	Rs.	8,000/-
F. P. 8½ "	× "		6,800/-
Municipality to pay			1,200/-
F. P. developed 8½ acres	× 3000		25,500/-
F. P. undeveloped "	× 800		6,800/-
Increment			18,700/-
Contribution at 40% of increment			7,480/-
Less: Loss to owner in F. P. undeveloped which Municipality is to pay			1,200/-
Net Contribution by the owner or Net demand from the owner.			6,280/-

POLICY & EXPERIMENTS of Education in The Uttar Pradesh

Primary Education : Aims

Soon after assuming office in 1946, the Government came to the conclusion that the eradication of illiteracy was the first task to which it should apply itself. It set for itself a target of *year 10* within which to accomplish this task. The stupendousness of the undertaking can be judged from the fact that provision had to be made for about 50 lakhs children of school-going age besides the 15 lakhs already receiving education.

It was decided, in the first instance, to concentrate on imparting primary education. This meant making provision for all the children in the age-group 6-11 years.

A rapid survey showed that 22,000 new schools would have to be opened in the rural areas in addition to the 25,000 schools run at present by District Boards, to enable every child to have a School within a radius of *one mile* from his house. The Government, it was decided should meet all the recurring expenses, but it was hoped that the public would come forward to share the expenses of providing the necessary buildings. The cost of pucca buildings would, of course, have been prohibitive. It was, therefore, decided that the new school buildings should be kutcha structures with a pucca flooring, the Government contributing Rs. 1000/- in cash, and the local people providing the land and the rest of three expenditure,in, labour, material and cash. The average burden which each locality has to bear in this way comes to about Rs. 2500/ per school, but so great is the enthusiasm of the people that, after the 1st year which started on 1st July 1947, Government has had to revise its plan. It is now a five year plan. *The scheme will now, if nothing untoward happens, be completed by 1952. By that time every child in the Province of the age group 6-11 years will be attending school. It may be that social custom may slightly retard the fulfilment of this programme as regards girls but in any case the time-lag cannot be more than three or four years. Our will be the first province to have brought the benefits of primary education to every child in every villaye.*

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Success achieved so far:

(*a*) RURAL AREAS

Out of the 22,000 Schools which were planned, 11,140 have already been opened. The remaining schools will be opened within the next three years as under:

4218 in July 1950
4582 " " 1951
2340 " " 1952

The expenditure already incurred since 1947 is:

Recurring	...	Rs. 64,40,400/-
Non-Recurring	...	Rs. 75,29,100/-

(These figures include the amounts budgetted for the current financial year).

(*b*) URBAN AREAS

A Compulsory Education Act had been in existence in the Province for over twenty five years but progress had been so slow that its operations covered only parts of about 24 municipalities. *In the course of less than one year, viz., from April to December, 1948, the Act has been extended to all the Municipal Boards and notified areas in the Province.* This means that every boy in every area, officially, recognised as a town, is now receiving compulsory primary education. It is hoped that in a few years girls will also be covered by the scheme. *Government has granted to the Municipal Boards extra grants for this purpose amounting to Rs. 84,57,900/- including the figures of the current year.*

The Training of Teachers.

MOBILE SQUADS

Although the number of normal schools has been increased from 8 to 49 since 1940, it would have been impossible for these schools to supply within five years the 66,000 teachers needed for these schools, at the rate of three per school. A novel device was, therefore, adopted. Untrained teachers were engaged on the principle 'learn while you teach' and Squads consisting of qualified trained staff were appointed to go round these schools, collect the teachers of neighbouring institutions and impart to them the elements of training. The Squad would then move on to another locality. It would continue these visits, coming back to locality after some time and resuming where it had left off. The Squads are peripatetic training colleges and, in their spare time, they contact the villagers and give them lessons in health and hygiene, Indian History, Civics, etc., through lectures, fictures, popular songs, etc., *At present there*

are 49 mobile Squads and the expenditure thereon comes to 5,89,500 including the currrent year's figures.

The Content of Education.

The U. P. Government adopted in 1939 the Scheme of Basic Education as drawn up by the Narendra Deo Committee appointed by it in 1938. It is interesting to note that the report of this Committee anticipates almost all the main features of what is called the Sargent Scheme.

Drastic changes have been affceted in the the field of Secondary Education. The distinction between Urban and Rural schools has been removed. A uniform type of school called the Junior High School has been established. This is the post primary stage having 3 classes—VI—VIi and VIII and is a unit by itself.

Higher Secondary Stage.

The higher secondary stage is now a complete unit of 4 years consisting of classes IX to XII. Provision has been made for a diversified curriculum in these institutions in order to enable children to take up a course to suit their tastes and aptitudes. The four branches of the Secondary Stage are termed, the literary, the scientific, the constructive and the æsthetic. The students passing out of these institutions may go to the Universities if they have the necessary aptitude and desire but the great majority need not do so. Those who join the constructive or the æsthetic Sections should be able to earn a decent living on leaving the Higher Secondary Schools or join a Higher Technical School, specialising in the Art and Craft they have selected.

Psychological Bureau.

But, while Education in all its phases has been reorganised and revitalised, research work has not been neglected. The Bureau of Psychology and the Central Pedagogical Institute have undertaken vast research schemes which are yielding excellent results. The former (*i*) constructs and standardises tests of intelligence applicable to people from all strata of Society and conducts intelligence surveys of the Province,(*ii*) constructs and standardises attainment tests in diff-rent subjects of the school for different grades of pupils to enable uniform assessment of the pupil's progress and thus to eliminate the present system of examinations, (*iii*) constructs and standardises tests for different special abilities and aptitudes and thus establishes the practice of educational and vocational guidance for schoolboys on a sound basis, (*iv*) constructs and standardises tests and procedures for assessment of the personality of the adult and the child and thus

establishes the practice of personal guidance on a sound basis, (*v*) devises and establishes procedure of clinical practice for emotionally maladjusted personalities and treats cases of delinquency, backwardness and of problem children, and lastly *inter alia* view of maintaining the high standards of the Bureau.

Pedagogical Institute.

The Pedagogical Research Institute, which owes its inception to the Narendra Deo Committee Report, perfoms the following functions:— (*i*) studies curricula for different stages of education and evolves, as a result of these studies, the bases of curriculum construction, (*ii*) constructs and tests the syllabuses in the Primary and Secondary School subjects, (*iii*)evolves out on the basis of experimental investigations methods of teaching and testing theories for learning as they affect classroom procedure, (*iv*) correlates Syllabus-plans, (*v*) prepares attainment tests in various school subjects for different age-groups and classes, (*vi*) prepares syllabuses for different types of training institutions, (*vii*) organises and conducts a refresher course for teachers of Government Institutions in the Province and (*viii*) judges suitability of text books, their content, etc., for the guidance of all concerned.

Continuation Classes.

With the re-organisation of Education, not only Primary and Secondary Education has been overhauled but provision has been made also for adult education, also for the education of adolescents who, under financial stress, leave school at the age of 14, as the average parent in India is so poor that he needs the little income which his boy can earn at the earliest possible time. Continuation classes, held in the evenings, have been provided for such persons. They impart instruction of Higher Secondary Stage, besides giving a training in at least one craft.

The Continuation Classes, which have been liberally financed by Government, are doing very useful work. They (*i*) prevent the poor adolescent from lapsing into illiteracy, (*ii*) impart to him rudiments of culture, (*iii*) keep him physically fit, and (*iv*) teach him some Art or Craft in order to make him a more useful member of society. This is a new experiment whose results are being watched by us with keen interest. It should enable society to utilize the intellectual powers of those whom economic forces compel to give up their studies at an early stage.

Military Education.

Military Education has been made compulsory for students of classes XI and XII. The Central Government has not so far seen its way to give

any financial help and therefore resources are limited. Still more than 12000 students are getting training in a number of towns selected for the purpose. Discipline among the cadets has certainly improved and it is hoped that, in the fullness of time our students, will constitute the second line of defence in the hour of need. There is a great demand from the public that the scheme should be extended to all districts but want of fund will not permit us to do so.

Social Service Scheme.

The Social Service Camp was started in Faizabad in the military barracks no longer required by the Army. Every graduate who wishes to join Government service or the service of any local body or of an institution aided by the Government or to join a technical or training institution recognised by the Government has to possess the diploma of S. S. It is a one year's course, partly theoretical and partly practical. Social Service Cadets have done very useful work in rebuilding villages washed away by floods, constructing roads, reclaiming agricultural land and removing adult illiteracy.

College of Home Science.

With a greater and proper emphasis on home science in the curriculum for various types of Girls' schools, there must arise a demand for a greater number of specialised teachers of Home Science. With a view to meet this demand and also to satisfy the much felt need for scientific training in the various branches of Home Science, the College of Home Science was started in July, 1948. This College provides for complete training in household and mother craft so as to make the girls good housewives. It also gives them training in teaching these subjects from the Psychological and the practical points of view.

Constructive Training College.

A college for the training of teachers in constructive subjects has also been started. This trains teachers for the constructive type of curricullum in our Higher Secondary Schools, and for the continuation classes.

Other Activities.

Among other activities that deserve mention, reference may be made to the proposal to raise the 150 year old Sanskrit College at Banaras to the status of a University, the reorganization of museums on the recommendation of the Provincial Museum Reorganisation Committee and the setting up of a Committee for the reorganisation of Arabic and Persian Education under the Chairmanship of the Hon'ble Maulana Abul Kalam Azad.*

* Issued by the Government of Uttar Pradesh.

FINANCE OF LOCAL BODIES IN WEST BENGAL *

I.—Types of local bodies.

			Total No.
(1) *Urban*—			
	(*a*) Municipalities	... ...	76
	(*b*) Corporation of Calcutta	... ...	1
(2) *Rural*—			
	(*a*) Union Committees	... ...	2
	(*b*) Union Boards	... ...	1700 (odd)
	(*c*) Local Boards	... ...	3
	(*d*) District Boards	... ...	13
(3) *Ad Hoc*—			
	(*a*) The Calcutta Improvement Trust	... ...	1

The pattern of local authorities in Bengal is simple, simpler than in most of the sister provinces and much simpler than in England where the chaos of overlapping jurisdictions and powers within a county has been tidied up to some extent in 1929 only to be followed by a fresh urge to establish superior regional areas. The entire province falls under the jurisdiction of either urban authorities or rural authorities and their jurisdictions are mutually exclusive. Besides the Corporation of Calcutta, there are 76 Municipal authorities varying in size from 13 sq. miles to 8 sq. miles and capable, theoretically, of exercising more or less the same legal powers. Each of the 13 districts into which the province is divided, excluding the area covered by the Municipalities or the Corporation, constitutes the jurisdiction of a district board. Formerly local boards (coinciding in area with subdivisions) formed an intermediate authority between the district board and the primary local authorities. But with the abolition of local boards (except in the hill district of Darjeeling), the old three tier compo-

* Adapted from a [redacted] Note issued by the Government of West Bengal, 1949.

sition of local authorities in rural areas has practically disappeared. Union boards exercising jurisdiction over groups of villages now constitute the single layer of local authority below the district boards. They have been established in all the districts except Darjeeling where natural and geographical conditions have prevented their growth, and parts of Midnapore where political resistance to their establishment has only been recently overcome. As yet no definite steps have been taken to go below the union boards and start village panchayats, but the experiments recently made in other provinces both in the sphere of legislation and in the practical field of establishment of such panchayats, have been carefully studied and a beginning in that direction is expected to be made at an early date. In a way the system of local authorities in Bengal follows a simplified English model without the complexities caused by the existence of urban bodies some (viz., boroughs) independent of county authorities and others (viz., municipal boroughs and urban districts) controlled by them in varying degrees. Our municipalities correspond to boroughs, our district boards to county councils and our union boards to rural districts. West Bengal have no gram panchayats corresponding to the parish council. The following chart shows the distinction and similarity at a glance:—

West Bengal 1941 census.

Type.	No.	Area in Square Miles			Average population
		Maximum	Minimum	Average	
Municipalities	76	13	[illegible]	4.2	20,000
District Boards	13	5,274	[illegible]	2,239	[illegible]41
Union Boards (approx.)	1,700	49.34	[illegible]	9	7,64[illegible]

England and Wales 1931 census.

Type.	No.	Area in Square Miles.			Average population
		Maximum	Minimum	Average	
County boroughs	83	80	[illegible]4	14	[illegible]00
County	62	2,592	[illegible]	[illegible]	[illegible],000
Rural districts	630	385	2		12,000

2. The Improvement Trust is an *ad hoc* authority with a limited purpose and is constituted partly by appointment and partly by compartmental election from the Corporation and the Chambers of Commerce. The special purpose as stated in the preamble is "the improvement and expansion of Calcutta by opening up congested areas, laying out or altering streets, providing open spaces for the purpose of ventilation and recreation demolishing and constructing buildings, acquiring land for the said purpose and for the rehousing of persons of poorer and working classes displaced by

the execution of the improvement schemes ....." The scope of the Trust's operation thus concisely stated is fairly wide in range, but it is obvious that the Trust is not a town planning authority in the modern sense. It is not vested with the powers of zoning nor for housing except to the limited extent of rehousing persons displaced by its operation. Although specifically intended for Calcutta, the Act contains provision for extension to neighbouring municipalities, but no such extension has yet been made. A proposal to amend the Act for facilitating its extension to Howrah is under consideration.

3. Within the limits of the Act the Calcutta Corporation had almost unfettered powers in the administration of its civic services, but its financial structure had shown cracks and fissures for some time past and was on the point of breaking down on account of the strain put on it by the war. An enquiry was made by Sir Walter Gurner, a senior I. C. S. Officer, whose knowledge of Corporation and Improvement Trust finance was probably unique, and his report submitted in 1943 is an extremely informative document. Another strong Commission which has been investigating the affairs of the Corporation both in relation to its general administration and its finance has already submitted its preliminary report about the proposed constitution and its expected to submit its final report dealing with its departmental administration and its finance before the year is out. A consideration of the Calcutta Corporation finance will, therefore, be excluded from this note. The financial provisions of the Calcutta Municipal Act apply to the Howrah Municipality, but in all other respects the Bengal Municipal Act is in force. The finance of the Howrah municipality will be considered along with those of other municipal bodies

II.—Union Committees and Local Boards.

4. These bodies may be described as a "dying race" and may be disposed of in a few words. Union Committees have to be classed as rural authorities because their areas are not excluded from the jurisdiction of the district boards which exercise some control over their administration. There are only 2 union committees at present in existence, viz., Takdah in Darjeeling and Alipur Duars in Jalpaiguri. Relevant information regarding these taken from the figures of 1945-46 are given below in the form of a chart:—

Income (1945-46).

Name	Area in acres	Population	Income in rupees				
			Pounds	District Board grant	Tax	Others	Total
Takdah	107	515	...	400	1,242	3	1,645
Alipur Duars	3,667	4,949	255	100	782	1,359	2,446

Expenditure (1945-46).

Name	Roads	Education	Conservancy	Water-supply	Others	Total
Takdah	485	240	132	134	238	1,229
Alipur Duars	...	...	3,920	...	222	4,142

Under section 118 (*c*) of the Local Self-Government Act, a union committee may levy an assessment on the owners and the occupiers of buildings up to a limit of Rs. 60 per assessee per year. Of the two union committees mentioned above the first partakes of the nature of a miniature municipality because of the congregation of wealthy inhabitants within a compact area with the consequent necessity of making provision for some of the essential civic services, viz., roads, education, conservancy and water-supply. A proposal to convert it into a Union Board by including a number of sparsely populated neighbouring villages has not yet been favoured. There should be provision in the Bengal Municipal Act for small municipal authorities with simpler paraphernalia to deal with such compact aggregates of people over a small area. The Alipur Duars, on the other hand, is large enough to have a union board and a proposal to that effect is under consideration.

Local boards are still surviving in Darjeeling but have been abolished in all other districts. They have no independent source of income but act as agents of District Boards with funds supplied by the latter. Their only *raison d'etre* is to elect the members of district boards and as soon as it is found possible to have direct election to the district board of Darjeeling, they will die a natural death.

III.—Municipalities

5. The question whether the existing sources of municipal revenue are adequate or not cannot be considered in vacuum, but must be related to the services actually rendered or deemed necessary to be rendered to the inhabitants of the local area by the municipal body. The best way to do it is to take the income and expenditure of a particular year—or better still, the average of a number of years, and see how the money is spent. Unfortunately, while statistics for undivided Bengal for the pre-war years are readily available in the handy report prepared by Mr. D. L. Majumdar, I. C. S., in 1940, no such figures for the period after 1942-43 are available as war, internal disturbances and partition interfered with the normal working of the department. The abstract* of the average of the two years (1946-47 and 1948 49), arrived at by a re-arrangement of some of the heads,

* Vide pp. 304-05 for this abstact.

Income (in lakhs of rupees.)

Heads of revenue	Amount	Percentage of total income	The number of municipality levying
I. Taxes and Rates—	Rs.		
(*a*) Taxes on house and lands.	49.56	37.3	75
(*b*) Water rate	9.76	7.4	28
(*c*) Lighting rate	3.48	2.6	26
(*d*) Conservancy	17.42	13.1	64
(*e*) On animals and vehicles.	1.54	1.2	75
(*f*) Professions and trades.	6.08	4.6	71
(*g*) Tolls	2.02	1.5	36
(*h*) Others (including taxes on persons), Education Cess, etc.	.90	.7	...
Total	90.76		
II. Non-tax Revenue—			
(*a*) From Special Acts, e.g pounds, hackney Carrige Warehouse Act.	.77		
(*b*) Municipal property (rent from lands, markets and slaughter houses).	5.96		
(*c*) Fees from municipal institutions (schools and hospitals) and licence fees.	5.57		
(*d*) Fines (including warrant fees).	.68		
(*e*) Interest	.12		
(*f*) Miscellaneous	4.25		
Total	17.35		
III. Grants—			
(*a*) From Government	22.11	16.6	
(*b*) From local funds	1.61		
(*c*) Others	.80		
Total	24.52		
Grand Total	Rs.132.78		

Expenditure (in lakhs of rupees.)

Heads of expenditure	Amount	Percentage	Per capita expenditure
	Rs.		Rs.
1. General Administration ...	13.76	10.4	...
2. Water-supply ...	11.48	8.7	0 8 0
3. Lighting ...	6.16	4.7	0 4 0
4. Conservancy ...	45.17	34.2	2 0 0
5. Drainage ...	7.01	5.3	0 4 6
6. Hospital and dispensary ...	9.19	6.9	0 6 0
7. Public health ...	.43		
8. Arboriculture ...	.32		
9. Pounds ...	.03		
10. Public Works—			
(*a*) Establishment ...	3.00	2.3	12 per cent.
(*b*) Buildings ...	1.95		
(*c*) Roads ...	11.37	8.6	Rs. 510 per mile.
(*d*) Stores ...	.35		
11. Markets and slaughter houses ...	.63		
12. Public Instruction ...	7.90	6 per cent.	0 5 0
13. Survey ...	.87		
14. Miscellaneous (interest, printing, law charges, poor fund, election charge, census, disposal of dead bodies) ...	9.61	7	
Grand Total	132.21		

in form prescribed by the Government of India gives a clearer and more understandable idea of the relative importance of different sources of revenue as well as of the services that are now catered to by these local bodies.

IV.—Analysis of expenditure.

6. It is true that the volume of expenditure is not always an accurate index to the functional activity of a Municipality. There is a mass of regulative activity including the enforcement of building rules, rules regarding weights and measures, licensing of food and drug, etc., which do not show themselves in expenditure (except to a limit extent under the head administration) but which are yet of considerable importance in the regulation of urban life. But it can be taken to be a rough measure of the need or importance of the different functions that actually cost money in their performance. A comparison of the average of 2 years with the expenditure incurred in 1936–37 shows the following alteration in distribution of municipal income over different heads:—

Head of expenditure.	1936-37. Per cent.	1946-47 and 1948-49. Per cent.
1. General Administration	... 10.6	... 10.4
2. Conservancy	... 24	... 34.2
3. Public works	... 15.4	... 12
4. Water supply	... 12.4	... 8.7
5. Public Health	... 8	... 7
6. Education	... 7.04	... 6
7. Drainage	... 3.8	... 5.3
8. Lighting	... 8.4	... 4.7

This shows at once that our municipalities exhaust all their resources in discharging the primary functions of a civic body and have practically no surplus left for more advanced services. Not that these functions are discharged as well as one should wish. The per capita expenditure on conservancy is Rs. 2 on water-supply annas 8, on public health annas 6, on education annas 5, on drainage annas 4–6 and on lighting annas 4, and the expenditure per mile of road (metalled and unmetalled) is Rs. 510. This average should, of course, be taken with some caution, for some of the services (e.g., education) should be equated not with the whole population but with the population of the relevant (i.e., schoolgoing) age group. A number of services are provided for only in a few municipalities so that to divide the cost by the whole municipal population of the province gives a wrong impression of the actual measure of service rendered in those municipalities. Even so, the figures show how the services are being starved for

want of adequate resources and what leeway has still to be made if even the primary functions are to be properly discharged. Except in some of the bigger cities street lighting is poor and hospital service non-existent, while municipal assistance to education does not follow any system by which public expenditure, expenditure from local funds and private effort can be integrated into one co-ordinated plan which prevents overlapping and wastage. Conservancy is the biggest item and shall remain so as long as sewerage or septic tank or mechanisation does not replace removal of night-soil by human labour. Roads in many of the towns are both a disgrace and a danger and the amount spent on their maintenance is far below what is necessary to bring them up to the required standard. (Incidentally local bodies in Bengal have a particularly good case for the subvention from the Government of India for improvement of war damaged roads and a legitimate grievance at the summary dismissal of their request. The point will be briefly mentioned when the question of Government grant-in-aid is considered). The expenditure on general adminstration is showing upward trend but is not too high yet. It has remained stationary over the last two decades as the figures compiled by Mr. Majumdar will show. The percentage in undivided Bengal ranged between 8.8 to 10.6 during the years 1922-23 and 1936-37 while the average of 1946-47 and 1948-49 is 104. The average conceals the high proportion which such expenditure bears in case of some of the smaller municipalities which have to keep a minimum overhead staff on a smaller income even though the services they render to the inhabitants are negligible. It must be said that the rates of salaries or wages which municipal employees receive are moderate, probably too moderate to attract the right type of men and get the best out of them. But it is necessary to remember one particular factor which may tend to increase the cost on account of the wages bill in all categories of staff much faster than any possible expansion of revenue. Employees organised in unions are now in a position to press their demand for higher wages and get them at least partially satisfied throuh industrial tribunals. In one particular case (viz., Howrah), the Award given in February, 1948 by Mr. S. N. Modak, I.C.S. (retd.), Chairman of the Tribunal increased the wages bill of the municipality by about 10 lakhs a year, although the existing resources, even when stretched to the limit, could not possibly raise the income by a sum even approximately equal to the difference. The award was made on the assumption that in addition to their own efforts to improve assessment and collection on the basis of the existing resources, the municipality would receive help from the Provincial Government by way of increased subventions and loans and that fresh sources of revenue would be made available by amending the law and extending the tax base. It was not considered whether the Provincial

budget could afford to pay the increased subvention or make the sacrifice involved in the proposed amendment by which some of the Provincial sources of taxation would be diverted. But in dealing with the claims of the employees of South Suburban Municipality in April 1949, the same Judge observed: "at the time I was dealing with Howrah Municipality Dispute there was expectation of improving the resources through all the three channels. A year ago it was not known what Government might or might not do for increasing the resources of municipalities by way of subvention or loan. It was not unreasonable to expect that Government might initiate fresh legislation..... It is extremely doubtful, therefore, that the South Suburban Municipality will receive any substantial help from the Provincial Government and I cannot be sanguine about the chance of Government initiating any fresh legislation in the interest of South Suburban Municipality alone." This shows a better appreciation of the difficulty of Government in subsidizing a particular municipality. But the danger of a sudden rise in the cost of general administration by an appeal to an Industrial Tribunal will always remain so long as the law permits municipal employees to organise themselves into trade unions and press their grievance through Tribunals constituted under the Industrial Disputes Act (XIV of 1947). The question was raised by us for discussion in the Local Self-Government Ministers' Conference held in August 1948 and a suggestion was made that employees of Government and local bodies should be excluded from the operation of the Industrial Disputes Act, and should have their remedy through an alternative machinery. The question received insufficient attention and the implication of giving trade union rights to employees of local bodies was not clearly appreciated. The general impression of those who participated in the discussion seemed to be that employees of local bodies, like Government servants had no right to form trade unions and press their claims through the Industrial Tribunals. That this is a wrong impression will appear from Mr. Modak's carefully considered decision to the Howrah case to which reference has been made. Industry according to section 2(*j*) of the Industrial Disputes Act means any business, trade, *undertaking*, manufacture or calling of employees, etc. The language prevents the application of the doctrine of "ejustem generis" so as to limit the meaning of the word "*undertaking*" only to industrial or business undertakings. A municipality is an undertaking and its employees have the ordinary rights of industrial labour. Nobody can deny that the Tribunals have removed some of the worst features of a notoriously underpaid municpal staff, and except in the Howrah case, the increases have not been made in complete disregard of municipal resources. But the possibilities of a sudden rise in the cost of administration are always latent in the right which the employees have of demanding their claims adjudicated dy a Tribunal.

7. But just as the 19th century idea of a Police State has now been replaced by the idea of a Welfare State, so there is a corresponding change in the minds of progressive thinkers as to the functions of local bodies. One writer even goes so far to say that the business of local bodies should be community making, that is, organising the life of those smaller communities of which the big community is composed. In the 19th century achievement of good life was regarded as a matter not for organised collective action of the State or the local authority but for self-help, philanthropy, and profit seeking enterprise. The function of local Government was decided to be essentially residuary, it was left to deal only with those matters which could not be done with tolerable adequacy by self-help on a voluntary basis or by philanthropy or by private enterprise working for profit. "Instead of treating it as the scavenger of abuse with which no other authorities can or will deal, we must regard it as a master architect of the fabric of community making in the city, town and village. We ought to ask not what other agency can be induced to do after a fashion, but what the local authority can do best for itself over a wider or a narrower field, according to the nature of the service to be supplied. We ought to leave the other agencies to fill up the gaps, not to leave local government as a means to patch up some of the rents they leave (Cole, page 47). Even if this enlargement of the conception of the duties of a local authority is not fully accepted—the time for that is probably not yet—it is clear that there are some services catering to the more advanced needs of the society which must be taken up immediately by municipal authorities. Some of them, like fire brigade, are hardly distinguishable from the primary duties of health, education and public safety. Others like housing and town planning, are so closely related to health and convenience, that they have been recognised to be the legitimate and almost compulsory duties which a local body should undertake. The existence of large crowded slums in the heart or in the suburb of a city are objectionable even on the grounds of sanitation, but schemes of slum clearance undertaken in Calcutta in 1945 foundered on the rock of finance. The almost intolerable overcrowding in some of the big cities recently accentuated by partition and the incidence and spread of tuburculosis are a constant reminder of the fact that there should be a more even dispersal of population and the building of healthy houses where people can live as human beings. In England about one-third of the houses built between 1931 and 1935 were by local authorities which received large subventions from Government on this account. The conurbations, sprawls and ribbon developments which one sees everywhere are evidence of unplanned and un-co-ordinated expansion which makes town and country planning a matter of urgent and immediate importance. Obviously a large part of

these duties will devolve on municipalities and other local bodies. Adult education brooks no delay and municipalities will have to bear a hand. Advanced cultural interests like the maintenance of up-to-date libraries, reading rooms, small museums and community centres, athletic interests like children's parks and playing fields, æsthetic interests like cinemas and theatres will also claim the attention of local authorities in the not very distant future. Besides these, there is a third category of functions or services. viz., trading services, which a municipality may undertake both for the benefit of the public and for improving its finance. As this, however, relates more to the question of finnace it is proposed to deal with it in a later section.

V.—Analysis of income

8. It is obvious from what has been just discussed that the resources available to and exploited by municipalities at present enable them to tackle—not too efficiently—some of their primary duties and that both for improving the standard of duties and for taking an additional duties the resources should be augmented. This is possible either by exploiting existing resources if they are capable of yielding further income or by addition of new sources. An analysis of the existing sources shows that more then 60 per cent. of the municipal income is derived from real property (land and building), while license fees, rents from lands, markets and slaughter houses and taxes on professions and callings account for nearly 13 per cent. There is difference of opinion as to whether rates are the most appropriate form of taxation on which local bodies should rely. At one extreme may be cited Cole who says that local rates are a notoriuosly unfair form of taxation both because the ratable value of a person's house or shop or office is no reliable indicator of his ability to pay and because the wealthier persons move into the suburbs and escape the high rates while enjoying the locally provided services. On the other band Mrs. Ursulla Hicks says that the characteristic of a good local tax being stability and the localisation of the tax base within the jurisdiction of the taxing authority a tax on land and building has much to recommend it (Public Finance, page 270). Before the industrial revolution when land was the most important form of wealth, it was natural that it should bear the main cost of locally administered services. Although the growth of industry has brought with it a complete change in the form of property, it is probable that on account of the expanding ratable values of urban areas, land and building will long remain the major sources of municipal income. Some of the correctives, necessary to remove the existing disparities of wealth between different areas and to supplement the income of specially depressed areas, will be mentioned later.

9. There are four classes of rates on lands and buildings, viz., general (maximum 10 per cent.), water (maximum 3½ per cent.), lighting (maximum 3 per cent.), and conservancy (maximum 7 per cent.). The rates are levied on the basis of the annual valuation of the holding. In the case of Darjeeling and Kurseong, the maximum general rate is 15 per cent. while Howrah, like Calcutta, levies a consolidated rate, the maximum permissible limit being 23 per cent. While the general rate is levied by all Municipalities and a conservancy rate by most, water and lighting rate is levied in about a third of the total number. This is because of the limitation imposed by sections 125 and 126 which permit such levies only when steps have been taken to provide the services. The small number of municipalities imposing the lighting and water rate is an index of the fact that in the majority of the municipalities of the West Bengal such services are either very poorly provided for or not provided for at all. The annual valuation on which the rate is imposed is the gross annual rental at which the holding is reasonably expected to let. When this cannot be ascertained it is estimated at 7½ per cent. of the value of the building *plus* a reasonable ground rent for the land comprised in the holding. The rates differ materially from the general property tax in United States of America both in their nature and in their incidence. In the first place, they are levied on estimated net rental value instead of on capital value. In the second place they are limited to income from real estate, personal property being exempted. They also differ from the English system inasmuch as the rates in England are imposed on the occupier rather than on the owner and there are few limitations on the percentage which the rates may bear to the annual valuation. It was not unusual for an average tenant in England during the inter-war years to pay as local tax as much as 60 per cent of what he was paying in rent, and since rent *plus* rate determined the total amount he had to pay for occupying a house, the burden on the average occupier was fairly heavy.

10 One provision greatly resented by municipal authorities is the proviso to section 128(2) by which, when the value of a building or buildings in a holding exceeds 1 lakh of rupees the rate on that part of the value which is in excess of 1 lakh is reduced to 25 per cent. of what it would otherwise have been. This concession though generally worded, is available only to big industrial and commercial concerns which alone have buildings whose annual values, calculated at 7½ per cent. of capital cost, would exceed Rs. 1 lakh. Mills, factories, workshops, etc., which have their own special arrangements for the treatment and disposal of sewage or which make a lump contribution to the consrtuction of the municipal sewerage system, already enjoy an exemption of 75 per cent. of conservancy rate under section 126 (3), and the further exemption granted by the proviso

to section 128 (2) increases the burden on the ordinary ratepayers and makes the tax sharply regressive so far as the big industries are concerned. A comparison with the derating provision of the English Act of 1929 will show that the concession enjoyed by big business concerns in Bengal is much larger than that in England. The 1929 Act provided that property used in the business of mining, manufacture and transport should be valued at 25 per cent. of their net annual rental value for the purpose of rating. These provisions were sought to be justified on two grounds; first, that local government services benefited residents more than industrial concerns, and secondly that it was a recovery measure intended to arrest the decline of British industry. Both the grounds may be assailed on high authority. On the first point it has been observed: "disregarding for the moment the fact that rates are commonly justified on the theory of ability to pay rather than benefit, it is not clear that industrial establishments, are in no way responsible for local Government cost for education, houses, health and relief. It is true that immediate benefit is accrued to the employees, not to the industrial establishments, but it is also true that these costs are heaviest in industrial cities (Newcomer, page 200). As regards the second point it may be said that rates do not bulk largely in factory cost and derating benefits industries irrespective of whether they are prosperous or depressed. If this is true of the provisions of the English Act, it is much more true of the provisions of the Bengal Municipal Act, 1932. The difference between the English Act and the Bengal Municipal Act should be noted. Here the 75 per cent. derating which begins after the I lakh mark is reached applies to all kinds of buildings, industrial as well as commercial, while the application in England is limited to industries of mining manufacture and transport. Secondly, and even more important from the point of view of local bodies, was the guarantee of compensation contained in the proposed revision of the system of grants-in-aid by which the actual amount of loss due to derating and to the discontinuance of a large number of allocated grants together with 5 million pounds was to be distributed amongst local bodies according to a certain formula. There can be no legitimate objection to reducing the conservancy rates in case of industrial holdings which have their own sewerage system or which have contributed to cost of municipal sewerage but the provision that valuation for rates should be reduced by 75 per cent. over Rs. 1 lakh has no apparent justification and should be done away with. This will immediately put many of the municipalities in industrial areas on sound financial footing.

Another provision-excluding machinery and furniture from consideration in estimating annual value [section 128 (3)] has also been severely criticised by a writer in a recent issue of the Calcutta Municipal Gazette

(24 anniversary number). There was no such exemption as the Act of 1864 and 1876 and according to the writer the exemptions were first introduced in 1884, by which taxing powers were being transferred to popularly elected hands, in order to give relief to the jute industry which was going through a period of temporary depression just before the Act was passed. The following summary of the article in question may be found useful. An industrial holding comprises (1) land, (2) buildings, and (3) machinery and plants. Prior to 1925 the question was determined in England by case law rather than by statute. On the first two items there was no dispute. As regards the third the majority of judicial decisions were in favour of regarding plants and machinery as part and parcel of the holding for the purpose of valuation. The Rating and Valuation Act of 1925 adopted the recommendations of the Royal Committee of Local Taxation, 1901, that in estimating annual value, while the value of plants for producing and transmitting motive power or for heating and lighting should be included, machinery and tools and appliances, which were not fixed or which were removable should be excluded. Machinery can be divided into two classes, viz. "those for power" and "those for process". The first does and the second does not enter into calculation of annual valuation according to the English Act as it is at present. The writer recommends a similar modification of the Bengal Municipal Act, and the matter is worthy of serious consideration. It is, however, not entirely free from doubt whether item 88 of the federal lists of the Draft Constitution will not stand in the way.

12. A point on which there is complete unanimity amongst the Provincial Governments is the propriety of the exemption from local taxation of railways and Central Government properties. A note on this point was submitted to the Chairman for discussion in the meeting of the conference held on 11th June 1949 and only a brief reference will suffice. Under section 154 of the Government of India Act (reproduced as article 264 in the Draft Constitution.), Central Government property is exempt from all taxes imposed by a province or any authority within a province save in so far as Dominion (or federal) legislature may by law otherwise provide. This is subject to the proviso that properties which were liable to taxation before the announcement of the Act would continue to be so liable until the Dominion (i. e., federal) legislature enacted a provision to the contrary. The effect of it was (1) that the tax could not be varied from what it was on 1st April 1937, (2) that no enhancement was possible even when the premises were enlarged or the area added to, and (3) that the right was precarious as it was subject to withdrawal or modification at any moment by the Dominion legislature. In the case of railways, most of which have by now been nationalised the rigour of this provision has been softened by the Railways (Local

Authorities Taxation) Act (XXV of 1941) by which Government of India (Railway department) agreed to issue a notification admitting its liability to pay and either mention therein the amount for which it admits liability or appoint a tribunal who should determine the amount *with due regard to the services rendered to the railways* and all other relevant circumstances. Although in this Act the principle of "*quid pro quo*" has been emphasised as the basis of taxation, there is at least a recognition of the principle that services received have to be paid for. In the case of other properties of Central Government municipal services are enjoyed without any corresponding obligation to pay for them. What can be the *raison d'etre* of this privilege enjoyed by Central Government properties? There is no analogy with Crown property in England which is not liable to taxation. That exemption is due to historical causes, but Government invariably grants a contribution in lieu of rate which is calculated as nearly as possible at an amount equivalent to the rate that would have been payable. An argument was put forward in the conference (held on 11th June 1949)on behalf of the Government of India that according to federal constitutional law as exemplified in Canada and Australlia the federation and the States should not tax each other. Whether a matter agreed upon for mutual convenience can be raised to the status of a constitutional principle is doubtful. In any case there is no moral justification for enjoining services without payment, and if constitutional law prevents the local authorities from taxation, the Central Government should pass a law agreeing to apply the principles of Act XXV of 1941 to all their properties within the area of a local authority much in the same way as compensatory contribution is paid for Crown property in England.

13. Whatever other avenues may be opened up, lands and buildings will continue to be the major source of municipal revenue, and the question whether the potentialities of this source are being fully exploited is of considerable importance. If assessment is low and collection unsatisfactory there is an obvious means of augmentation of income even within the existing provision of the Act. The position has not improved since Mr. Majumdar reviewed it in 1939-30 and the following observations abridged from paragraphs 203-5 of his report are true even to-day:– "It is not the actual rate of levy on which the tax revenue as depends on the effort of muuicipal assessors and tax collector. The assessment of land and building values is an extremely complicated affair and unless elaborate rules are laid down for the guidance of assessors and discrimination exercised in selecting personnel, the assessment is likely to be unjust and municipal income will decrease. The panel of assessors should consist of technically the best qualified persons. Assessment proceedings are completed only when they

have been reviewed and approved of by a municipality. Unfortunately, the Act provides for a purely lay committee for whose ignorance of the highly complicated procedure of valuation and misplaced sympathy, municipal assessment has suffered severely. It is important that the work of review should be entrusted to a *quasi* judicial standing tribunal to which representatives of the local municipality should be attached as assessors. The work of collection is still more important. The percentage of total collection to total demand was 65 in 1936-37 and 64 in 1937–38. It is unusual for a local authority in England to collect less than 95 per cent. of the annual demand. Compared with this record the leakage of Municipal tax revenue in this country is startling". In the years that have followed the publication of that report collection has not improved and assessment has actually deteriorated since advantage has not been taken of the extraordinary rise in house-rent due to inflation and immigration. In the section dealing with Government grants-in-aid the need for equalisation of standard will be urged as one of the principal arguments in favour of a block grant based on a formula which treats depressed areas more generously than prosperous areas. But before depressed areas can claim differental treatment on this account they must show that they have done all they could to help themselves, in other words that their valuation is scientific, assessment optimum and collection the maximum realisable. In England the provisions of the 1925 Rating and Valuation Act and subsequent legislation (particularly the Act of 1947) would seem to have set up an adequate machinery for obtaining uniformity and it is generally agreed that existing inequalities are rapidly disappearing. But to ensure the same result in this country a more drastic step would be necessary. An enquiry recently instituted into the qualifications of municipal assessors showed that the panel consisted mostly of lawyers, municipal clerks, or engineers, none, however, with any special training in valuation. The softness of the Review Committee in sealing down valuation and of the municipal executives in allowing arrears to accumulate only to be written off when unrealisable has led many to suggest that these functions should be vested in persons who do not depend upon votes for the security of their tenure.

14. Tax on trades, professions and callings cannot now be realised at the rate mentioned in schedule IV of the Bengal Municipal Act and when Mr. Majumdar proposed doubling the rate it was probably not brought to his notice that atfer the Bengal Municipal Act was passed in 1932 the Government of India Act, 1935, had put a ceiling upon the rate that could be levied on this source. In the Draft Constitution the maximum limit is Rs. 250 which is below the maximum given in column 3 of schedule IV of the Bengal Municipal Act. It is understood that the representation made by this committee to the Drafting Committee for raising the limit to

Rs. 1,000 has not met with a favourable response. If so, the Calcutta Corporation which is already levying a maximum of Rs. 500 from many concerns and some other industrial municipalities which may be levying the maximum rate permitted by the Bengal Municipal Act would be hard hit. The classes that can be assessed to this tax may be increased if the provincial legislature thinks fit, but it is doubtful if there is much scope for such increase, since a levy on profession, calling etc., should in fairness be made only on those who either derive some direct benefit in their profession or calling from municipal administration or whose profession or calling calls for some kind of municipal control. A school teacher or a clerk follows a calling but there can be little justification for taxing him on this account apart from the rate that he pays as a resident of the local area.

15. Fees are an omnibus item including receipts from municipal institutions like schools and hospitals, fees from municipal properties including markets and slaughter houses and miscellaneous license fees. The first is a small item and will be a dwindling source *pari passu* with attempts to make primary education free and compulsory. The second comprises both fee and rate and may also include sale-proceeds of lands. There is some scope for increase under this head if private markets are gradually municipalised. The various regulative provisions under which license fees may be imposed have been given in Appendix A from which it will appear that there is very little scope for increasing their number.

16. Tolls, fines, etc., yield a very small income and cannot be relied upon as a suitable source. The latter is uncertain and the application of the former is likely to be restricted in the future since the trend of opinion seems to be in the direction of removing all restrictions on traffic which hamper trade and industry. It has been suggested that road which serves an entire local authority area should be exempted from tolls, but that roads which cater to the needs of the people of a fraction of that area should be financed by tolls. This applies the benefit theory of taxation with a vengeance and cannot be supported.

17. The existing tax base is, therefore, narrow and none is very elastic. In fact, a few sources are bound to decrease in importance in course of time and yield smaller and smaller revenue. The only sure source is the rate on lands and buildings which can yield some increase in revenue if valuation and collection improve. Even here it is doubtful if the rates are capable of any appreciable increase; for one of the reasons of low valuation and collection may be the inability of the people to bear a higher tax burden. The suggestion made in Mr. Majumdar's report that the 4 different classes should be done away with and one consolidated rate up to a maximum of 32½ per cent. imposed, does not seemto be a practicable

proposition. The qualification he has immediately introduced shows that in the present state of municipal activity where a large proportion do not undertake piped water supply, drainage and street lighting and do only a minimum of conservancy, sanitation and road repair, one consolidated rate would be an unfair burden, particularly in municipalities where the services are unevenly distributed.

VI.—Government grant-in-aid.

18. In our note to the L. S. G. Ministers' conference it was suggested that as the Provincial Government and local bodies pursued the same ends though dividing functions according to administrative convenience, Provincial Government should see that local bodies have sufficient funds to discharge those duties. if this could not be ensured through taxing powers assigned to these bodies it should be done by adequate grant-in-aid, although grants for specific purposes were preferable to block grants. On reconsideration it appears that some shifting of the emphasis is necessary in the above statement.

19. It is doubtful if it is at all possible or desirable to do away with grants-in-aid by making every authority self-sufficient in the matter of tax revenue. Lord Goschen's attempt in 1888 to separate central and local finance by establishing a separate fund known as Local Taxation Account from which local authorities would draw according to the yield from their respective areas, did not succeed because of continuous expansion of the scope and standard of Local Government functions necesitating a continued increase in the number of grants-in-aid. The other contributing factor to this failure was the inelastic nature of the sources whose yield was put into the local taxation account. But there are services performed by the local bodies in which the Central Government is interested in greater or lesser degree. The traditional distinction between *onerous* services (those imposed by national Government) and beneficial services (essentially neighbourhood services), the former to be grant-aided the latter to be financed wholly from local resources, popularised in the report of the Royal Commission on Local Taxation (1901), is now generally admitted to be too artificial and rigid. Although there are services mainly of interest to the nation and services of exclusive local interest, there is a third category-probably the biggest of all-in which both Central and Local Governments are jointly interested in different degrees. So long as it is recognised that these categories are fluid and that many services which began by being purely local tend to become national as communications improve and public opinion becomes more unified, this distinction serves a useful purpose as providing a test by which to measure the amount of national support that a local body should receive. In a service of wholly national importance

(like A. R. P. during war) the local bodies merely act as agents and cent per cent support would be legitimate. A purely local service should be capable of being supported from local resources, while the cost of a semi-national service should be shared between the national exchequer and the local fund according to the degree of its importance to the Central Government. This, however, is not the whole story for there are other purposes behind Government grant-in-aid than self-sufficiency in finance. Government grants are powerful instruments for stimulating the expansion of new services or improving the services already existing compensating for losses or for new burden imposed, and equalising the resources of different local bodies. "Unless the powers and duties of local governments are to be more limited than is desirable on political grounds, exchequer grants will be necessary for equalising purposes; they may also be needed as a supplement to the local resources to prevent the general level of local tax rate from becoming too high". (Hicks—Public Finance page 278). This equalising function of the grant-in-aid as between the depressed and prosperous areas is gradually gaining increasing importance and recognition. In advanced countries it is considered essential that a certain minimum national standard should be maintained in social services and it is felt intolerable that those in need of them should suffer in any way because of their geographical domicile. Those who oppose the extension of grants-in aid say (1) that it will lead to irresponsible spending, (2) that Central control and inspection which are a condition precedent to all grants will curtail local independence, and (3) that if the Provincial Government finds the bulk of money for a particular service it should go one step further and provincialise that service on principle that "he who pays the piper shall call the tune". The last objection raises a question of political principle which it is not possible to discuss here at length. It is not, however, correct to say that payment of the cost of a particular service from the national exchequer involves as a matter of course the nationalisation of that service. The answer will depend upon whether we would prefer bureaucratic efficieny to administration by a locally elected body which may not be as efficient. The necessity for Central control to check local vagaries should not be questioned so long as it does not impair local independence. The tendency to extravagance or to lighten one's own tax burden can be checked by devising a formula which will regulate the amount of grant not merely according to local needs but also according to the amount of local sacrifice.

20. This leads to the question as to the manner in which the grant should be paid to local authorities. "Grants may be classified as block or allocated grants. A block grant is one not specifically earmarked for the maintenance of any particular service. Block and allocated grants should

be further classified according to the basis of distribution as percentage, unit formula and descretionery grants. The percentage grant varies with the amount of local expenditure for specific function. The unit grant varies with some objective measure, viz., the number of school children or the miles of a high way. The formula grant is based on a number of measures combining the unit and the percentage or a series of units. Discretionary grant leaves the distribution to the judgment of the administrative officials. The percentage grants are useful for stimulating Local Governments to higher standards but do not equalise resources nor take into account the needs of different areas, whereas the 1929 block grant, distributed according to a formula designed to equalise, offers no incentive to more or better local service." (Newcomer, pages 179-80). The block grant system introduced in England by the Act of 1929 is generally acknowledged to have been more successful than the percentage grants, not merely because it has regard to need but because it facilitates national budgeting—the commitments of the Central Government not being affected by fluctuating local expenditure. A detailed discussion of this book grant will be out of place but the salient features are as follows :— (1) Parliament fixes a central fund known as the General Exchequer Contribution consisting of (*a*) the amount of discontinued local grants, (*b*) an amount equivalent to the estimated loss on account of derating, and (*c*) a sum of money voted by Parliament to cover any growth of local government service generally, the amount being reviewed by Parliament at intervals. (2) This total of block grants (with small minor additions) is distributed annually among County Councils and County Boroughs according to a complicated formula by which the "weighted population", figure is determined. The actual population, the number of children below 5, the ratable value, the number of unemployed and the sparsity of population as compared with road mileage, were the factors which determined the weighted population but in 1947, on account of the transfer of some local Government functions to the Centre, a few factors were abandoned and others altered. (3) County Boroughs can apply their share at once in aid of their general fund, but County Councils have to divide their share among themselves and their districts according to a certain ratio, urban areas getting a much larger share than the rural. In spending their share of grant local bodies are not subjected to detailed scrutiny and control unavoidable under the percentage grant system. In order to avoid a sudden break with the past, complicated rules were framed to bring this new formula into operation by stages.

21. Having regard to the principles outlined above it is difficult to avoid a feeling of disappointment at the manner in which the system of grants-in-aid to local bodies has been treated in this province. The

average of the year 1946-47 and 1948-49 (16 per cent. of total municipal income) was much inflated on account of the large subventions paid in post-war years as dearness allowance and of the grant of a share of the Motor Vehicles Tax receipts which were held in abeyance during the war. The pre-war average of the year 1926-27—1936-37 for all the municipalities in Bengal was 4 or 5 lakhs of rupees or something like 5 per cent. of the aggregate income of the municipalities. [D. L. Majumdar's report, paragraph 212(2)]. What is striking is that during all these years it was not found possible to evolve a formula which would give due consideration to the need of any particular area as well as to its readiness to shoulder the burden and on the basis of which Government would agree to pay. This is primarily due to the fact that these grants were sanctioned by different department to which the services were related without any co-ordinating department stepping in to rationalise the whole. The Education department determines the method of grant for public instruction, the Public Health Department of grants relating to hospitals and sanitation, the Works and Buildings Department of the share of the Motor Vehicles Tax receipts. The Local-Self Government Department dealt with the general purpose grant which primarily consisted of dearness allowance necessitated by the post-war rise in prices. An attempt made by it in 1945-46 to evolve a formula based on the cost of living index failed because Government was not in a position to correlate pay or dearness allowance to cost of living index in the case of Local Government employees and was doubtful whether the employees would agree to a scaling down of the allowance when the index would begin to show a downward trend. This piecemeal distribution of grants by different proceeds consciously or unconsciously from a view of the status of local bodies which seems to be erroneous. This status is that of an agent to whom specific funds are allotted by different departments of Government for the purpose of specific services. The better view is to think of local bodies as separate, although subordinate entities, which deserve a fair amount of freedom of action within a restricted area of duties. This would lead to a system of block grants although the amount should be determined by a formula devised to take into account all relevant factors. However, as we are dealing with things as they are and not with things as they should be the following further observations as to the actual method of determining the size of grant will be useful.

(1) As regards dearness allowance four different systems are followed. The Calcutta Corporation has been receiving 80 per cent. of the dearness allowance paid to the sanctioned book strength of its employees since 1943. This was a percentage grant which Government had to concede in view of of the difficult labour situation in Calcutta towards the latter part of the

war. The grant to Howrah which was Rs. 40,000 at first wa raised to Rs 50,000 per month from March 1946 irrespective of the actual cost, and the grant to Bally Municipality was Rs. 3,422. These were *ad hoc* grants whose basis it is difficult to trace. The municipalities in the industrial areas of Hooghly, Howrah and 24/- Parganas receive a subvention calculated on a somewhat complicated system. The pay of conservancy staff was fixed at a certain figure above the then existing rate, Government agreeing to pay half the difference. In addition Government also undertook to pay per head the sum by which the price of rice per maund exceeded Rs. 10. As regards other employees those below a basic salary of Rs. 35 receive Rs. 8 per month and those above that level Rs. 16 per head. All other municipalities and district boards in the province receive dearness allowance at the rate of Rs. 8 per month for each employee drawing less than Rs. 35 and Rs 16 per month for each employee drawing Rs. 35 or more.

(2) The health grants are allocated by items. Government pays (*a*) half the pay of the Health Officers and in a few cases of the Sanitary Inspector, (*b*) two-third of the capital of water-supply, sewerage or drainage schemes, (*c*) small grants for jungle cutting, kerosenisation, etc., if equivalent amount is spent from the municipal fund, (*d*) a fixed capital cost for establishment or improvement of maternity and child welfare centres *plus* the recurring cost of the pay of a health visitor, (*e*) small contributions for T.B. chest clinics in a few municipalities and (*f*) small grants for school hygiene.

(3) Public Works grant consists exclusively of Moter Vehicle Tax receipts which are administered by the W B department. It appears that in pre-war days the amount admissible to municipalities depended upon (*a*) road mileage within the municipality, (*b*) the relative proportion of metalled and surfaced roads to unmetalled Calcutta Corporation which alone had the right to tax motor vehicles prior to the Motor Vehicles Tax Act, 1932, received a fixed lump grant of Rs. 4½ lakhs. During the war, when provincial finances were stretched to the limit, all discretionary payments from the M V tax were withheld, the receipts being merged in general revenue and spent in general administration. After the war all the local bodies have been clamouring for a share not only of current receipts but also of the accumulated receipts of the war years. In the meantime the Provinicial Government's post-war schemes for national high-ways and trunk roads had made some progress and funds were required for roads to be directly constructed by Government departments. The result is that between the competing claims of the W B department and the local bodies, no acceptable formula for division

of the receipts has yet been devised. During the last 2 years distribution had been more or less on ad hoc basis with some regard for the road mileage of each local body, Government retaining a major slice for their own road construction programme. The somewhat unreasonable claims of the local bodies for their share of the accumulated funds (which as has been already observed did not really accumulate) may be understood if one remembers the heavy damage suffered by their roads from military traffic for which no compensation has been received from the Government of India.

N. B.— During the war a large number of local bodies' roads were damaged on account of war transport, especially in the areas of large military concentration. In November 1944, the Government of India in the Defence Department agreed after prolonged correspondence that the amount required over and above twice the normal expenditure of these local bodies during the 3 pre-war years on roads used extensively by military traffic would be borne by them. A list of such roads was forwarded along with this correspondence and although it fell far short of the claims of local bodies, an estimate of probable cost of repair of these roads were drawn up while the claim for inclusion of other roads in this category was separately pressed. But on 16th March 1946 the Government of India (Department of War Transport) jettisoned the formula they themselves had suggested, disclaimed any responsibility to bear any share of the increased cost due to their own intensive use and said that their agreement to bear part of the cost was due not to any such admission of responsibility but to their desire to expedite repairs considered necessary for military purposes. This was naturally regarded by the local bodies as a cynical disregard of their just claims. The following paragraph in that letter lays down a principle to which it is difficult to agree. "The responsibility for the maintenance of roads, *irrespective of the civil and military traffic to which they are subjected, rests with the Provincial Government in peace as well as in war.* During the recent war it was essential from the military point of view that certain roads should be maintained up to standards specified by military authorities. Because it was realised that these demands of the military authorities were abnormal and having regard to the other liabilities undertaken by the province on account of the war, the formula referred to above was evolved with the object of avoiding delay in the execution of urgent works of military importance * * *. In the circumstances Government of India are of opinion that as a general rule they should not be asked to contribute after the 31st of March 1946 towards the cost of maintenance of roads on the ground of their use by military traffic". Further correspondence failed to elicit their concurrence even to the very modest demand that contribution on the said basis should be available for damage done by

military traffic up to the 31st of March 1946 even though repairs could not be undertaken before or completed by that date. As a matter of fact, on account of financial stringency and shortage of materials and transport, repair work could not be carried on or undertaken by 31st March 1946 by any municipality and the decision of the Government of India not to contribute for repair which was not completed by that date was virtually tantamount to a declaration that they would not pay anything at all. This was breach of promise made in November 1944 on which the province and the local bodies had pinned their faith. The question is raised here because the Committee should give their opinion as to whether a local body is bound to maintain a road upto an abnormally high standard or is entitled to compensation when it is damaged much more than normal traffic would do when extraordinary circumstances like war lead to their intensive use by heavy vehicles].

VII.—Trading Services

22. Whether trading services should be undertaken to supplement revenue deficit is a point on which opinion is not unanimous. It has been argued by one school of thought that surplus revenues which might accrue from this service should not be utilised as a supplementary income for reduction of rates, but should be kept in separate accounts so that the cost of the service itself may be reduced. Another school frankly regards trading profits as a legitimate accretion to general revenues. On principle it is not clear why profits from public utility services cannot be utilised for supplementing municipal income from rates and taxes. Among the already existing services two are of the nature of trading services, viz., water supply and receipts from markets and slaughter houses. The latter yields a surplus while the former is run at a loss. It is a common practice to levy the cost of water supply against users in proportion to their valuation for rates instead of in proportion to water consumed. Only in the case of industrial use is a metered supply usual. It is, however, possible to work out a scheme which would make these services self-supporting, if after charging a flat percentage on valuation for consumption upto a certain limit, a progressive rate is imposed for excess consumption above that limit to be determined by metre. There is a provision for metred supply in the Act. But such excess charges are the exception rather than the rule. Markets and slaughter houses are, however, a profitable source and rapid extension of municipalisation of markets is desirable.

23. The more important question is whether there are any public utility services which municipalities can undertake with efficiency and run at a profit. The services usually mentioned in this connection are

(1) Electric Supply, (2) Gas Works, (3) Passenger Transport Services, (4) Housing, (5) Dairies, and (6) Banks. Of these gas works and banks may be ruled out without further consideration as demand for gas is limited to one or two large municipalities and banks do not lend themselves to amateurish administration by municipal commissioners. Electricity supply includes three stages—generation, main line transmission and local distribution. In England the second has been nationalised through the Grid System and the first may soon be so under a Central Electricity Board. Local distribution is, however, still in the hands of the municipalities or supply companies. In this province all the different stages are still in the hands of private concerns, some big and some small. Transport raises a more difficult question because, except in Calcutta and in one or two bigger municipalities, the area would be two small for a self-contained bus service. The Provincial Government has, moreover, undertaken a State Transport Service in Calcutta and outskirts whose progress should be watched for it would be an unedifying spectacle to see the Provincial Government and local bodies competing with one another in passenger transport over the same route. An examination of the question whether water-supply, electric supply, gas works and passenger transport could be suitably administered by local bodies led the ex-Director of Social Surveys, Nuffield College, Oxford, to the conclusion that each of the four services needed to be treated on its own and called for different regional arrangements which were not conterminous with existing Local Government areas. They should be administered by *ad hoc* regional Boards, which should, however, be closely linked with elected members of local or regional authorities. The exact process of this linking it is not necessary to discuss since the conclusion, if accepted, destroys any hope that trading service can be relied upon to supplement the revenues of local bodies. The technical condition of a service determines its area of operation and the area thus determined will very often not coincide with the area of local body. In the case of municipalities whose area generally is small although the population is compact, the only profitable service which they can conveniently take up is the local distribution of electricity whose generation and main line transmission are centrally controlled. The other much needed service—housing—for which the municipal area is eminently suitable, is hardly likely to be a source of income if it is done, as it should be, with proper regard for sanitation, air, light and the minimum cubic space which a human being requires for health and comfort. Experience has shown that without liberal subsidies even moderately good housing cannot be provided for men of ordinary means to which class the vast majority of town dwellers belong.

VIII.—District Boards.

24. The abstract (Vide P. 327) shows the average income and expenditure of District Boards of this province for the year 1946-47 and 1948-49. This has also been compiled from the statement in prescribed form required by the Central Government after some re-arrangement of heads in order to make the classification of sources more logical.

IX—Analysis of expenditure and of functions.

25. Civil works absorb 38.7 per cent. of the total expenditure of which roads claim 26 per cent. The next largest item is Medical and Public Health(32 per cent.) and next to it is Education (18 per cent.) The percentage in 1936-37 was 43.6, 24.3 and 17.4 respectively. As in the case of municipalities the resources are spent almost entirely on the primary functions of roads,public health and, to a gradually diminishing extent on education. The average *per capita* expenditure on public health is annas 3 and that per mile of road is Rs. 114—not a generous sum by any stretch of language. In fact it is the opinion of an expert that the mileage of roads in this province, low as it is in relation to needs, has exceeded the financial capacity of district boards even for maintenance under ordinary pre-war traffic, not to speak of the pressure of intensive traffic under post-war conditions. As for public health the figure itself is eloquent and needs no comment. No average has been struck for education for the simple reason that since 1934-35 primary education in all the districts except Midnapore has been taken over by District School Boards to which the entire proceed of the Education Cess is made over together with Government grants-in-aid for the purpose. An average struck under dissimilar conditions would have been completely out of perspective.

26. The question whether the function of district boards should be restricted or enlarged in scope has been the subject of acute controversy for some time past. The different points of view were briefly stated at page 1 of the note submitted to the Local Self-Government Ministers' Conference and need not be elaborated. The Bhore Committee not only advocated a Health Board in each district working with a transferable provincialised staff but suggested similar organisations for education and communication also. This is a reversion to separate functional boards which England rejected in favour of compendious multi-purpose elected bodies from 1888 onwards. In this province education has been already transferred to District School Boards with results which cannot be regarded as completely stisfactory. Their composition does not make them an efficient instrument for the purpose they were intended to serve and their work has been scathingly condemned in the Sargent Report. There is no guarantee

that separate Health Boards and Communication Boards will not lead to similar results. Such Boards with a composite membership of elected and nominated members would reintroduce nomination which was abolished immediately after the attainment of independence as an earnest of complete democratisation. A compendious District Development Board would have the same characteristic defect and, being multipurpose, would hardly be an improvement on the existing Boards. The setting up of a co-ordinating committee as suggested by the Bhore Committee will probably create an unwieldly pyramid between whose apex and base the link will be too loose for cohesive and united action. True, there is now in England a tendency to set up *ad hoc* functional bodies over large regions for services (e.g., electricity, high ways, county planning) for which county areas have been rendered too small by progress in technical and scientific knowledge. But the boundaries of an English County were defined when the horse was the speediest means of transport and the urge for an expansion of area for the performance of large scale services was inevitable when it was replaced by railways and motor cars. In this country transport is still largely primitive and district areas are already larger than county areas (*vide* paragraph 1). The conditions leading in England to the setting up of regional bodies do not, therefore, obtain in this province. In fact, having regard to the absence of link between the district head-quarters and its outlying parts, there would have been a fair case for the splitting up of a district into more compact areas if the overhead costs were not so prohibitive. Even with their existing areas district boards cannot offer adequate salaries to attract the best technical staff,and a smaller area would certainly find it steel harder.

27. Those who advocate centralisation may point to what is already taking place in education, health and communication. Primary education has already been transferred to District School Boards and a Secondary Education Board is in the offing. Hospitals in districts and subdivisional head-quarters have been provincialised, probably a wise step to avoid the evils of dual control. An ambitious scheme of rural and thana health centres, officered and managed directly by Government has also been drawn up but from the not very encouraging record of progress of the past year it is difficult to say how far and how quickly it will succeed in supplanting the effort of local bodies. Similarly a recent statistics has shown that the roads proposed to be nationalised or provincialised during the first and second five year programmes of the Government constitute a tiny fraction of the total mileage of metalled, unmetalled and village roads of the province—and this will continue to be so even if construction by Government can be speeded up to maximum possible limit. The non-provincialised roads are hardly less important than trunk roads either to

Expenditure (in lakhs of rupees)

Head of expenditure	Amount	Percentage of total income	Per capita or per mile
			Rs. a.
1. Administration	4.25	5	
2. Education	13.92	18	
3. Civil Works—			
(*a*) Establishment	6.16	7.7	
(*b*) Roads	20.85	26	114 0
(*c*) Buildings	2.43	3	
(*d*) Water-supply	1.77	2	
(*e*) Miscellaneous including drainage, arboriculture	.85		
4. Medical and Public Health	25.53	32	0 3
5. Miscellaneous	4.92		
Total	79.62		

Income (in lakhs of rupees)

Head of income	Amount	Percentage of total income
I—Road and Public Works Cess	35.67	44
II—Other Receipts–		
(*a*) Tolls on ferries and roads	2.49	3
(*b*) Fees and fines	1.20	
(*c*) Criminal Tribes Act	.17	
(*d*) Receipts from canals, buildings, bungalows, railways, fairs, exhibition, etc.	1.41	
(*e*) Sale proceeds	.68	
(*f*) Interest	.39	
III—Grants-in-aid and contributions–		
(*a*) Government grant	32.02	39.3
(*b*) From endowments and public contributions	2.50	
Total	80.37	

public convenience or to public economy, and to starve District Boards on the ground that Government has its own road construction programme would be to sacrifice the interest of the larger masses to that of the few. The logical corollary to taking over all roads, all public health work and education in all its aspects by Government or *ad hoc* bodies, would be the abolition of District Boards. If that is what is wanted a consideration of District Board finance is not necessary. But such abolition is bound to be opposed and will be a step of doubtful wisdom. The cure for the malaise now observable in District Board work is not to destroy local democracies but to galvanise them into greater efficiency by a "combination of four distinct factors: first, an enlightened electorate; second, Councillors possessing wisdom, public spirit, integrity and imagination; third, a scientific constitutional structure; and fourth, a local Government service of high mental ability and good moral calibre" (Robson, page 289). To ensure the last the salary and conditions offered should be attractive and this is a question of finance.

28. Provided the conditions laid down by Robson are even partially fulfilled there is a large number of functions which can be entrusted to distrcit boards. Education should probably be provincialised in any case, but roads (except national high ways and trunk roads) and public health (including water supply, rural dispensaries and hospitals) are services which lend themselves peculiarly to local management and initiative. Agricultural improvement, cattle breeding and veterinary service, long distance bus transport, etc. are matters in which local initiative and control is likely to be very effective. And if country planning is decided upon for the best utilisation of the limited area of truncated West Bengal, District Boards should undoubtedly play an important part in executing it even if they be not made the ultimate authority in this sphere of planning.

X.—Analysis of Income-Tax Revenues.

29. The chart shows that cess and Government subsidies were the largest source of income, the first accounting for 44 per cent., and the second 39.3 per cent. The only other considerable sources were tolls on ferries and roads which brought in 3 per cent. and receipts from endowment and public contribution which brought in a little less. In 1936-37, the percentage of cess, Government grant, tolls and private contributions was 59.1, 27.2, 5.3 and 2.8, respectively. Private contributions include receipts from endownment which are more or less fixed, and occasional charities which are variable. The latter cannot be relied upon as a steady source of income. Tolls will lose their importance as days go by, first because tolls as means of financing road construction are not popular and secondly because there is a tendency to bring back ferries under Central

management at least in those cases where they lie between the roads which have been or are going to be provincialised. If the income is to be augmented reliance must be placed on cess, Government grants or additional sources that may be made available by fresh legislation.

30. Before the amendment of 1934, road and public works cess could be levied from the holder of an estate at the maximum rate of 6 pies on each rupee of annual value or in case of mines, quarries, tram-ways, etc., of the annual net profit. In the case of land used for tea, coffee and cinchona the annual value was fixed at Rs. 10 per acre unless the Board of Revenue in any particular case prescribed a lower rate. In other cases the annual value was fixed at the total rent which was payable (or, if no rent was actually payable, what would on a reasonable assessment have been payable) by all the cultivating ryots or by other persons in the actual use and occupation of the land. The holder of the estate paid the entire amount of road and public works cess calculated on the annual value but was entitled to get a small deduction of the sum obtained by multiplying the land revenue paid by him by half the rate of cess. He could, in his turn, realise from subordinate tenure holders cess calculated in a similar way and with similar deductions. The process continued till the cultivating ryots was reached who paid at half the prescribed rate upon the rent paid by him or upon the annual value calculated by the Collector (sections 4, 6 and 41 of Cess Act). The amendment of 1934 changed the basis of the impost from rent to produce or yield. Elaborate provisions were made for determining the cess which can only be very briefly touched upon. After laying down which lands would be cess free and which liable to it, the Act suggested a division of the area of a district into units more or less according to uniformity of productive capacity. The acreage rate of each unit was then fixed at one-fifth of the five years' average of gross produce subject to a ceiling so that the total cess demands might not increase by more than 20 per cent. The annual value is obtained by multiplying the acreage rate by the area of land. The rate of cess payable for roads and public works is 6 pies each per rupee of annual value so determined. Payment is made in the first instance by the proprietor in the same manner as under the original Act and subject to the same deductions, although he can reimburse himself from a subordinate tenure holder. This process goes downward till the lowest tenure holder is reached who however, cannot realise any part of the cess from the cultivating tenant. A peculiar provision is that while rent free owners shall pay cess at the full rate either to the proprietor or to the tenure holder, the latter can get deduction on such land calculated at half the rates. Valuation of lands for tea, coffee and cinchona is fixed at the rate of Rs. 20 per acre. This amendment has not yet been given effect to and no revaluation of land has been completed after this amendment

was passed. A preliminary calculation showed that one result of the new procedure would be to reduce the cess demand—the reduction being as high as 10 per cent in the case of districts of West Bengal. A further amendment was accordingly passed in 1946 giving an option to the Provincial Government to decide whether in any particular district the old provision or the new should apply.

31. As a way out of their financial stringency district boards have suggested that the maximun rate for road and public works cess should be doubled. This is a more modest proposal than that made by Mr. Majumdar at page 77 of his report. Mr. Majumdar's suggestion is that either the rights of District Boards to increase the rate should be unfettered or that the only restriction on that right should be imposed not by statute but by the discretion of the Provincial Government. He admits the possibility of varying tax burdens in different districts which is inherent in this suggestion but thinks it can be corrected by the rational distribution of Government grants-in-aid. In any case varying rates of cess cannot according to him, lead to any transfer of land as would be the effect of varying rates of municipal tax on industrial captial. It is unlikely that such an unfettered right of what Mr. Majumdar calls self-taxation, would be granted to district boards. But it is a matter of regret that even the modest proposal for doubling the maximum permissible rate has not yet been accepted. The objections advanced are (1) that the future of District Boards is uncertain, (2) that higher rates would impose a heavy burden on the already overtaxed landlords, and (3) that the rates do not compare unfavourably with those of other provinces. None of these objections will bear scrutiny but as the matter has not been finalised yet, no further comment is called for.

XI.—Government grants-in-aid.

32. The need for such grants as well as the principle of distribution as it is and as it should be has been discussed earlier. To the list of public health grants mentioned in paragraph 21 which apply to municipal as well as rural areas, the following should be added:—

(1) An annual subsidy not exceeding Rs. 2,000 to approved thana health units maintained by district boards.

(2) Two fifths of the annual cost of the permanent thana vaccinators who are district board employees and subsides for the pay of vaccination inspectors and sub-inspectors (at Rs. 90 and Rs. 50 respectively) who are still borne on the district board cadre. The latter are now being provincialised as vacancies occur.

(3) The pay of a health assistant per thana health unit for compilation of vital statistics.

(4) Small kala-azar grants.

(5) Grants to thana and village dispensaries maintained by district boards at the rate of Rs. 500 and Rs. 250 respectively, per annum.

33. The average grants of the two years 1946-47 and 1948-49 were as follows:—

	Rs.
Education	6,75,547
Medical and Public Health	7,20,324
Communications	6,56,324
General purposes	11,49,340

The average gives a more favourable picture than the normal amount of such grants because during 1948-49 district boards received a proportion of the Motor Vehicles Tax receipts of the previous year besides the full share of that year, and because one District Board received as grants-in-aid for education the undisbursed amount of 1947-48. The general purpose grants include dearness allowance and famine relief allowance which by their very definition are temporary, and augmentation grant which is a block grant originally equivalent to 25 per cent of road cess receipt but now fixed at a particular figure without being subject to variation according to the fluctuating yields from local sources. The original distribution was in extact proportion to the cess income of different districts As this was more favourable to the richer District Boards a formula was subsequently devised by which half the amount of grant was distributed according to yield while the other half was distributed according to need as assessed by the Divisional Commissioner. This formula does not appear to nave been strictly adhered to during the last few years. The communication grant of 1948-49 includes Rs. 50,000 from Government khas mahal for improvement of roads in khas mahal areas. As Government has virtually the position of a landlord so far as khas mahal lands are concerned and yet does not pay any cess, this grant is in the nature of a compensatory contribution only.

XII.—Union Boards

34. The table below shows the financial position of union boards during 1947-48 :—

Number of union Boards	Average number of villages per union	Average area in square miles	Avreage population	Average income	Average expenditure
1,700	18.7	14.86	7,640	2,656	2,052

Details of expenditure under different heads are not available and it is impossible to say what proportion of receipts are spent on health, roads, education, etc., and what on establishment and on the rural police.

35. The existing sources of revenue are: (1) Union rate levied under section 37 and assessed according to circumstance and property within the union (minimum annas 6, maximum Rs. 84 per year), (2) contribution from district board, (3) receipt from pounds, (4) contribution from Government and (5) fees and fines. The last four are negligible and union boards have to depend almost entirely on rates. Pounds will cease to be a source of income if a recent proposal sponsored by the Agriculture Department making damage done by trespassing cattle a criminal offence is accepted, as in that case people will prefer the easier remedy provided by the criminal court to the trouble and risk of impounding the cattle. The contribution from district board is compulsory if a union board taxes itself for its constructive activities, but since no limit is fixed, many district boards satisfy the letter of the law by nominal grant. Government contribution to union boards has been very sparing and sporadic. No dearness allowance was paid till recently when discontent and threatened strikes by the chowkidars of certain districts led Government to accept responsibility for paying a very small amount as dearness allowance in order that the pay might reach a maximum fixed by Government. Only those union boards benefit by this provision where the pay of the chowkidars and daffadars was lower than the limit. The wages of chowkidars and daffadars who form the rural police constitute the heaviest drain on union board finance and has been a sore point of complaint for years past.

36. The power of union boards to assess residents to rates has been restricted by fixing the maximum limit at Rs. 84 per year. This restriction should go but whether the right should be unffettered or whether there should be a statutory maximum is a more debatable point. The drift of industries to union board areas and away from municipalities has been very marked in recent years and probably points to the need for removal of all restrictions. Another ticklish question is the legality of imposing any rate on the *circumstance and property* of an assessee. The Full Bench decision of the Allahabad High Court in District Board of Farakkabad v. Prag Dutt [A. I. R. (35) 1948, Allahabad, 382, F. B.] decides the point against the district board. Although part of the decision is based on the language of the United Provinces Acts the following observations (abridged) are of a general character applicable even to this province: "It is the real nature of the tax which must determine in what category it falls. If in doing so it is necessary to split up the tax into several taxes on different sources, there is no reason why it should not be done. Circumstance and property tax is not mentioned either in list I or II. List I includes taxes on income, on the capital value of assets or on the capital of companies. List II includes tax on land and buildings and tax on profession, trades, calling and employment. Circumstance means a person's financial position, his status takes as a whole. A circumstance and property tax may differ from income-tax as it may be levied on man's status and on his total business turn over even if there is no taxable income. But where the prescribed method of assessment makes it a graduated tax calculated at so much per rupee of income, the line of demarcation between it and income-tax disappears. It then ceases to be a personal tax on the status of an assessee". Whether status is at all capable of precise measurement so as to be a basis of tax assessment is debatable. Even if it can, it is doubtful, if list II as it is, sanctions the imposition of such tax by a Provincial Government or a local authority.

XIII.—Improvement Trust.

37. In a brochure published by the Trust in 1945 the sources of income were described as follows: "The main source of revenue of the Trust is from the sale of lands in completed Improvement Schemes. The income fluctuates every year and in the year 1941-42 when there was a boom in land sales the income from this source amounted to Rs. 90,89 lakhs, the average sales per annum being in a figure slightly more than half this sum. There are 5 other sources from which the Trust derives an income and they are as follows (the figure for 1947-48 is substituted for the year 1943—44 in the brochure):—

		Amount for the year 1947-48
		Rs.
1.	Contribution from the Calcutta Corporation equal to 2 per cent of the annual value for rating purposes	22,64,444
2.	Export duty on jute	8,89,987
3.	Duty for transfer of property within the Calcutta municipal area	19,11,495
4.	Terminal tax on passengers arriving by railway or steamers from 30 miles distance	2,36,472
5.	Fixed Government grant	1,50,000
	Total.....	51,22,397

It may be mentioned, however, that sale proceeds from land and buildings and receipts from exemption and betterment fees seldom come up to the total expenditure on land aquisition and engineering works.

38. These five sources of annual revenue serve the double purposes of meeting the management expenses of the Trust and financing loans for the purpose of initiating schemes. They also meet expenditure not recovered by recoupment on projects in built up areas in the centre of the city. The total amount of debenture loan outstanding for financing the operation of the Trust is Rs. 4,17,50,000 and loan charges including interest and sinking fund payment consume about Rs. 30 lakhs per annum out of above recurring income.

APPENDIX A.

License or analogous fees leviable under the Bengal Municipal Act.

(1) License for keeping a platform upon or over any public street or drain (section 236).

(2) License for offensive and dangerous trades (section 370).

(3) License for persons employed for sewage removal—fee as imposed by the Commissioners [section 247(*i*)].

(4) License of places for keeping horses and cattle (section 372).

(5) License of places for use as public stables [section 373(*3*)].

(6) License for keeping pigs (section 374).

(7) License for private markets (section 405).

(8) License of places for use as slaughter houses for slaughter fo animals fcr sale of flesh for human consumption (section 407).

(9) License for fairs and *melas* [section 414(*A*)].

(10) License for business of a butcher in any place other than a market (section 418).

(11) License for sale of drugs of British Pharmacopoeia (section 423).

(12) License for dairymen, milkmen, bakers, confectioners, ice and ærated water manufacturers, sweetmeat makers or keepers of tea-shops, hotels or eating houses (section 420).

(13) License for fuel shops at burning grounds (section 443).

(14) A fee or rent as may be fixed by the Commissioners for permission to the erection of any verandah, balcony, sun-shade, weather frame or the like projecting over any public street [section 235 (*2*)].

Local Self-Government in Orissa

"Local Self-Government is to Democracy
what
Primary Education is to University Education"

Short History

Autonomous Local Administration is an old institution in Indi Changing times and manners brought corruption into it in an increasin pace and finally it disappeared. After the advent of a foreign Governmen it reappeared in a different form. The foreign Government with a view t be relieved of a part of its increasing burden of administration and t satisfy the desire of the people to have hand in the conduct of their ow affairs set up local bodies—urban and rural—more or less on the Englis model. Lord Ripon's Resolution of 1882 is a real land mark in the history of Local Self-Government, because it laid the foundation of the system which exists to-day. Local Fund Boards were established consisting of officials and non-officials appointed by Government, with the Collecto of the District as the ex-officio Chairman, exercising executive powers. Matters relating to elementary education, roads and communicaion, construction and repair to schools, hospitals and dispensary buildings, vaccination, dharmasalas, maintenance of markets, wells, tanks, sanitation and other local works of public utility to promote health, comfort and convenience of people, were transferred to these Boards. The Boards received grant-in-aid. They were given power to levy cess at one anna in the rupee of annual value of lands. The progress achieved by local bodies was neither rapid nor all round. The local units were hardly self-governing. The people, however, were made familiar with the idea of Local Self-Government in local affairs.

The Reforms of 1919 marked the real period of Local Self-Government. There was definite advancement of the ideal of Local Self-Government. Gradually the system of election of members was introduced. Units small in size and interest more localised were formed. Units of administration in villages or groups of villages were established. Taluka Boards or Local Boards as subordinate to District Boards were set up. Representation

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of members of Taluk Boards on District Boards and reduction in the proportion of official members was secured. The system of reservation of seats for minorities was retained. The office of the Chairman of the Local Bodies was thrown open to election. Government, however, retained a firm grip over the administration of the local bodies.

Local Authorities in Orissa

The coastal districts of Cuttack, Puri and Balasore which were parts of Bengal till 1912 are governed by the Bihar and Orissa Local-Self-Government Act, 1885. The Sambalpur District which was prior to 1905 in Bengal and later in Central Provinces, was governed by the Central Provinces District Council Act of 1883 till 1939 when Government of Orissa passed the Sambalpur Local-Self-Government Act. The local bodies in Ganjam districts are governed by the Madras Local Boards Act, 1920, as amended upto 1936, when the Province of Orissa was formed. The Madras Act as it stood in 1920 with amendments made by Government of Madras and Orissa is in force in Koraput district. The local bodies there, viz., District Board, Taluk Boards and Union Boards were till recently nominated bodies. The Collector of Koraput was the President of the District Board and the Sub-divisional Officer of Nawrangpur and Rayaghada were the President of their respective Taluk Boards. All the members of the Disrrict Board, Taluk Board and Union Boards were nominated. Government of Madras abolished the Taluk Boards in plain districts in 1930, but the Taluk Boards continued to exist in Koraput Agency district as the old Act of 1920 continued to be in force there. The partially Excluded Areas Enquiry Committee recommended the abolition of the Taluk Boards in Koraput district and constitution of the District Board and Union Boards on election basis. Just recently the Taluk Boards were abolished and the election to the District Board and Union Boards took place. The new Boards with elected and nominated non-official Presidents came into being on 22nd July 1949. Of the total number of members of the local bodies in Koraput district, ¾ of the members are elected and ¼ nominated by Government. One-third of the seats of the District Board filled up by election, are reserved for backward tribes and scheduled castes.

Local Self-Government Laws

The Province of Orissa having been formed with portions of Madras, Central Provinces and the old Province of Bihar and Orissa, there are 4 sets of Local Self-Government laws and 2 sets of Municipal laws in force in the Province as mentioned below :—

Cuttack, Puri and Balasore Districts—

Bihar and Orissa Local Self-Government Act, 1885.

Bihar and Orissa Municipal Act, 1922.
Bihar and Orissa Village Administration Act, 1922.

Sambalpur District—

Sambalpur Local Self-Government Act, 1939.
Bihar and Orissa Municipal Act, 1922.

Ganjam District—

Madras Local Boards Act, 1920 as amended upto 1936.
Madras District Municipalities Act, 1920.

Koraput District—

Madras Local Boards Act, 1920 with amendments by Governments of Madras and Orissa to suit local conditions.

There were 69 viliage local self-governing units, namely, Panchayats, Union Boards and Union Committees. In coastal districts union boards and union committees are constituted under the Bihar and Orissa Village Administration Act, 1922. The Panchayats—major and minor— in Ganjam are constituted under Madras Local Boards Act, 1920, and the Union Boards in Koraput under the Madras Local Boards Act, 1920, as applied to the agency. The Union Boards in Sambalpur district are constituted under the Sambalpur Local Self-Government Act, 1939.

Unification of Laws

The unification of the divergent local self-government laws was taken up by Government in 1938, but on account of war the work was stopped. It was renewed after the Congress Ministry assumed office in 1946. The Orissa Local Government Bill is now before the Assembly. The Orissa Local Municipal Bill is being drafted. The Bihar and Orissa Local Self-Government Act and the Madras Locol Boards Act will be repealed. The Orissa Grama Panchayat Act and rules thereunder were passed by the Legislative Assembly in 1948. The Bihar and Orissa Village Administration Act, 1922 has been repealed. More than 500 Grams Sabhas have been established. Adalti Panchayats are being set up in about 200 villages out of 500 villages, to dispose of petty civil and criminal cases. The Union Boards, Panchayats and union committees are being replaced by Grama Panchayats.

Besides the above legislation to unify the divergent local self-government laws, Government have taken up the formulation of the Orissa Public Health Bill and Town Improvement Bill. With a view to regulate and unify the audit of accounts of local funds in both halves of the Province the Local Fund Audit Laws were unified and the Orissa Local Fund Account

Act was passed in 1947 and the rules under the Act are under the technical scrutiny of the Accountant-General, Orissa.

District Boards—There are at present six district boards one in each of the six old districts of the Province. There are no District Boards in the integrated States. The Local Government Bill when passed into law will be enforced in the new districts formed in the integrated area. There will thus be a District Board for each of the new districts.

Municipalities—There are eight municipalities in the Province—six in North Orissa and two in South Orissa. There are no municipalities in Koraput district and Ganjam Agency. There are some municipalities in the integrated States constituted under rules framed by the ex-Durbars. They are shortly going to be constituted into regular municipalities under the Bihar and Orissa Municipal Act, 1922, which has already been extended to the added areas.

There are two Notified Area Committees-one at Angul and the other recently established at Bhubaneswar. They exercise Municipal functions in a restricted form. Under the Orissa Municipal Bill there will no more be any Notified Area Committees.

Franchise

The main qualifications of a voter under the District Board and Municipal Laws now obtaining in the North Orissa districts are that:—

(i) he is a resident aged 21 years or above; and

(ii) is assessed to income-tax in the previous year: or

(iii) is a retired, pensioned or disharged or non-commissioned officer; or

(iv) is assessed to choukidari tax of Rs. 0-12-0 in the previous year; or

(v) pays land revenue of Rs. 2 per annum or local cess; and in case of scheduled castes, the voter should be an assessee of choukidari tax of Re. 0-6-0 in the previous year; or

(vi) should have passed the Matriculation or equivalent examination.

The qualification of a candidate for membership to the District Board or a Municipality is that he must possess any of the qualifications of at voter as given above and that he must not be a salaried Governmen servant.

The Chairman and Vice-Chairman are elected by the elected members.

The franchise qualifications under the Madras laws in force in South Orissa are slightly different. Here a voter must be—

(i) resident for a period of 12 months in the case of municipalities and for 120 days in the aggregate in the district in the previous year in the case of district boards;

(ii) aged 21 years or more; and

(iii) assessed to income tax; or

(iv) a matriculate or having equivalent qualification; or

(v) a retired or discharged or non-commissioned officer; or

(vi) a tax-payer to Government or local authority.

In North Orissa members of minority communities and special interests are nominated by Government. In South Orissa, all seats of a District Board and of a Municipality are to be filled in by election, but seats are reserved for scheduled castes, Muhammadans, Europeans and Anglo-Indians, Indian Christians and Women. Under the scheme adopted in the Local Government Bill which is going to be passed next month seats are reserved for backward tribes and sheduled castes only. But the reserved seats also are to be filled in by election. The existing property qualification prescribed for voters is being replaced by the system of adult franchise. The Bill provides for an Executive Committee consisting of the executives and officers of the Board to co-ordinate planning and execution of works of the District Board including those of Standing Committees. The general election to District Board and Municipalities though overdue in some cases has been deferred until the Local Government Bill and Municipal Bill providing adult franchise are passed into law.

Executive Officer of the District Board

The Montague-Chelmsford Reforms with the object of giving local bodies " the largest possible independence of outside control" tried to bring local administration in India into line with what was mistakenly thought to be the British system. While depriving the local bodies of an officer of the status of a Collector, they left no machinery specially charged with the task of supervising and guiding the affairs of local bodies. The latest innovation in the sphere of local self-government is to bifurcate the functions of the elected body in matter of administration and of policy. In the British National Constitution and in Local Government Institutions in other free countries a separate executive organ has been established and the British Government also intends to move in the same direction. In

Germany the Burgomaster was the head of the Municipal Executive with powers of his own in that sphere and also had the responsibility of preparing the budget and initiating measures of policy for the elected councils' approval. He was a state officer. The same model prevailed in Scandinavian countries whose political sentiment has been constantly democratic. There was separation of powers between the elected Council and its executive. But the executive was a small group and not an individual—Burgomaster or Mayor. In democratic America the recent model of Municipal Government is Council-and-Manager Model replacing in many towns the old Mayor and Council. The elected Council is entrusted with the general control of policy and the purse strings, but a qualified individual executive called the Mayor is appointed with powers of his own. He is like a Managing Director in business Firms and is the head of the administration. The Council can not dismiss the executive without the central consent. In essence the above systems are on the lines of the British Cabinet system in the National sphere. The system of appointment of an executive in the British Local Government is the topic of the day. The English Local Government may favour the Scandinavian system of a group executive or the American system of one individual executive. The individual executive will be a State Officer or one chosen out of the elected personnel as in the case of British Ministry or Cabinet. The executive chosen from the elected group will not have the professional training nor can he perform whole-time duty. A whole-time executive paid suitably will be more useful. Persons with real responsibility and administrative ability will be available for the jobs. But they may not prove as efficient as desired, because they will have no security of service and will lack the skill and experience of officers who have made this work a career. Experts in British Local Government are of opinion that if a radical change is necessary there is much to be said for the Council-Manager system of America. In the Orissa Local Government Bill now before the Assembly provision is mad to appoint to each District Board a State Officer of the status of a Deputy Collector and Deputy Magistrate as the Executive Officer. He has his own statutory powers. In some cases appeal against his orders lies to the Chairman. In some cases also he has to act with the prior approval of the Chairman. He being an officer of the State cannot by removed by the Board but can be removed only by Government. The system of Executive Officer is in vogue in the Municipalities governed by the Madras District Municipalities Act, 1920 and in Panchayats governed by the Madras Local Boards Act, 1920. The Government of Bihar have also introduced in 1946 the system of Executive Officers in the District Boards and Municipalities. The system of Executive Officer for District Boards and Municipalities in Orissa is in keeping with the time and is acceptable to all concerned.

Finance of local bodies

District Boards—The main source of income of District Boards in both halves of the Province is land cess or local cess. The Boards have power to levy licence fees, ferry rents, pound fees, shool fees, hospital fees, fines, etc. In South Orissa the local bodies have power to levy education cess, professional tax, market fees, cart-stand fees, etc. They have power to undertake remunerative enterprises. The District Boards get grants-in-aid from Government for education, medical relief and communication. The income of District Boards will increase under the unified Local Government Act which provides for levy of new taxes, fees, rates, tolls, poll tax on passengers and carts entering the area of fairs and festivals and a large number of new items of offensive and dangerous trades on which licence fees may be levied. The maximum rate of land or local cess is proposed to be raised from 0-2-6 in the rupee to 4 annas in the rupee with the prior approval of Government.

Municipalities—The municipalities levy holding tax, personal tax, property tax, latrine tax, lighting, drainage and water tax vehicle and animal tax, and registration and licence fees. Besides they get grant-in-aid from Government, recurring and non-recurring for specific objects. In South Orissa profession tax is levied. Under the unified Municipal Laws the municipalities will get more income from taxes, rates, fees, etc. The Municipal Councils will levy not only new taxes but levy existing taxes at higher percentages and fees at higher rates. They may also undertake remunerative enterprises.

As resolved by the Conference of Local Self-Government Ministers at New Delhi in August 1948, the Central Government have set up a Committee to examine ways and means to increase the financial resources of local bodies. Provincial Government have also set up a Provincial Committee. The sources of income of local bodies will be reviewed after the reports are available to Government.

Education

District Boards and Municipalities are responsible for the maintenance and management of primary schools. The Madras Elementary Education Act, 1920 which is in force in south Orissa provided for the levy of an education cess not exceeding 26 per-centum of the taxation levied in the local area under land cess and profession tax. The Ganjam District Board now levies the cess at six pies in the rupee. Government contribute to the Elementary Education Fund of the Board a sum not less than the proceeds of the taxation levied at the above rates. There is a further grant

which is equal to the amount of recurring expenditure incurred from Provincial revenues in 1920-21, the year previous to that in which the Act came into force. Thirdly, there is a teaching grant to defray the whole cost of additional teachers or of new schools after the advent of the Elementary Education Act. The expenditure under the Board-managed primary schools is thus met from the Elementary Education Fund and Government grants under the Elementary Education Act. In North Orissa districts there are are a few managed schools. The primary schools are mostly aided schools which get grant-in-aid from Government through District Boards. The grant admissible to these District Boards depends upon the number of schools, the strength and scales to pay of teachers. The grant is also based at two annas per head of population. Since 1926-27 the basis of grant has not been reviewed. The Ganjam District Board maintains ten high schools besides middle schools. The grant to the Board for secondary schools was stabilised by Government of Madras. The same grant is being continued by Government of Orissa. The grant is, however, now under review. Under the unified Local Government Bill also, primary education is entrusted to District Boards. It provides for the levy of education tax and the constitution of a Primary Education Fund, consisting of the proceeds of the Education tax and contribution from Government. The Boards may also maintain other schools such as middle schools, high schools, Basic schools, night schools, etc. The educational policy of Government is to gradually replace the primary schools by basic schools.

Medical

District Boards and Municipalities maintain dispensaries, both allopathic and ayurvedic. There are also subsidised dispensaries in out-of-the-way places to cater to the needs of people in the interior. Government contribute Rs. 500 or Rs. 600 according to the qualification of the Kaviraj to each such susidised dispensary and the district board contributes Rs. 300 to each, for purchase of medicines. The expenditure under regular dispensaries is met from District Funds, supplemented by grant in aid from Government. The programme of expansion of medial relief aims at the establishment of one dispensary in each police-station area. Government have sanctioned a standing recurring grant of Rs. 20,612 to each of the District Boards in North Orissa for maintenance of its dispensaries. The grant was based on the number of dispensaries maintained during 1920-21. The basis of grant has not been revised since. It has been prescribed that each District Board should spend on medical relief not less than the annual average expenditure incurred exclusively on medical relief during the years 1939-40 and 1943-44, and not less than 10 per cent of the cess demand whichever

at any time be greater. The principle of grant to South Orissa district boards is different. Government of Madras fixed half grants to certain dispensaries and percentage grants to some of the dispensaries under Ganjam district board. The half grant represents the cost of maintenance of the dispensaries and the percentage grant represents 10 per cent of the pay of certain SubAssistant Surgeons for attending to post-mortem examination and treatment of Government officers at those stations.

The aim of establishing one dispensary in each police-station having not yet been achieved. Government, as a post-war measure, are establishing two allopathic dispensaries in each district at Government cost but shall entrust them after the five year period to District Boards concerned for maintenance. In addition to this, 12 regular Ayurvedic dispensaries have been sanctioned at Government cost but placed under the management of District Boards. Eight such dispensaries have also been sanctioned for the integrated areas. Subsidised Ayurvedic dispensaries, 2 for each of the old districts, have also been sanctioned.

External control

The administration of District Boards, municipalities and village local self-governing units is subject to strict supervision and control by Government. They are liable to be dissolved and reconstituted or superseded for inefficiency or abuse of their statutory powers. The District Magistrates have power to interfere in the administration in grave emergencies. The various branches of administration of local bodies are under the supervision of the relevant Departments of Government. The Superintending Engineer of the Circle is the Inspector of Local Works within his jurisdiction. The Director of Health and Inspector-General of Prisons, Orissa exercises control over the medical and public health administration of local bodies and the Director of Public Instruction, Orissa exercises supervision over the schools managed by local authorities. Provincial Government have general power of control over the budget, expenditure and the establishment of local bodies. Similar control by Government is provided in the unified Local Government Bill, Municipal Bill and the Grama Panchayat Act.

Achievements of the Local Self-Government Department from April 1946

The administration of local bodies was practically at a standstill due to the economic condition that prevailed in the country during the last war. On account of their inelastic sources of income in general and the war conditions in particular, the local bodies made no progress whatsoever but on the other hand they neglected construction of roads and buildings

The general election to the local bodies could not be held on account of the war. Government during the regime under section 93 of Government of India Act promulgated an Ordinance, viz, the Orissa Local Authorities Extension of Offices Order, 1942. According to this order, the life of the local bodies was extended from time to time. The general elections to these local bodies were conducted in 1945. The Congress Ministry assumed office in April 1946. Among other problems their attention was focussed on the development of local administration in the Province on lines suitable to local conditions. Post-war schemes designed to improve the administration of local bodies were formulated and most of them were given effect to from the financial year 1945-46. The municipality at the Provincial head-quarters having proved inefficient was superseded with effect from the 3rd September, 1946. The election to the Berhampur Municipality which was due in 1946 was postponed on account of the communal tension that was prevailing there at that time. Both the municipalities were therefore placed under the control of Government through an Executive Officer and a Special Officer respectively.

Financial Assistance for Repair of Local Fund Roads

Financial assistance to local bodies to make up war-time neglect of repairs to their roads and buildings was given effect to from 1945-46. The following grants were sanctioned—

1945-46	...	...	...	5,00,000
1946-47	...	...	...	5,00,000
1947-48	...	...	...	5,00,000
1948-49	...	...	...	5,00,000

Improvement of Cuttack Town

Though improvement of all the municipal towns as well as small townships was envisaged in the post-war schemes, the improvement of Cuttack town was taken up first. In 1946-47 a grant of Rs. 1,50,000 was given for improvement of the main circular road from railway station to Lalbag, and during 1947-48 a grant of Rs. 89,000 was sanctioned for improvement of other roads. The Cuttack Municipality laid a cement-concrete road called "Mahtab Road" from Dolmundai crossing upto the Railway Dock-yard at a cost of Rs. 1,37,000. The entire amount was met from the Government grants. As a measure of sanitary improvement to the town a sum of Rs. 41,000 was sanctioned to Cuttack Municipality for filling up of Jhingai tank adjoining the Prabhat Cinema. The proposal is to raise a 'Childrens' Park' on this site after the tank is completely filled up. As an effective antimosquito measure Government have spent a sum of

Rs. 53,500 for spraying of DDT in the town during 1947-48, a sum of Rs. 78,930 during 1948-49 and Rs. 53,750 during 1949-50. The experiment of spraying of DDT as an anti-malaria measure has so far proved very successful. Government have decided to extend the scheme to all Municipal towns. The maximum rate of holding tax has been raised by an amendment to the Bihar and Orissa Municipal Act to provide funds for Municipalities for the purpose. Grants were sanctioned in the meantime to continue spraying of DDT in Cuttack, Balasore, Jajpur and Kendrapara Municipalities at a cost of Rs. 1,07,014, Rs. 25,000, Rs. 6,889 and Rs. 7,983 respectively.

Town Planning

The post-war scheme of town planning was taken up first in Cuttack town. An experienced Assistant Engineer trained in town planning in recognized institutes in India was appointed as the Special Officer, Town Planning. Town Planning Experts like Mr. Khagal of the Tatas and Dr. Koenigsberger, Architect and Town Planner of the Government of Mysore were consulted regarding the improvement of the Cuttack town. Several of their suggesions were implemented, but a master plan for the improvement of Cuttack town could not yet be prepared for lack of a topographical map of the town. It is under contemplation to appoint a Director of Town Planning for this Province. But on account of serious financial stringency the town planning organisation has been temporarily wound up from 1st March 1949. The topographical Survey of Cuttack town was undertaken with the help of a government grant of Rs. 2,500 and combined map is under tracing in the Municipal Office.

Housing in Municipal Areas

A grant of eight lakhs was distributed to all the eight municipalities of the Province for the construction of 800 sets of type design quarters for the municipal sweepers. These quarters have been constructed in some municipalities and are being constructed in other municipalities according to a model plan. Progress in construction has been handicapped on account of scarcity of iron, steel, cement, coal, etc.

Mechanisation of Municipal Conservancy

Government have introduced a scheme of mechanisation of municipal conservancy in all the municipalities to replace the crude form of carrying municipal rubbish, night soil and sewage in bullock-carts. During 1946-47 a grant Rs. 1,75,000 was sanctioned to enable the municipalities to purchase motor trucks for this purpose. A recurring grant of Rs 25,000 is also being sanctioned for the maintenance of the conservancy vans. Some of

the municipalities have not yet obtained their quota due to uncertain supply position of motor trucks.

Water Supply

Scarcity of drinking water is a perpetual problem in Orissa. Government focussed their attention on the scheme of rural water supply to provide wells in rural areas within the easy reach of the people. The following grants were placed at the disposal of the District Boards for the purpose :—

				Rs.
1946-47	...	...	...	1,20,000
1947-48	...	...	...	5,00,000
1948-49	...	...	...	5,00,000

The object of the scheme is to provide either a deep masonry well or a tube- well in 5,000 villages during first five year period. Partly owing to the present financial stringency and partly due to the inability of the District Boards to fully spend the grants already placed in their hands, Government have stopped this grant in the current year.

Urban Water Supply

There are water works at Puri and Berhampur Municipalities. Government intend to provide protected water supply in other municipal towns also. A list of priority has been drawn up by Government according to which a scheme of water-supply in Cuttack town has already been taken up first at a cost of Rs. 28,40,000. Administrative apporval to the scheme has already been accorded and the scheme is in progress. The scheme contemplates supply of piped water from deep tube-wells sunk at different levels and in different parts of the town. The following amounts were sanctioned for the scheme till now—

				Rs.
1946-47	...	...	...	2,56,000
1947-48	...	...	...	2,78,000
1948-49	...	...	...	2,00,000

In order to finance the scheme of urban water supply a reserve fund has been created and Rs. 20,00,000 is being set apart each year from the Provincial budget from which expenditure on water supply and drainage schemes in towns will be met. Government have also sanctioned a sum of Rs. 9,300 during 1949-50 for the restoration of water works at Sundargarh in the Ex-state area. Of all the towns, Sambalpur suffers most during summer from scarcity of drinking water. Until a permanent

scheme of water supply is taken up for Sambalpur town, Government have sanctioned a sum of Rs. 80,000 for a temporary water supply scheme for Sambalpur town. Drinking water will be pumped for the bed of the river Mahanadi and supplied through pipes to the towns. As a temporary measure, before a permanent water supply scheme is taken up for Parlakimedi town, Government have sanctioned a grant of Rs. 5,000 to Parlakimedi municipality for the renovation of the Sankarapatra Tank for bathing purposes and Patnaik Tank as a source of drinking water.

Drainage Scheme

Along with the water supply scheme, Government intend to provide a scientific drainage system in all towns. According to a list of priority approved by Government the drainage scheme of Cuttack town will be taken up first. Consulting Engineers have prepared a scheme for the town. Investigation and survey of the town is in progress. Sometime ago consulting engineers prepared a drainage scheme for Puri town also. The scheme is under the examination of the Public Health Engineering Department.

Subsidised Sale of Rice to Municipal Sweepers and Low-paid Employees

Government have sanctioned a scheme of subsidised sale of common rice to the low-paid menial staff of the municipalities at a cost of Rs. 40,000 to Government and an equal amount to the municipalities concerned. The scheme is in force till 31st December 1949.

Cost of Living Allowance to the Local Board Employees

On account of high cost of living Government have sanctioned a grant to local bodies to pay dearness allowance to their employees at the following rates—

Pay upto Rs. 20	...	...	Rs. 7-8-0 a month
Pay upto Rs. 60	...	...	Rs. 10 ,,
Pay upto Rs .150	...	...	Rs. 12 ,,
Pay above Rs. 150	...	...	10 per cent

The following grants were sanctioned for this purpose:—

				Rs.
1944-45	...	...	...	2,33,200
1945-46	...	...	...	2,69,165
1946-47	...	...	...	2,90,000
1947-48	...	...	...	5,06,000
1048-49	...	...	...	4,90,000

Scales of Pay of Local Fund Employees

With a view to improve the condition of local fund employees Government had set up a Special Pay Committee with the Revenue Commissioner as the Chairman, to recommend to Government revised scales of pay and dearness allowance. After consideration of the recommendations of the Committee Government have enhanced the pay scales of all grades of local fund employees. They have sanctioned dearness allowance to local fund employees at the *rates admissible* to Government servants of corresponding status. Two thirds of the additional expenditure on account of Dearness Allowance, amounting to approximately Rs. 6,74,666 will be met by Government and one third amouting to about Rs. 3,37,333 will be met from local funds. The scales of pay and dearness allowance were very low in respect of the sanitary staff, employed under local bodies and Sanitation Committees of the integrated States. In order to give relief to those employees Government have sanctioned a monthly pay of Rs. 10 for male and Rs. 9 for female sweepers and a uniform monthly dearness allowance of Rs. 9 for female sweepers and a uniform monthly dearness allowance of Rs. 7-8-0 for them. As the municipalities and the sanitation committees of the integrated states were not able to meet their pay and dearness allowance the entire cost for the sanitation staff of the integrated states, except Mayurbhanj, is met from Provincial revenues. This involves an expenditure of one and half lakhs of rupees a year to Government. This sanitation staff has also been brought directly under the control of the Public Health Department of Government to ensure efficiency in discharge of the essential service.

Government have taken up other schemes to give relief to the local bodies from financial strain. Major district roads under the control of the district boards have been taken up for thorough improvement at Government cost. But the agency for taking up the improvement is given to the District Board concerned. During the years 1947-48 and 1948-49 the following grants were sanctioned for improvement of the major district roads—

Cuttack—Kujang Road	1,00,000	(1947-48)
	60,000	(1948-49)
	1,25,950	(1949-50)
andalpur—Machgaon Road	50,000	(1948-49)
	1,00,000	(1949-50)
Baitarani-Sathipur Road	50,000	(1948-49)
	60,000	(1949-50)
Bargarh-Bhatli-Ruchida Sarangarh Road	1,00,000	(1947-48)

Grants to other major district roads are also under consideration.

Leave Concessions to the Sweepers

Sweepers working in major municipalities of Cuttack and Berhampur have been allowed the following leave concessions—

(1)Eearned leave—15 days in a year with full dearness allowance in Cuttack and one month in Berhampur.

(2) Maternity leave—Ten months.

(3)Casual leave—Ten days in a year in Cuttack.

(4)Medical leave—Fifteen days in a year with full pay in Cuttack.

Provincialisation

As recommended by the Health Survey and Development Committee, the Health Staff under the local bodies have been provincialised with effect from February 1947. The object is not only to ensure efficiency but also to bring under one Head of Department the activities of the Provincial Health Organisation. The District Headquarter and Subdivisional Headquarter hospitals hitherto under the management of local bodies have been provincialised on similar grounds and to afford further financial relief to the local bodies. Important dispensaries and hospitals in more populous area, are also being provincialised to bring about improvements which the local bodies could not achieve for want of adequate funds. On indentical grounds major district roads connecting Provincial Highways and proposed Provincial Highways are being improved with Government grant through the agency of local authorities. The Veterinary Services and dispensaries under local authorities in North Orissa have been provincialised. The Veterinary hospitals and dispensaries in South Orissa have been under Government management from a long time. The heads of the Engineering Service under local bodies are being provincialised and merged in Provincial Public Works Department.

The Future of the Local Bodies

The provincialisation of the Health, Engineering and Veterinary Services under local authorities taking over of District Head quarters and Sub-Divisional Headquarters Hospitals out of the control of local bodies, transfer of major district roads to the Public Works Department are in accordance with the recommendations of expert commitees and warranted by development programmes undertaken in the post-war years. One school of thought is apprehensive that the trend of Government policy is calculated to bring about a gradual eclipse of District Boards and their elimination from the field of local Self-Government. This is not at all correct. It is well known that rapid growth of local expenditure has everywhere over-run

the growth of local finance. The sources of income of local authorities are inelastic at present. The local authorities are depending more and more on grants-in-aid. It is too much to expect local bodies to undertake major developments with their slender resources. The trend of policy of provincialisation is the keen desire to force the pace of developments programmes on provinces-wide scale and to ensure efficiency in essential services. The sources of income of local bodies are under review and it may be that the policy is reversed as soon as the desired objectives are fulfilled or the finances of local authorities are placed on a sound basis. Under no circumstances District Boards can or should be abolished now. The Decentralisation Commission was against the abolition of District Boards. Inspite of provincialisation of certain powers the local bodies have to discharge the remaining functions more intensively. Primary education is their chief concern. The third class roads or village roads require to be improved to the standard of second-class roads so as to provide marketing facilities to the rural public.

There is another school of thought that the District Boards should be substituted by Local Boards with smaller territorial jurisdiction on the ground that the District Boards with extensive jurisdiction are unsuitable units of Local Self-Government in rural areas and the purpose of Local Self-Government will be served in the rural areas by Grama Panchayats which are charged with full powers to guage local needs and provide for them. It is true that Grama Panchayats with financial stability will eventually take over the administration of local affairs in villages and will serve as the proper units of Local Self-Government. The needs for the elimination of district boards from the field of Local Self-Government will arise only when Grama Panchayats spring up in great numbers with full vigour and zeal to take up Local Self-Government in rural areas. There will still remain the need for maintaining and improving the inter thana roads by the District Boards.

There is yet another aspect of the question. The Provincial Land Tenure Committee has recommended the establishment of Regional Committees with powers almost identical with those of local bodies. If the new scheme materialises the Regional Committees will take over the functions of Local Administration in their respective areas and replace the institution of District Boards.

Panchayat Raj

It is truly said that "India lives in its villages". In ancient India the local responsibility evolved from the village and each village had its own panchayat. In England also the Parish is the unit of an area for purposes

of Local Self-Government. The panchayat in India has undergone great disruptive forces owing to various factors social, economic and political, not the least the landlord system. The foreign Government set up the centralised system of administration and superimposed institutions like District Boards on the English model. These centralised institutions practically destroyed the community structure of the village republic. The villages were neglected during the last 200 years and the village communal life had almost died out.

With the advent of Indian Independence there is a fresh move to give the village its prestine authority and responsibility. The Indian National Congress had long ago sounded a clarion call for the reconstruction of the village life and of the rural co-operative as the basis on which the edifice of the Indian Democracy should be laid. Of late, Provincial Governments have realised that the coming Raj is Panchayat Raj. Legislation to establish Grama Panchayats was taken up by almost all the Provincial Governments with a view not only to constitute the gram panchayats on the basis of adult franchise but also to associate all men and women adults in a village in the task of determining the village policies, to set up village republics on the model of far-famed Indian village communities and to establish judicial committees to eliminate the curse of ruinous litigation from the countryside.

The Government of Orissa have passed the Orissa Grama Panchayat Act (Act XV of 1948) in 1948 and rules thereunder in March 1949. More than 500 Grama Sabhas have already been established with effect from 15th August 1949.

Constitution under the Orissa Grama Panchayats Act, 1948

A village having a population of not less than 1500 inhabitants or groups of villages having a population of not less than 1000 may be constituted into a Grama Sabha. All adult persons—men and women—residing in a village, unless disqualified, will be members of the 'Grama Sabha' which will be a permanent body corporate having perpetual succession and a common seal. The Grama Sabha will elect from among its members an executive committee called 'Grama Panchayat'. The Sarpanch will be the chief executive head of the Panchayat and the Naib Sarpanch will be his deputy in discharge of executive duties. Both will be nominated by Government to the first Grama Sabha. The minimum strength of a Gram Panchayat will be 15 in addition to the Sarpanch and the Naib Sarpanch. The members of the executive body and the Sarpanch and the Naib Sarpanch will be elected directly by the members of the Grama Sabha.

The village republic will thus consist of the Grama Sabha, the general body and the elected panchayat with its office bearers as the Executive Committee. The office bearers will function purely on honorary basis. The term of office of the members of the Panchayat, the Sarpanch and the Naib Sarpanch will be three years. But one-third of the member of the Grama Panchavat shall retire every year and an equal numbers shall be elected by the Grama Sabha.

Functions of Gram Panchayat

The Gram Panchayat has obligatory and discretionary fuctions.

The obligatory fuctions are—construction and maintenance of public streets and their lighting; medical relief and first-aid; segregation of infective lepers; sanitation; conservancy and taking curative and preventive measures to stop the spread of epidemics; construction of public latrines; registration of births, deaths and marriages; removal of encroachment on public streets; regulation of melas, markets, car-stands; maintenance of primary schools; management of grazing grounds, burial grounds; construction and maintenance of public wells, tanks, ponds for drinking, washing and bathing purposes; maintenance of rest sheds; administration of civil and criminal justice; maintenance of boundary marks, maintenance of records relating to cattle census and population census; prevention of child marriages and other statutory obligations.

Discretionary functions are—with previous approval of Government—planting of trees; maintenance of village forests; breeding and medical treatment of cattle; maintenance of slaughter houses; village planning; assisting and advising agriculturists in obtaining Government loans and subsidies and distributing the same among themselves and in the repayment thereof; development of co-operation and establishment of stores for improved seeds; relief from famine or other calamity and acting as agents of a District Board for performance of such functions in relation to the area of the Grama Sabha and establishment of libraries, reading rooms and organising a body of 'Gram Sevaks' for doing social services; maternity and child welfare services; maintenance of 'Akhras'; management of cattle pounds, ferries and ghats; establishment of granaries, promotion of cottage industries; regulation and abating of dangerous trades and practices and all measures of public utility of promoting the moral and material well-being of the villages.

Finance of the Gram Panchayat

All expenditure by the Gram Panchayat will be met from the Gram Fund which shall consist of one third of local cess or additional cess levied

under Local Self-Government Laws and any tax, toll or fee imposed under the Act. Taxes, fees, rates etc. that can be imposed are (1) on the owners of immovable properties and occupier of any building according to their circumstances; (2) licence fee on brokers, commission agents; (3) tolls on vehicles, pack animals and porters; (4) rent from dealers occupying open grounds or structures or buildings maintained by the Panchayat; (5) fees on the registration of animals; (6) fees for the right to expose goods for sale in any market; (7) fees for the use of slaughter houses; (8) latrine or conservancy tax; (9) fees for use of Dharmasalas, rest-sheds; (10) water rate if water is supplied by the Gram Panchayat; (11) fee on owners of vehicles; (12) a lighting rate; (13) a drainage fee, etc.

Panchayat Police

The District Magistrate shall on the recommendation of Grama Panchayat appoint a Dafadar and a number of Chawkidars to be employed within each Grama Panchayat and determine their salaries. The salaries and cost of equipment of the Dafadars and Chawkidars shall be paid by the Grama Panchayat. The duties of the village chawkidars are that they shall give immediate information to the police and the Gram Panchayat of unnatural deaths, murders, rape, dacoity, robbery etc. They shall keep watch and ward over the local area and help the Grama Panchayat in the service of notices and summons and collection of its dues.

Adalti Panchayat

There will be a judicial panchayat called 'Adalti' Panchayat, the member of which are elected directly by the members of the Gram Sabha. Every Gram Sabha shall elect two adult members as Panches from among the residents. The Sarpanch and the Panches so elected shall constitute the 'Panches' of the Adalti Panchayat. The Panches and the Sarpanch shall elect from among themselves a President. The term of every Panch shall be three years from the date of election. Every criminal offence committed within the local area shall be instituted before the Adalti Panchayat. Every suit shall be instituted before the Adalti Panchayat, the defendant or any of the defendants in which ordinarily resides or carries on business in the local area. The nature of offences which the Adalti Panchayat can try are fouling the water of public spring; negligent conduct with respect to any animal; public nuisance; obsene acts and songs; hurts, wrongful restraint, assault; theft, receiving stolen property when the value of the property does not exceed Rs. 50; mischief, insult and offences under the Cattle Trespass Act. All offences under the Gram Panchayat Act or Rules made thereunder shall also be tried by the Adalti Panchayat. The Adalti Panchayat may also try cases if transferred to it

by the District Magistrate, Sub-Divisional Magistrate or any other Magistrate. The Adalti Panchayat may sentence any offender convicted by it to a fine not exceeding Rs. 50 or double the value of the damage or loss caused, whichever is greater and in default of payment of fine within a period of 30 days, to imprisonment for a period not exceeding 14 days. The fine imposed and the compensation awarded shall not be realised if the person or persons served his term of imprisonment in default. No appeal shall lie against the order of an Adalti Panchayat. But the Subdivisional Magistrate may, either on application of the party or in his own motion cancel or modify such an order, and direct the retrial of the accused in a court of competant jurisdiction of any Adalti Panchayat. The order of the Subdivisional Magistrate shall not be called in question in any other court of law.

Civil Jurisdiction

The Adalti Panchayat shall have jurisdiction to hear and determine suits for money due on contracts, suits for recovery of movable property or value thereof, suits for compensation for taking or injuring movable property when the value does not exceed Rs. 25. The Adalti Panchayat shall have jurisdicton also to try suits for the recovery of the rent of immovable property when the value does not exceed Rs. 25. The suits tried by the Adalti Panchayat are subject to the period of limitation prescribed for suits. The decision of the Adalti Panchayat in every suit is final as between parties. The Munsif may on his own motion or on application cancell or modify such decision or direct retrial by the same or any other Adalti Panchayat. Legal practitioners shall not be permitted to appear before the Adalti Panchayat. The District Magistrate and District Judge shall have powers to inspect the proceedings and records of the Adalti Panchayat.

External Control

The Registrar of Co-operative Societies shall exercise general power of control over the administrative duties of the Grama Panchayat. Members of the Orissa Legislative Assembly, the Chairman and Vice-Chairman of the District Board and other officers nominated by the Provincial Government, shall be ex-officio visitors of a Grama Sabha, Grama Panchayat and Adalti Panchayat. The District Magistrate shall also have power to inspect or cause to be inspected the movable and immovable properties of the Grama Panchayat or Joint Committees or any work in progress. The District Magistrate shall also have power to order dissolutions and reconstitution or abolition of the Adalti Panchayat in case of neglect of duties or abuse of powers.

Conclusion

There is little doubt that the local self-governing units as they exist at present, should be remodelled and reconstituted to suit the changed conditions. The local bodies should be reconstituted on the basis of adult franchise. The elected members should themselves take their responsibility more seriously. Those who advocate democratic forms of Government should show that they can function efficiently, work well and speedily for the satisfaction of public service and fulfilment of its highest ideals. It is also the responsibility of Government to encourage the new spirit of Home Rule. Local Government is an integral part of Central Government and the local governing units cannot therefore be done away with. These local bodies as constituted in the past should be remodelled and reconstituted to suit free India. The local bodies constitute the first step of 'Poorna Swaraj, and without them there is no Poorna Swaraj. The ideal of English people is that a Nation may establish system of free Government, but without the spirit of rural and municipal institutions it cannot have the spirit of liberty. Therefore Local Self-Government constituted by the consent of the people as ascertained by the largest number of the adult population—male and female—to look after its Home rule in regard to local amenities, such as, public health, public sanitation, elementary education, improved communications, transport, water supply, drainage, sewerage, country and town planning, fire protection, housing, lighting, watch and ward, pure and standard food, public libraries, relief of the poor, orphanages, etc., should be the ideal of a free Nation. All free countries are marching forward to achieve this ideal and India and its Provincial Governments should keep pace with them to achieve the full benefits of Local Government.

The Government of Orissa have the satisfaction that during the past three years they have been proceeding in right earneat in the right direction towards the attainment of the ideal of Local Government.

Why Preserve Local Government

By

John Dover

It has become a truism to say that local government is in crisis. At a time of unprecedented expansion of public services, those of local authorities are being removed, for particular purposes, either into the hands of the central government or of newly created non-elective bodies. It is equally commonplace to deplore the process and to identify it with a weakening of the country's democratic fibre. If this tendency is to be resisted and ultimately reversed, it is important that the grounds for opposition shall be clearly understood and effectively stated.

Local authorities' associations, mutually antagonistic in so many matters, united to ask the Coalition Government for an impartial inquiry into local government. The request was refused on the ground that the pace of adminstrative reform could not be stayed while the instrument was refashioned so that local authorities could continue to carry the main burden of social services. In other words, the argument was one of technical efficiency. Local government is wrongly constituted for current needs. Reconstruction would be a slow process, therefore a new instrument must be forged. If (said the Coalition Government in effect) local government goes to the wall in the process, that cannot be helped.

The practical validity of the argument can hardly be tested yet. But the main comment, so far as the purpose of this article is concerned, is that in assessing local government solely by standards of administrative efficiency, the Coalition Government were passing over a cardinal element of sound judgment.

Important though technical efficiency may be, political factors must also be weighed, and may well be of greater significance. The political case for a vigorous local government is part of the case for a democratic way of life. The democrat may well argue that self-government is more important than good government, the word "good" being read in the narrow sense of responsive to technical requirements. A defence of this doctrine must in brief be based on a definition of democracy.

With due acknowledgment to the Municipal Review.

For English people, said professor D. W. Brogan, "political philosophy has to be lived and cannot be lived vicariously." It is cardinal to the doctrine of democracy that in the language of the Christian church, all men are God's creatures and therefore entitled to equal consideration. Like the doctrines of the American Declaration of Independence, this truth is "selfevident". But it is not susceptible of proof by means of formal logic, though it can be defended by the quality of the form of society to which it gives rise.

Democratic society can be justified factually as enjoying the highest degree of permanence known in history. It may also be extolled for the high moral achievement which it makes possible, but this and similar judgments, however cogent, and stimulating, lack the inescapable validity which can be claimed for the argument of permanence. The democratic societies show qualities of resilence and endurance denied to those of other form is a matter not of opinion but of fact. Historical evidence is available as recently as in the wars of 1914–1918 and 1939-1945.

As democracy demands equal consideration for all, it needs for its realisation equal opportunities to procure economic sufficiency, access to education, and facilities for participating in the political activities of the community. It also needs maximum freedom for the individual, subject to the obvious and overriding condition that he must not harm his fellows in the pursuit of his own interests.

In order to meet these needs, parliamentary representation has been established. So far as this goes it does not much to achieve its purposes. But it is not enough. Interest in parliamentary elections and proceedings is considerable, but the individual citizen can play no more than a spectator's role. And only 640 persons hold the stage, whereas in local government 50,000 can serve on councils and committees.

The service there, too, is intimate. It relates to the affairs of their own town, their neighbours, even their own families. It provides in elementary but intensive form what John Stuart Mill called public education and what to-day is known as political education.

Political education teaches the uses (and abuses) of political power. It removes the vague notion that some undefined entity called "they" will remedy this, that, or the other abuse, or commit some act of official interference or other. Instead, it shows what can be done by the citizens themselves, working through their representatives and appointees, and at what cost, and how political art consists in the wise employment of scarce

resources–whether of material things or of human time and talents. And, above all, it guides men to use power for wider ends than those dictated by self-interest.

It is because local government is one essential instrument in our governmental system guaranteeing to wide sections of the people the opportunity to share in the processes of their government that it is a vital prop of democracy and should be preserved from decay. Those who would reform it to make it more efficient should not forget the cardinal reason for its existence.

Grants in Aid : Good and Evil

State budget director argues for re-thinking of tax arrangements to clarify government responsibilities

BY

JOHN E. BURTON

Federal and state grants-in-aid play an exceedingly important role in state and local finance. They support a great variety of state and local activities. They link federal, state and local administrations in joint services to the people more intimately than does any other administrative device. But the advantages that have been achieved through governmental grants are no excuse for the many evils that exist. These evils have an impact on our system of government that far transcends the importance of any particular service made possible by a grant.

Grants result in overextensions of central controls and in undesirable meddling with local initiative and administration. There is a tendency for the proponents of grants-in-aid programmes to rush to a central government for quick and dictated results. At the federal level they depreciate the capabilities of the states, and at the state level they depreciate the capabilities of the localities.

I am interested in seeing our states and their municipalities increase and strengthen their administrative responsibilities and have the fiscal strength with which to do it. I am not interested in seeing the federal government increase its administrative responsibility at the expense of our states and municipalities.

Grants-in-aid programmes should be more closely integrated, more equitable and more carefully harmonized with the spirit of our system of government. Federal grants-in-aid have been highly serviceable but are characterized by these serious shortcomings:

1. They have developed on a piecemeal basis and today, instead of an integrated system, we have to hodge-podge of unco-ordinated programmes. For example, in New York we have 36 different programmes supported by federal grants. In public health alone,

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With acknowledgment to National Municipal Review.

we must fit ten different federal programmes into our own state public health work.

2. Grants either place too much reliance on the automatic functioning of formulæ, although these formulae in reality can never anticipate all circumstances and often produce inequitable and odd results, or else they vest too much discretionary power in federal officials in the apportionment of funds. Too quickly administrators imbued with ideas of centralization translate discretion into dictation.

3. The present federal aid programme and the programmes being contemplated by Congress tend to be wasteful of public money. Expenditure controls and economical operation are swept aside in the constant pressure brought by administrators to get appropriation entirely spent so that Congress will not cut future allowances.

4. Federal grants impose rigidities and cause lack of balance in state and municipal budgets. Local determination is weakened to the extent that restricted local resources must be diverted from local programmes and concentrated upon federally determined programmes.

5. It is almost impossible to avoid the human weakness of taking political advantage of an unrestrained central aid programme. The administration that embarks on granting unrestrained assistance will always be tempted with, "Pile up the aids and they will never vote us out of office." No one shoots at Santa Claus.

6. Grants from a central government can easily result in a weakening of our whole governmental structure. Federal officials down the line will tell state officials down the line how to do their jobs. If grants are used wisely, this weakening tendency is counter-balanced by desirable central support of minimum levels of important governmental services. If not wisely used, this tendency alone wipes out all the advantages that might otherwise derive from the use of grants-in-aid.

If federal officials are interested in preserving the strength, interest and responsibility of states and municipalities, they will find throughout the whole country state and municipal officials whole country state and municipal officials who will respond to a sincere effort to salvage the good of central assistance and destroy the bad. I would like to propose specific steps in these directions:

1. Admit and support the good of central assistance to lesser governmental units.

2. Consolidate and simplify the existing federal grant programmes. Avoid special grants for venereal disease, T. B., elementary and secondary education, heart disease, cancer, school lunches and so forth for many items. Consolidate for general purposes and establish broad, general conditions of state compliance that would obviate the intimate and specific supervision or inspection of state programmes wherein exists the excuse for central, federal direction of state affairs.

A REVIEW AGENCY

3. Establish a permanent federal-state agency to review and arbitrate the question of general state compliance. Lift the whole question of state operations into the open where obscure federal agency decisions cannot coerce state administrations. Give state administrations an adequate voice in the administration of co-operative federal-state programmes.

4. Equalize the whole programme of federal grants. Redirect existing appropriations towards greater support of minimum, essential government services in states of least fiscal capacity and greatest need, and away from the richer states.

5. Define and find adequate tests of need, fiscal capacity and individual states' efforts to utilize their fiscal capacity.

6. Make federal appropriations serve as ceilings to accomplish stated purposes rather than mandates to spend.

These steps would result in: (a) A reduction in the aggregate of federal grants, with a redirection of federal grants among the states; and (b) the possibility of a corresponding withdrawal by the federal government from tax fields well suited to state administration. Taxes so surrendered would benefit more heavily the states losing federal grants-in-aid but would return to them administrative and fiscal determinations now being usurped by the federal government.

This whole programme, tending toward giving taxing ability to the richer states and simpler programmes of grants-in-aid to the poorer states, would result in more efficient administration of all governmental operations and a much larger degree of self-determination for all states.

NEW YORK'S REORGANIZATION

Within the past five years New York State has completely reorganized its state-local fiscal arrangements. From our experience we do not despair

of the federal situation. We are convinced that the evils of grants-in-aid can be controlled. Our reorganization was composed of three parts:

1. The state has assumed the administration and financing of services that do not require local participation for effective government.

2. State aids were strengthened to provide desirable minimum welfare, health and educational services under local administration. State shared taxes were abolished.

3. New tax sources were made available to the localities to make them more able to meet their fiscal responsibilities.

Throughout this reorganization the state exerted care to protect local initiative and responsibility.

States are becoming better prepared to shoulder their own responsibilities. There are state governors and officials working diligently to rebuild the strength of the state and its localities. They want our states and municipalities to contribute their share to the strength of an entire nation. At the same time the forcee toward further federal centralization can weaken this trend and ultimately destroy our system of government.

All government in the world is faced with heavy and increasing responsibilities-both administrative and fiscal. Our federal government faces heavy defense and international burdens. Those functions that can be best administered locally, close to the people, must to the fullest extent be financed at the state or local level. Each level of government must carry a full load of administrative and fiscal responsibility. To the extent that administrative responsibility is inordinately separated from fiscal responsibility we are to that extent weakening our system of government.

LOCAL GOVERNMENT IN ENGLAND & WALES *

There are two main types of Authority concerned with the many locally organised services in England and Wales. The first is what is generally known as the Local Government Authority and is charged with a large number of duties ranging from public health, education and housing to the repair of roads and the control of the police. The second is the '*Ad Hoc*' Authority which deals with all the aspects on one particular service required, such as the work of land drainage and the prevention of flooding which is the responsibility of the Catchment Boards, the administration of ports and harbour which is carried on by the Harbour Boards, and other similar public services.

The Local Government Authorities are far more numerous than the '*Ad Hoc*' Authorities, and are themselves of differing sizes and kinds, viz:

County Councils, (with Chairman, Aldermen and Councillors)

County Borough Councils, (with Mayor, Aldermen and Councillors)

Non-county Borough Councils and Metropolitan Borough Councils, (with Mayor, Aldermen and Councillors)

Urban District Councils, (with Chairman and Councillors only)

Rural District Councils, (with Chairman and Councillors only) and

Parish Councils and Meetings (with Chairman and members only).

This structure was erected in stages during the last century; and has remained more or less static since about 1902. Its most marked feature is the difference between the unit and area known as the County Borough and all the other authorities The citizen of a County Borough finds all the services provided by a single authority — the County Borough Council; whereas the inhabitants of other towns and cities are looked after by two authorities — the County Council and the non-County Borough or Urban District Council — each of which has its own particular powers and its own functions to perform; while the scattered communities of the country dis-

* *With the Best Compliments of the British Information Services.*

tricts may be the concern of three authorities — the County Council, the Rural District Council and the Parish Council or Meeting, if there is one.

For historical reasons, and because of a constantly changing population pattern, it is difficult to relate the various classes of authority quite logically to present-day facts of area, number of inhabitants or wealth. Some of the Boroughs, for instance, have been in existence for hundreds of years — a few received their Charters of Incorporation as long ago as the twelfth and thirteenth centuries; and though they have undergone constitutional reform since those days, they have never been abolished. Many are much smaller than the newer urban districts which do not enjoy a similar prestige.

After 1926, it became statutorily impossible for any authority to gain County Borough status unless it had attained a population figure of at least 75,000; and in 1949 the figure was raised to 100,000. Though there is no statutory level for non-County Boroughs, a petitioning authority is not likely to be successful unless its population figure has reached the 20,000 mark. There is no guarantee however that all urban districts of comparable size will achieve a comparable status.

There are urban districts today with populations of between 100,000 and 200,000, which have not been granted a Charter. Similar disparities exist elsewhere. So-called rural districts may consist of up to 80,000 inhabitants; while the administrative Counties, most of whose boundaries were fixed according to geographical limits unchanged since Norman times, serve populations of anything between 19,000 and 2,000,000 or more.

In spite of these anomalies however, local government structure has stood up well to the test of time. Lack of standardisation has not proved as much of a handicap to administrative efficiency as might have been expected; and the system, supported by tradition and by certain geographical factors, has on the whole been a successful one. Changes of circumstance brought about by the war, and alterations of function effected since 1945 have given rise to discussions on future reform; and it is generally accepted that some structural re-organisation will be necessary. At the moment, the position is substantially the same as it has been for the last fifty years.

The primary duty of every Local Authority is to apply and administer policies prescribed and defined by Parliament. Certain of these policies must be implemented—that is to say, a Local Authority is required to provide certain services by a specific Act. In other cases, the services may be provided under the permissive powers of a general Act; or; when initiated by the Local Authority itself, under Private Bill legislation.

The range of duties performed by each kind of Local Authority is likewise clearly defined. The County Borough Council, as has already been explained, is an all-purpose authority, although it may agree to join with the County Council in the exercise of certain of its functions. For the rest, the County Council and the County District Councils i.e. the non-County Boroughs, and the Urban and Rural Districts, each have particular function alloted to them, which they exercise independently as far as possible, although County Councils have powers of supervision over certain of the activities of the others, and may always contribute towards any expenses they incur. The Parish Council has quite a number of minor functions, which it may exercise if the necessary funds are available, but it is supervised by and largely subordinated to the County Council.

The scope of local government is limited by the same means as its functions are prescribed and defined— that is to say, by Acts of Parliament. It is as illegal for any Local Authority to go beyond the limit fixed for its activities as it is for it to fail to provide any statutory service required. If any Council should exceed its powers, whether knowingly or unknowingly, it can be called to order before the law courts; and an injunction can be served on it to restrain it from what it has been doing or what it proposes to do.

The central control of local government can be roughly classified under three headings: (i) legislative control by Parliament, (ii) judicial control by the law courts, and (iii) administrative control by Government Departments.

The first two of these methods of control have already been explained. There are certain things that a Local Authority is required to do by law: beyond certain defined limits, it has no powers and cannot legally go. In addition certain Acts concerned with local government give individuals the right of appeal against Council decisions; and the public has an additional safeguard in this way. The third method of control—administrative control by Government Departments—is one which most influences Local Authorities in their day-to-day activities and work.

No Local Authority today is sufficiently wealthy to be able to pay for providing all its services without recourse to outside assistance. The rates, the income from corporate estates and property and in some cases municipal trading revenues do not bring in nearly enough money to pay, for example for all the educational facilities, road schemes and the wide range of health services that a County Council must provide, or for the housing for which county district councils are responsible. The gap between the local income

and local expenditure has increased with the increase in duties with which Local Authorities are charged.

It is closed by payments from the Exchequer in the form of grants; and, as far as money needed for capital expenditure is concerned, by Government approved loans raised by Local Authorities from a central Board funded by the State. This means that the Government, since it has provided some of the money, has a natural interest in how that money is spent.

It is unusual for a Local Authority to have an absolute legal right to any grant made to it in respect of any particular service. Such a grant, which is known as a percentage grant because it is settled proportion of the total amount of money spent on the service, can be withheld or reduced if the paying Department considers that the administration of the service is not up to standard. It follows, therefore, that a Council receiving a percentage grant is obliged to refer to the relevant Government Department at frequent intervals, and to give effect to any recommendations that are made.

Central control is also exercised by:

(*i*) Departmental jurisdiction over loans: Local Authorities cannot raise loans without statutory or Central Government authority to do so; and, with minor exceptions powers are now almost always given (both in Local and General Acts) subject to the sanction of the appropriate Minister.

(*ii*) Government Audit, which is both an accountancy audit and a scrutiny of expenditure from the standpoint of legality, and is compulsorarily applied to all Authorities except County Boroughs and Boroughs, who need not submit to it, except in respect of their grant aided services.

(*iii*) Periodical Government inspection of certain grant-aided services such as police, preventive health services and education.

The degree of administrative supervision by the central Government is not perhaps so severe as the description of how it is exercised may seem to show. The intention is not to reduce local government to rubber stamp status: on the contrary, the strong public feeling that local government must mean local *self*-government is still a powerful factor in the organisation of public affairs. On the other hand, it is generally accepted that there must be some way of ensuring that local government *as a whole* is working satisfactorily, and that this can be most effectively done by the exercise of a certain amount of central Ministerial control.

The majority of Local Authorities are what is known as, 'corporations'. That is to say, they have continuous existence irrespective of their personnel, and have power to hold property as though they were individuals. In the Counties, in urban and rural districts and in parishes, which have a Council, the Council itself is the 'body corporate'. In Boroughs, whether County or non-County, it is the Mayor, the Alderman and the 'burgesses at large' who are incorporated; and in Parishes, where there is no Parish council, the role is filled by the Chairman of the Parish Meeting and the Councillor representing the Meeting on the Rural District Council.

Councillors are freely elected by the citizens whom it will be their duty to serve. In this respect, there is no difference between the administrative Counties, the County Districts, the Parishes or the Boroughs. Where the Boroughs do differ from other kinds of Local Authority is in their internal composition. Both types of Boroughs were originally created by the grant of a Charter of Incorporation from the Crown for some particular service or services rendered. Today, County Boroughs can only be created by the Local Private Act, and non-County Boroughs on the recommendation theoretically of the Privy Council, but in fact of the Ministry of Health.

In constitution, both types of Borough are alike. Both have the right to the dignity of a Mayor and Aldermen, the latter being elected by the Councillors. A County Council includes Aldermen among its members, but is presided over by a Chairman. County District Councils consist of Chairmen and Councillors only.

Constitutional distinctions of this kind have no bearing on the work done. Although, as has already been explained, County Boroughs have wider powers than any other kind of Authority, there is very little difference between the functions of a non-County Borough and an Urban District. The question is mainly one of prestige. Aldermen for instance, who form part of the Councils of Administrative Counties and Boroughs in a proportion of 1:3, have no special role in administration, no special privileges or powers, and practically no special duties to perform. The Mayor, although he has a definite standing vis-a-vis the public, is clothed with little legal authority apart from his duties as Chairman in presiding over the Council and ordering its procedure and debates. His main function is to represent the town during his year of office as its civic and ceremonial head.

To a very considerable degree, Local Authorities are free to arrange their own internal organisation, and to choose the means and methods by which they will discharge their responsibilities. The fact that Councils of every kind have set up much the same kind of machinery is the result,

not of statutory requirements, but of long experience in the organisation of community services and affairs.

The set-up is briefly as follows: questions of policy and principles are decided by the whole Council, which appoints Committees to deal with the detailed administration of its various services. The more important Committees may divide their work among sub-committees, which stand to the parent Committee in more or less the same relation as do the main Committees to the Council. The execution of the policy decided upon by the Council and Committees rests with salaried officers, whose numbers may vary between about half a dozen in the case of a small rural community to several thousand in the Counties and in the larger Boroughs.

By the appointment of Committees —not less than two-thirds of whom must be Council members*— the Council is brought into close contact with the services it provides. The Council as a whole could not possibly be familiar with all the problems and possibilities inherent in the organisation and management of all its activities. In the first place no Councillor is able to devote all his attention to Council work. He is usually, if not always, a man (or woman) with his living to earn, and only a limited amount of time to place at the public's disposal. Secondly, there are today so many local government services that no one person could know all about them all. And thirdly, certain services have become so intricate that their good management is depended upon close and continuous concentration, which can more easily be achieved by a section of the Council whose main interest is directed to that end, than by full Council concerned with settling policy over the whole field.

A Council has a wide discretion over the numbers and type of Committee appointed, and over the functions delegated to them. Certain Committees are 'statutory committees' that is to say that the Act providing the service also provides that it shall be the concern of a separate committee but the majority are appointed as the individual Council thinks fit. They may be what are known as ' Standing ' Committees, which means that their work is of more or less a permanent nature: or they may be ' Special ' Committees set up to deal with a particular problem, which once solved, is unlikely to recur. Their powers and duties are normally laid down by the standing orders made by the Council, and may be advisory or executive. In the first case, the Committee is given no authority to act on its own initiative; it can only suggest the appropriate action to the Council, and until the Council has given its formal approval,

* Not more than a third may consist of co-opted members, chosen by virtue of special knowledge or experience.

it cannot go ahead with its plans. In the second case, it has full powers to take executive action in regard to matters which have been delegated to it; and is required simply to report to the Council from time to time on the measures it has put into effect. In the larger areas, such as the Administrative Counties and the County Boroughs, the Council exercises its powers of delegation to a considerable extent. In the smaller districts it retains most of its authority and uses its committees in an advisory capacity alone.

Every Council has a general power to appoint such staff as it deems necessary to carry out its work and certain appointments, e. g., the Clerk, the Treasurer and the Medical Officer of Health, are compulsory to all but the very smallest authorities. Choice of personnel is left to a great extent to the individual Council, although compulsory appointments are, in theory subject to the sanction of the appropriate Department of the Central Government: In practice, the nominee of the Council is nearly always accepted. It is against the law to appoint Council members to the staff, or ex-Council members unless they have been outside the Council for at least twelve months; and the Standing Orders of Local Authorities usually provide that canvassing for appointment is forbidden and will lead to the immediate disqualification of the offending candidate. It is also incumbent upon candidates to disclose any relationship that may exist between themselves and any Council members.

Officers appointed are normally of three kinds: (i) heads of Departments, whose training, experience, and qualifications fit them for the expert work involved, and who attend Council Meetings in an advisory capacity, (ii) a variety of subordinate officers employed in a professional, technical or clerical capacity, and (iii) a large number of workers, who are employed to do the actual physical work, e.g., road construction and maintenance, building and engineering etc., for which the Authority may be responsible.

Most of the duties of heads of Departments are of a managerial and administrative type. In many cases they are clearly set out on approved lists drawn up by the employing Council, and can thus be discharged without any special reference to the Committees or the Council. There is however a narrow dividing line between questions of adminstration and management and those involving policy decisions, which it is not always easy to draw. There must therefore be close and frequent contact between heads of Departments and committees, both to give officers the opportunity of submitting particular items for direction and to allow committee members o take advantage of the expert experience of the officer concerned. Although in theory the Council or committees are the sole arbiters of policy, it

often falls to a head of Department to suggest some adaptation to a proposed scheme or to initiate some project which his daily experience leads him to believe should be put through for the general good.

Formal contacts between Committee members and heads of Departments are maintained by regular meetings, at which the officers submit their periodical reports. As regards urgent matters which may arise between meetings, these are generally dealt with in informal discussion between the head of Department and the Chairman of the committee, who may act as its representative in matters of this kind.

Senior staff appointments are generally made at the instance of the Committee or Committees, particularly concerned. The post may be filled either by the promotion or transfer of one of the existing staff, or by public advertisement in newspapers or journals circulating primarily among persons who may be expected to possess the necessary qualifications for the job. When the answers to the advertisements have been received, it is a general practice to appoint a group of Council members to interview the candidates, and to make a selection which may later have to be confirmed by the Council as a whole.

The power of Council to fix pay, hours of work, holidays and other conditions of employment are subject to important limitations. For officers with salaries in excess of £1,000 a year, salaries are determined individually by the staffing committee of the Council or, in the case of heads of Departments, by the Council itself. Recommendations affecting the salaries of this class of officer are expected in due course from the joint negotiating committees* who are at present studying the matter; and it is likely that some national salary scale will be evolved which will be binding upon all Local Authorities. The salaries of officers who earn less than £1,000 a year are based on salary scales submitted by the National Joint Council for Local Authority Administrative. Technical and Clerical Services † and generally accepted by employing Councils. The interests of specialist staffs, whose salaries and conditions of service are not within the scope of

* The Function of joint negotiating committees, (each of which consists of 24 members representing in equal parts the employers' organisation, e. g., The County Councils' Association, the Assosiation of Municipal Corporation, the Urban District Councils' Association, etc., and the appropriate professional organisations) is to consider from time to time the salary scales and general conditions of service for chief officers and to make recommendations to Local Authorities. The Committee are part of the Whitley Council machinery.

† The National Joint Council consists of members representing on one side the employing authorities and on the other certain classes of employees.

the National Joint Council, are looked after by Joint negotiation bodies, whose recommendations are usually examined by the staffing committee of the Council and, if approved, submitted to the Council for adoption. For the rest of the staff and particularly for the manual workers, wages and conditions are generally a matter for agreement with the Trade Unions concerned. All Local Authorities are compelled by law to make arrangements by means of a contributory pension scheme, for the superannuation of their whole-time officers.

Movement of the officers between one Local Authority and another is the normal practice and frequently occurs. An officer in Local Government service does not have to wait for change or promotion until his predecessor is due to retire. If occasion offers, he may apply for an improved position under any number of Local Authorities and will receive nothing but encouragement from all concerned. This freedom of movement is welcomed by Local Authorities no less than by the officers, for it infuses new blood into Local Government and minimises the danger of it becoming hidebound or stagnating.

The essence of local government is its variety and its adaptability to local needs. But though the detailed work of the departments in different authorities may vary, the attitude and outlook of their staffs is everywhere the same. The National Joint Council has itself drawn up a code of ethics which states clearly what this attitude and outlook should be:-

" The first duty of a Local Government officer is to give his undivided allegiance to the Authority employing him. With his private activities the authority in general is not concerned, so long as his conduct therein is not such as to bring discredit upon the service in which he is an officer. For that conduct public service is entitled to demand the highest standard.

The maxim laid down for a court of law, that it is of fundamental importance not only that justice should be done in it, but that it should manifestly and undoubtedly be seen to be done applies with equal force to the local government officer. Public confidence in his integrity would be shaken were the least suspicion, however ill-founded, to arise that he could be in any way influenced by improper motives.

From this it follows that the local government officer, as a public servant, must not be only honest in fact, but must be beyond the reach of the suspicion of dishonesty.

He is not to subordinate his duty to his private interests or to put himself in a position where his duty and his private interests conflict. He

should not make use of his official position to further those interests, but neither is he so to order his private affairs as to allow the suspicion to arise that a trust has been abused or a confidence betrayed.

He should be courteous to all with whom his duties bring him in contact.

The public expects from the local government officer a standard of integrity and conduct not only inflexible but fastidious. It is the duty of the service to see that the expectation is fulfilled."

THE IMPORTANCE OF MUNICIPAL GOVERNMENT

By

G. V. Mavalankar *

Having devoted a long number of years, which formed the best part of my life (1919 to 1937) to municipal work in the city of Ahmedabad, I have naturally an attachment for that kind of work. I am afraid, the importance of municipal work and the place that it ought to have in the self-governance of the country, are not generally appreciated to the extent they ought to be. This lack of proper appraisement is probably due, to some extent, to our temperamental indifference, but largely to lack of apprecia tion of the importance and implications of municipal work. The work has no political glamour, and it is of a nature which requires sustained efforts for a long time, like any other branch of constructive activity. It will be conceded by every thinking person that the future of the nation and our newly-won independence depend upon the devotion and thoroughness with which we apply ourselves to all activities of a constructive character which go to build up the strength of the people on all fronts of life. Municipal work affords a very extensive field in this direction, provided we are alive to the true implications thereof.

It is in a way an irony that work, of what is properly known as of 'political' character, appeals because of its glamour of popularity, publicity and the positions of power that politics offers. The lure of popularity, publicity and power is a great tempting factor. But, if we realise that democracy, in which we claim to have so much faith, presupposes the existence of an intelligent and educated electorate, it will not require much thought to come to the conclusion that the true source of strength of any democracy lies in the enlightenment and character of the masses in the country and not in the capacity of a few men to manage its affairs and play the game with reference to internal or external affairs. All the same, it is equally true that constructive work is a long range programme, and therefore does not give immediately visible dividends. In our weakness, we run to things which give prompt results, even though they may be obtained at the cost of future good, peace and progress. The usual lapse of truth, equity and morals in affairs classed as diplomatic or political illustrates what I am saying.

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Municipal work is not merely a matter of making provision for a few physical needs of the community. The municipality is essentially conceived as an institution for providing needs and amenities, such as good water-supply, good roads, lighting, drainage, and also primary education. But what matters most is the spirit with which, provision for and the manner in which these needs and amenities is made. The municipality has in its charge the moulding and development of the bodies and minds of the citizens residing within its jurisdiction. It has to deal with questions of public health, sanitation, and conveniences which cater for the bodies of its citizens; and the educational branch of its activities gives it an opportunity of preparing the future citizens to shoulder the responsibilities of the independence and self-governance of the country. If we only realise the vast influence the municipality exercises through these two main branches of its activities, and the potentialities thereof, we shall begin to look upon municipal work as a fundamental one in our programme of nation-building.

There is one further aspect of municipal self-government. The municipality comes in direct contact with the day-to-day life and the hour-to-hour needs of the citizen. Its constitution is democratic, as the municipal council is generally composed of the elected representatives of the people. It is truly described as local self-government, and herein lies its vital importance in relation to the government of the country.

I entered the Ahmedabad Municipality in 1919. Sardar Vallabhbhai Patel was the leader of our municipal group, and the outlook and inspiration in respect of municipal administration on the right lines was obtained by us from Mahatma Gandhi, sometime before I entered the municipality. Mr. Montagu (the then Secretary of State for India) was expected to visit India (1917–18), and the British were thinking of granting India some measure of self-government. Mahatma Gandhi was President, I was Secretary, and Sardar was a member of the Governing Body of a political association called the Gujarat Sabha; and discussion turned one day as to the form of representation to be made by the Sabha to Mr. Montagu on the question of responsible government for India. The Mahatma put a very illuminating question to us:

> 'You are talking about taking into your hands the government of the entire country or the province. That is good so far as it goes. But may I know whether you have ever given any attention to the government of your own town with which you are daily concerned, and in which you have ample scope for work?'

This suggested a new line of thought and new way of looking at municipal administration, far different from the orthodox one. The municipality came to be looked upon by us as a body with a soul.

Though we used to call the municipality as 'Local Self-Government, in practice we hardly thought it so. We felt concerned only with water, roads, drainage, lighting, and many other major or minor things. It dawned on us only when Bapu questioned as above, that the municipality was in essence a self-governing institution, and as such, had all the essentials of self-government in the same measure as the government of a Province or the Government of India had, and required of us same outlook and effort as for the Provincial or Central Government. It was a miniature of what we wished to have in respect of the whole country or the Province.

This new line of thought changed entirely our outlook and method of work. The municipality became to us, first, an institution possessing the soul of Swaraj, and the provision of needs and amenities was not, in itself, the end, but a necessary consequence of its being local Swaraj.

Some few and yet momentous consequent changes in the administration followed, therefore, in due course :

(*a*) We considered it essential that all our proceedings, our resolutions, our records, etc., must be in the language of the people and not in the English language.

(*b*) We must strictly adhere to the principle and practice of Swadeshi and must not be guided, in the matter of municipal purchases, by the test of cheapness *in terms of money*.

(*c*) We must make an effort to conduct our own affairs through the elected representatives of the people, to justify our claim of being fit for a democratic form of self-government. We had therefore made it a point, whenever we were in a majority, to have as office-bearers or Chairmen or as members of the Executive Committees, only the elected members of the municipality, to the exclusion of the members nominated by Government. It is well worth mentioning here, that, when the Simon Commission visited this country in 1927-28, they had asked for reports from Provincial Governments as to how far Indians were capable of shouldering the responsibilities of self-government. The Government of Bombay (in no sense friendly to the Congress or to the Ahmedabad Municipality) reported that, considering the efficient administration of the Ahmedabad Municipality through the elected representatives of the people under the Swarajist leader Sjt. V. J.Patel (Sardar came to be known as such after the Bardoli struggle in 1928), the Government had no hesitation to state that Indians were capable of conducting Swaraj in an efficient manner.

(*d*) The municipal government being Swaraj in essence, it should be a pattern of the government that we wished for the country. We felt, therefore, bound to follow the lead of the Indian National Congress in all

matters, whether political, economical, educational or otherwise, and play our part as a municipality in the national struggle for independence. The history of the struggle of the Ahmedabad municipality with the foreign rulers, in the national fight for freedom, is a very brilliant and inspiring one. The temptation to go into it is great, but I must be within the limits of the present article.

(*e*) The municipal government must have a living contact with the people and must be conducted on a human basis. The administraion was therefore, to have a soul, and was not merely to enforce the rules and regulations made from time to time. It was always kept in view that rules and regulations were intended for the public benefit and convenience, which were the chief objective. The chief drawback of any Government on a large scale is that its adminstrative machinery being huge, any direct control of, or guidance to, individual public servants becomes impossible; and as it has to work through a large number of officials, they have to be guided by rules and regulations. This is natural and, to some extent, necessary. The greatest shortcoming of such highly centralised administration is that it becomes a machine and loses all human touch in its working. The municipality is comparatively a smaller administration and it becomes possible to have some kind of human element in the administration.

(*f*) The outlook of the administration must necessarily become the Swarajist outlook. Our ideal of Swaraj visualises the happiness of each individual, which means supplying the moral and material needs of each one of the three hundred millions. Our economics of khadi, our social programme consisting of removal of untouchability, etc., are illustrative of what we visualise as Swaraj. The municipality, necessarily, therefore, adopted the same outlook; and its programme of work, as also its economics, had an impress of that outlook.

I may just illustrate the point by an example.

The municipality had to make certain asphalt roads. For a couple of years after the resignation of Sardar Vallabhbhai Patel in 1928, the municipal administration was in the hands of those who differed from us. Contracts for road-making were given to a very big firm, which executed the work on a large scale by employing costly machinery. When the charge came to me, I abandoned this line of work. I got a few municipal employees trained by that very firm in the art of mixing of asphalt, and I ordered a few small machines which could do the mixing of asphalt and stone by hands. The roads subsequently taken up for asphalting were done by means of hand-labour, with the result that, not only was it possible for the municipality to give employment to a large number of people crowding

in Ahmedabad from the rural areas round about, but the municipality saved a few lakhs by the time it completed its programme of asphalting. Indirectly, this helped the question of maintaining sanitation and reducing unemployment, and therefore crime also in the city. It is obvious that our working was on, what I may call, the economics of khadi.

It is therefore, that I have advisedly said before, that it is not only the provision of amenities but also the way and the manner in which they are provided, that means and makes an amount of difference. I resorted to this method because the economics of our Swaraj for the country has to be based on decentralised economy. It is thus the outlook as to the purpose of Swaraj, which made the difference in the manner of execution of municipal works. I need not multiply instances.

On the purely political side, we rejected the slogan that the municipality should have nothing to do with politics. Of course, we did not actively take to any political propaganda; but, in all our administration we had always the political background and the political colour of Swaraj of our vision. We had adopted the Tri-colour Flag. We resisted the interference of Government in the administration of our primary schools. We refused to give addresses to Governors, Ministers, or even Viceroys. On the other hand, we gave addresses of welcome to national leaders; and we did so many other things. At the same time, we did all we could on the civic front also, to cater to the conveniences and needs of the people. All along, ours was an attempt to conduct the municipal government as far as possible on the pattern that we wished for our national government, and to do our best to help the national struggle for freedom.

I trust it will be clear from the foregoing that our local self-governing institutions have an importance, and that they have to play a vital role in the government of the country. The work in provincial as well as centra governments of the country does not come into direct contact with the day-to-day life of the people. It works indirectly, and many a time so indirectly that the ordinary citizen does not realise that the distant Governments at the head-quarters of the province and the country are really essential for him and that they render service which leads to make him happy. On the contrary, in these days of various controls, he feels their administration as unwelcome and is unable to appreciate what freedom has brought for him. It is not so with municipal government. If, therefore, the municipal government is carried on with justice and efficiency its taxation is equitably and properly imposed, its expenditure is incurred with due economy, the man in the street comes to appreciate what self-government really means, and he stands for Swaraj (self-government) even at a sacrifice. It is not possible to command the backing of the entire nation,

so necessary for efficient and progressive democracy, only by slogans as to the ideals of Swaraj. It is necessary that the people feel the urge for it, and feel it so much that they get prepared to sacrifice for it.

A good municipal administration is thus a great education to the people, as also to administrators, in the direction of appraising the value as well as the mode of conducting Swaraj. It is a school where we can train our future administrators of the country, a school from which we shall be able ultimately to recruit the ranks of the provincial and central ministers, who will be in office with the necessary experience of not only routine administration, but with an outlook, vision and method which can be said to be the soul of popular Swaraj. Though we want machinery of administration for the governance of the country, there is every danger of our being lost in the machine itself, unless we have people who have imbibed the spirit and the soul of Swaraj, who know the approach to it on a human and popular basis, and who are strong enough to make the administrative machinery bend, if need be, to serve the democracy. Such personnel can be trained and prepared through local self-governing bodies, and therein lies the true importance of municipal governments to the national Governments in the Provinces and the Centre. I may mention Sardar Patel as the best and the most outstanding instance in support of the point I make.

THE EDUCATIONAL DEVELOPMENT IN NEW ZEALAND AND THEIR APPLICATION TO THE ADMINISTRATION OF PRIMARY EDUCATION IN THE PROVINCE OF BOMBAY

By

Miss Nalini Navalkar, B. A., M. Ed.

I. Statement of the Problem :

The problem of the division of authority over primary education between Government and the Local Bodies has become very controversial at present. In 1923, the Government of Bombay transferred to the Local Bodies almost all powers over primary education. Soon afterwards, it regretted this move, and began to think of withdrawing these powers. In 1938 an amending Act was passed and some important powers of the Local Bodies were withdrawn and were vested in Government. In 1947 this movement was taken a step further and some additional powers of the Local Bodies were again withdrawn and vested in Government. These actions of Government created a good deal of embitterment, and the Local Bodies have been agitating very hard for the restoration of their powers. On the other hand, a section of opinion has also grown up which believes that the control over primary education must be centralized in the hands of the Provincial Governments and that the Local Bodies should have nothing to do with it. The conflict between these two views which are diametrically opposed to each other is adversely affecting the efficiency of educational administration, and unless the problem is satisfactorily solved, the administration of primary education will not begin to function smoothly.

2. In New Zealand also, similar developments have taken place in the administration of primary education. Prior to 1876 the system of administration of primary education in New Zealand was based on the principle of decentralization, and the authority over primary education was vested in Local Education Boards. But owing to certain reasons the powers of these Local Education Boards were gradually withdrawn until they were reduced to the position of mere advisory bodies. This has created embitterment of feelings and led to administrative inefficiency in exactly the same manner as in the province of Bombay.

3. The similarities between these developments in New Zealand and the corresponding events in the history of primary education in the province of Bombay are obviously very close. A comparative study of these developments is therefore sure to be of great assistance in solving our problems in the administration of primary education. The object of this dissertation therefore is (1) to trace the history of primary education in New Zealand with special reference to the problem of control, (2) to trace the history of primary education in the province of Bombay in so far as the division of authority between Government and Local Bodies is concerned, (3) to bring out the similarities between the two problems, and (4) to suggest the manner in which the administration of primary education in the province of Bombay should be reconstructed in the future.

4. General Information :

New Zealand originally began as a colony and was given self-government in 1852 and the status of a 'Dominion' in 1917. The population is mostly 'White' but a few 'Maoris'—the descendants of the aboriginal population of the islands—are still to be found. According to the census of 1945, the area of the islands is 103,410 sq. miles, and the population is 1,603,544 Whites and 98,744 Maoris. For purposes of administration, New Zealand is divided into nine provinces of Auckland, Canterbury, Hawke's Bay, Marlborough, Nelson, Otago, Taranaki, Wellington and Westland. Prior to 1876 each province had its own local government and there was a federal government for the country as a whole. But as this was a costly and unsuitable system of administration for a small country like New Zealand, the provincial governments were abolished in 1876. The nine provinces of New Zealand mentioned above do not, therefore, have any administrative powers at present. They are just like our 'districts' and they merely denote "unofficial divisional units." Their names appear and reappear both in the newspapers and in parliamentary reports of to-day without connoting any idea of separation of interest or of provincial jealousy.*

5. History of primary education in New Zealand (1840-1876) :

New Zealand was first discovered in 1642 by Tasman and the coast was explored by Captain Cook in 1769. For nearly six decades after this discovery, Britain made no attempt to annex New Zealand owing partly to its preoccupation with Australia which was discovered and being colonised at this time, and partly to ignorance regarding the potential value of the New Zealand islands. Organised colonization in New Zealand can, therefore, be said to have begun only in 1840 when, by the treaty of

* Year Book of Education (Evans Bros.), 1932, p. 606.

Waitangi, the native Maori chiefs of New Zealand entered into an agreement with the pioneer British settlers and ceded the sovereignty of the islands to the British Crown. A history of education in New Zealand may, therefore, well start with 1840.

6. The colonists in New Zealand came mostly from England and hence they brought with them the ideals and methods of elementary education which prevailed in England at the period. In other words, they believed that well-to-do parents must assume full responsibility for the education of their children and have them educated in private schools which maintained themselves by charging fees, and that the church must assume the responsibility for the education of the poor. Accordingly, private schools and Church schools soon came into existence in New Zealand. In the beginning no grant was given to private educational enterprise. But in 1847 an ordinance was passed under which grants were sanctioned to Church schools. The earliest grants however were more directed to the education of 'Maoris' than to the education of 'Whites'.

7. A vigorous attempt to assist the development of education among the White people was made only after the establishment of self-government in 1852. The Act of 1852 which created a federal form of government in New Zealand was silent on the subject of education. It did not specifically vest the control of education either in the federal or in the provincial governments. But the provincial governments assumed the responsibility for education of their own accord, and this action of theirs was never challenged. Between 1852 and 1876 therefore each provincial government took steps to develop education by (a) passing education Acts, (b) raising taxes for education, (c) establishing public schools and (d) by giving grants-in-aid to Church and private schools.

8. The control over primary education was greatly decentralized in this period. In all places, school committees were established to supervise local elementary schools and they had large powers vested in them which included the appointment and dismissal of teachers. The work of the provincial governments included the following:—

(i) supervision of the work done by the school committees,
(ii) creating new school districts where necessary,
(iii) disbursing grants and
(iv) appointing committees and commissioners in areas where no school committees existed.

9. As each provincial government was quite independent of others in matters pertaining to education, two evil effects were noticed:—a variety

of educational practices arose and led to a confusion in administration; and inequalities of educational development also arose because the richer provinces went far ahead of the poorer ones. It was with the object of removing these inequalities and confusion in administration that the Education Act of 1877 was passed.

10. The provisions of the Education Act of 1877 :

The following were the main provisions of this Act :—

(i) The Act created an Education Department under a Minister who would represent it in the Cabinet and the Legislature. Under the Department, there functioned twelve Education Boards whose areas were specifically defined in the Act. Under the Boards worked School Committees for individual school districts;

(ii) The powers of the Department over primary education included training of teachers, distribution of parliamentary grants to local education boards, and issuing ordinances to direct and control all matters relating to the Act. The powers of the Local Education Boards included inspection of schools, supervision over the work of the school committees, constitution of school districts, appointment and dismissal of teachers, provision of school buildings and equipment and the establishment of district high schools for secondary education. The powers of the School Committees included cleaning of the school building, supplying light, fuel and water to the school and carrying out school repairs. These Committees had the right to be consulted by the Boards in the appointment and dismissal of teachers, and the powers to decide whether compulsory attendance was to be enforced or not;

(iii) The School Committees were to be elected by the householders residing in the school district. The Local Education Boards were to be elected by the members of School Committees. Each Board was to consist of nine members, of whom one-third had to retire every year;

(iv) The Act declared that education shall be free, secular and compulsory; and

(v) The Government grant to the Local Education Boards was based on a simple formula. It was equal to £3 15s. for every child in average attendance *minus* the income from local endowments. Each Board was required to place certain amounts at the disposal of the school committees for the local expenses on the school. But the discretion to fix these amounts on the merits of each case was left to the Boards.

11. The Education Act of 1877 in Action (1877–1895) :—

The Education Act of 1877 increased the authority of the Local Education Boards. The history of eighteen years between 1877 and 1895 shows that the Act made the Local Education Boards all powerful, and their importance increased enormously. This was due to two reasons— (a) the weakness of the Department and (b) the weakness of the School Committees.

12. The Department was supposed to exercise control over the Local Education Boards, but in practice it was a weak body. The following are the reasons of its weakness :—

(i) It never had an adequate staff. In the beginning, the Department had a Secretary and an Inspector General; but later on both these offices were combined and the personal available to the Department was reduced. That meant that the Department consisted only of a Secretary and a few clerks. The expenditure exceeded £2500 only once in eighteen years;

(ii) Some political events also made the Local Education Boards powerful. The 'Grey Ministry' was in power between 1877 and 1879. Grey who was first Liberal Prime Minister during this period, was oppposed to centralization, and therefore gave large grants-in-aid to the Local Education Boards and compelled the Department to use its powers with great circumspection. The "Continuous Ministry" succeeded the Grey Ministry. It was in favour of abolishing the Boards. But the Board members were in a majority in Parliament and the Ministry found it difficult to abolish the Boards. This resulted in preventing the Department from becoming strong;

(iii) The members of the Local Education Boards were influential men and dominated the House of Representatives. They influenced the Minister greatly and successfully opposed any attempt made to reduce the powers of the Local Education Boards.

13. The Secretary to the Education Department merely controlled the expenditure of the Local Education Boards. As Webb puts it "From the first, he regarded himself less as the instrument of a great educational reform than as a keeper of the public purse, as an intermediary protecting the Government against a swarm of mendicants. It was a heart-breaking task. The Act of 1877, in the drafting of which his advice had been sought and in the main ignored, left him without the means to prevent even the

most obvious malpractices. With impunity the Boards used money for purposes other than those for which it had been voted; supplied attendance estimates which were not accurate, estimated their building requirements on the most lavish scale, and paid scant attention to the commands, reproofs, exhortations, and requests for information which flowed in an unending stream from the Central Department. There was no legal process by which the department could compel a Board to spend money on the objects for which it had been appropriated; the department had no local officers who might verify its well-founded suspicions that attendance returns were inaccurate and building estimates extravagant". *

14. The School Committees, on the other hand, never became strong and failed to check the growing power of the Local Education Boards. Their weakness was due to the following reasons: (i) In rural areas it was very difficult to get committees appointed, and the Local Education Boards administered the schools directly; (ii) There was lack of interest and consciousness among the local inhabitants. The School Committees therefore, never exercised their right to be consulted in the appointment and dismissal of teachers. It became only a formality; (iii) The School Committees had no independent income of their own, and got their money from the Local Boards. Therefore the Boards could easily regulate the activities of the School Committees; (iv) The School Committees were very often single School Committees and their duties could not attract responsible, efficient men. As Webb observes :—

> "The Committees arranged for the cleaning of the school buildings, for the supply of light, fuel and water, and for repairs other than those due to normal wear and tear. This unexciting catalogue of duties determined their personnel, their methods, and their general outlook. But the two exceptions were of vital importance. They had the right to be consulted, and usually were consulted, in the appointment, suspension, or dismissal of teachers; and they were charged with the enforcement, at their discretion, of compulsory attendance. Neither of these functions was well discharged. Particularly in the rural districts, appointments were liable to be decided by local intrigues; and, once appointed, the teacher often found that his reputation and his career were at the mercy of local jealousies and gossip. Outside the towns, large numbers of committees made no attempt to enforce the compulsory attendance clause; and even where it was nominally enforced, Committee members were reluctant to instigate legal proceedings against neighbours who were not sending their children to school. Even if the Committees had possessed the will to make compulsory attendance a reality, their lack of administrative resources would have defeated their intentions." *

* The Control of Education in New Zealand. — Leicester Webb, p. 43–44.

15. For all these reasons the Local Education Boards became very powerful between 1877 and 1895 and their supremacy generally went unchallenged.

16. It must be noticed, however, that all were not satisfied with this increase of the power of Local Education Boards. There were two sections in particular who wanted to reduce the power of the Local Education Board the officers of the Department and the teachers. The former tried their best to make the Department strong and to reduce the powers of the Local Education Boards. They even attempted to abolish the Boards. The teachers suffered very much under this decentralized system of administration and agitated for a central control of teachers. But in spite of all this strong opposition, nothing was done till 1895, and Local Education Boards continued to be supreme.

17. The Public School Teachers Incorporation and Court of Appeal Act 1895:-

The first blow to the absolute supremacy of the Local Education Boards came in the year 1895 when the Public School Teachers Incorporation and Court of Appeal Act was passed. Under the decentralized system of administration that prevailed before 1895 the elementary teachers suffered very much. They had four main grievances:—

(i) they were placed at the mercy of small local factions, because the School Committees had a right to be consulted before the Local Education Boards could appoint, dismiss or transfer teachers;

(ii) There was no uniform scale of pay in the different districts of the country;

(iii) The teachers had no remedies against arbitrary dismissals. They had no right of appeal;

(iv) The teachers had limited chances of promotion, because each teacher was restricted to the small area of the Local Education Board which he served;

* The Control of Education in New Zealand — Leacester Webb, p. 51–52.

The elementary teachers therefore organized themselves into the New Zealand Education Institute, and agitated to have their grievances redressed. They made the following demands:—

(a) there should be a central control and organization of the teaching profession;

(b) the inspectorate should be centralized;

(c) there should be a uniform scale of pay throughout New Zealand;

(d) the elementary teachers should have guarantees against the arbitrary punishments by Local Education Boards.

18. As a result of this agitation the Public School Teachers Incorporation and Court of Appeal Act, 1895 was passed. By it the teachers got the right to appeal to a tribunal in case of summary dismissal. The tribunal was to consist of a magistrate, a representative of the Institute, and a representative of the board concerned. Two years later the scope of appeal was extended to dismissals with notice, suspensions and compulsory transfers. This Act was therefore the first step towards destroying the absolute authority of the Local Education Boards, and was in fact, the beginning of the end.

19. Events of the Period 1900 – 1914:—

All over the world a new era in the history of education began at the opening of the 20th century. In most of the progressive nations, many movements were started for improving the quality of education. Amongst other problems in education the problem of training of teachers and their remuneration became very important and received a good deal of attention. This movement spread to New Zealand also; and by 1900, a new era in the history of education in New Zealand began. Following are the factors which were responsible for this change:—

(i) As elsewhere, the economic prosperity of New Zealand increased. This made New Zealand rich and so more money could be spent on education and its improvement;

(ii) At this time England had made great educational progress. In 1902 the Education Act was passed in England. It was meant to improve the quality of education. The effects of this Act spread to New Zealand, and the colonists of New Zealand were filled with a desire to improve their educational system also;

(iii) Just about this time, Mr. Hogben, an eminent educationist became the Secretary of Education. His enthusiasm and efforts

contributed a lot to the improvements made in the educational system.

20. The object of the reforms introduced between 1900 and 1914 was mainly to improve education and to place it on a sound basis. But they had a counter-effect on the distribution of control over primary education in New Zealand. The period between 1900 – 1914 witnessed a gradual loss of power of the Local Education Boards on the one hand and a betterment in the condition of teachers on the other. By the Public School Teachers Incorporation and Court of Appeal Act, only one grievance of the teachers was redressed, viz. they got the right of appeal against penal actions of the Local Education Boards. It may be noticed here that this Act was the first substantial detraction from the power of the Local Education Boards. The teachers now wanted to have the remaining three grievances * redressed. An attempt was therefore made to redress these grievances and in particular to provide a better wage to the teachers. Prior to 1900 the salaries of the teachers were too low and unattractive. In order to attract able and efficient teachers, therefore, Government sanctioned, in 1900, a capitation grant of 5s. per child to the Local Education Boards on condition that the money was used for salary increases. A year later in 1901, the public Teachers' Salaries Act was passed. It fixed a uniform scale of salaries to be in force throughout New Zealand. This Act deprived the Local Education Boards of all control over a large part of their revenue. Henceforth they were granted annually a sum sufficient to pay the salaries of their teachers in accordance with the new national scale and in addition a capitation allowance of 11s. 3d. per child to cover administrative expenses. Prior to 1901 the Local Education Boards received a grant of £3 15s. per child and could fix the salaries of teachers as they liked. But used, in the payment of teachers, the Local Education Boards "ceased to be free agents and became in effect mere intermediaries between the teachers and the Central Government. † The establishment of a national scale of salaries made possible the attainment of another of the New Zealand Educational Institute's objective — a national superannuation scheme. This was a definite limitation on the freedom of the Local Boards to expend the amount of grant-in-aid as they liked.

21. The financial power of the Local Education Boards was curtailed even in matters of building schools. Prior to 1901 the Government gave a grant on population basis. Each Local Board got a grant according to

* Vide para. 17.

† The Control of Education in New Zealand — Leicester Webb, p. 69.

the population in that area. The Local Board could use that amount in any way it chose. The sanctioning of the building projects was also the concern of the Local Education Boards. But this system of grants based on population resulted in inequitable distribution of grants. For, the richer areas had more population, and consequently got more grants. They could spend more on buildings. Under this system the poorer areas suffered, because their population being small, they got less grants. Consequently they had fewer buildings and could not spend liberally over their construction. It was the poorer areas which needed larger grants from Government. In 1901, the Government tried to improve the position. The population basis of giving grants was given up and Government began to give grants on the basis of *need*. The Government also took away from the Local Education Boards their right of establishing schools and sanctioning buildings projects. In 1901 it was provided that every building project, however small, should be submitted to the Department, and should be sanctioned by it. Morever all the money granted was to be used for the specific purposes.

22. There was a further reduction in the amount at the disposal of the Local Education Boards. Till 1910, the Local Education Boards got a capitation grant of 11s. 3d. per child. This grant was raised to 12s. per child in 1910. But out of this the Local Education Boards had to give a sum of 5s. 6d. to the School Committees. So that the Local Education Boards had only 6s. 6d. left at their disposal.

23. Besides these important powers, the Local Education Boards lost their authority in the appointment and selection of teachers. Prior to 1903, the Local Education Boards had merely to consult the School Committees while appointing teachers. They were not obliged to appoint the persons selected by the School Committees and could easily set aside their selection. This had made the Boards more powerful. To remedy this evil, the Edueation Act of 1908 was passed. It provided that the Local Education Boards should submit to the School Committees a list of all applicants with a selection of four names in order of preference. Moreover it was made obligatory for the -Local Educatien Boards to appoint that person selected by the School Committees. This shows how the power of the Local Education Boards in this respect was greatly circumscribed.

24. The Education Act of 1941 and its effects :—

The final blow to the supremacy of the Local Education Boards came in the year 1914, when the Education Act of 1914 was passed by a Liberal Ministry. It was the last action of Hogben's tenure of office, and it reduced the powers of the Boards still further.

The Act of 1914 provided the following things .—

(i) The Inspectorate was transferrd from the Local Education Boards to the Department. Such a transfer was necessary for the establishment of a national system of education. It vested the power of inspection in the hands of the Department and consequently crippled the authority of the Local Education Boards;

(ii) The number of Local Education Boards was reduced. The Act of 1914 reduced the number of Boards to ' not less than seven or more than nine '. Actually nine Boards were created;

(iii) The grading of all elementary teachers was also effected with a view to eliminating favouritism, nepotism, etc. in the appointment and promotion of teachers and the teachers were graded according to a plan. Each teacher was given marks by the inspectors according to his work every year. The marks were given for the followng items :—

	Maximum marks
Skill in teaching	80
Personality, discipline and environment ...	40
Organisation and management	30
Academic attainments	30
Service quota (according to position held) ...	20 – 120
Total maximum marks	325

The teachers are acquainted with the marks assigned to them, and if aggrieved, they are allowed to appeal to a tribunal, consisting of a representative of the New Zealand Education Institute, a representative of the Department and an independent Chairman. Upon the teachers rank in the Gradation List depended his appointment, salary and promotion. It may be noticed here that the grading system was possible because of the establishment of a Centralized Inspectorate;

(iv) The Act of 1914 fixed the grant to the Local Education Board for administrative purposes at 5s, per child, instead of 6s. 6d. as before. It meant a reduction in the amount of grant at the disposal of the Local Education Board;

(v) The School Committees were given a bigger grant. Their grant was increased to 6s. per child from 5s. 6d. Besides they were

promised generous subsidies on their voluntary contributions to school funds.

25. The netr esult of this Act was that it made the Local Education Boards powerless. Their powers were either withdrawn or circumscribed. The Department became stronger and the Local Education Boards were reduced to a condition of advisory agents.

26. Events of the Period 1919 – 1947:—

It was after the passing of the Act of 1914 that Hogben retired. His work of educational reforms was left to his successors. They did not possess Hogben's enthusiasm, and the period after 1914 shows a significant change in the policy and the administrative methods of the Department. After 1914, the Department made little attempt "to disguise its view that the Boards are superfluous and that their abolition is the logical and desirable culmination of the changes made by the Act of 1914."* Hogben's successors were in favour of centralization and they tried to make the Department strong, and to reduce the power of the Local Education Boards still further. There are various instances to show how the reduction of the Local Education Boards was effected:

(1) In 1919, the Education Act was passed by which the Local Education Boards lost some of their financial powers. By the Act of 1914 the Local Education Boards were given the capitation grant of 5s. per child, for the administrative expenses of the Boards. This meant that the populous areas received a lot of money and began to have surpluses. In order to remedy this evil, the Education Act of 1919 was passed by which the grant to the Local Education Boards was fixed on a new basis, viz. a lump grant of 750£ and a capitation grant of 3s. 6d. only. This reduced the funds at the disposal of the Local Education Boards:

(2) A second instance of the reduction of powers can be had in the action of the department in 1920. The Department appointed a school architect to report on the building proposals of the boards. The Education Amendment Act 1921–22 limited the expenditure from the building funds of the Local Education Boards only to such works as had been approved by the Minister. The Local Education Boards had now little freedom in spending the amount on school building;

* The Control of Education in New Zealand – Leicester Webb, p 96.

(3) In 1921, the Department further extended its direct control over the education system by issuing its own monthly publication–"The New Zealand Education Gazette." In this, articles on methods of teaching and details of the working of the schools were published. It became the "regular channel for all general communications between the Dapartment and the teachers."* Thus the Local Education Boards lost power over the internal working of the schools;

(4) Section 15 of the Education Amendment Act of 1919 reduced the powers of the Local Education Boards still further. It took away the legislative powers from the Local Education Boards and empowered the Governor-General-in-Council to make regulations relating to the salaries of teachers and grading of schools. This increased the authority of the Department still further.

27. The net result of these changes was that the Local Education Boards ceased to serve any useful purpose in the administrative system. As Webb observes:—

"Deprived of any share in the information of education policy, with little discretion in the appointment of teachers, and unable to spend more than a few pounds out of their special funds without the authority of the Minister, the Boards had within ten years of the passing of the Education Act of 1914 become little more than a meaningless complication in the administrative process. True they still had their uses. Though to a much smaller extent than formerly, they still served to maintainl ocal interest in education, occasionally though not very often, they criticised intelligently and constructively the actions of the department; and they still had enough weight to secure that adaptation of policy to local needs which is lacking even in the most efficient bureaucracies. But it is easy to understand the department's view that the benefits of the Board system were small in relation to the cost and that the abolition of the Boards was the natural and desirable culmination of the struggle against provincialism." †

28. As the Local Education Boards were now practically useless, two attempts were made to abolish them. In 1927 the Department pointed out that money was unnecessarily wasted and £80,000 a year could be saved by abolishing the Local Education Boards. This attempt was made when

* The Control of Education in New Zealand – Leicester Webb, p. 97.

† Ibid, p. 104–5.

the general financial conditions required economics in expenditure. The Department. therefore, suggested the abolition of the Local Education Boards. But this proposal was dropped because the Boards presented a strong and successful opposition. In 1931 another attempt was made to abolish the Local Education Boards. This time the National Expenditure Commission suggested that the Local Education Boards should be abolished in order to curtail expenditure. Even this attempt ended in a failure because of the stiff resistance organised by the Local Education Boards. The only obvious result of these attempts to abolish the boards was to increase the embitterment of feeling between the Department and the Local Education Boards. As Webb observes :—

> " Although the boards had won fairly easily, the episode left them alert, nervous, jealous of their few remaining prerogatives and morbidly suspicious of the department. Such an attitude inevitably led to wrangles which did small credit to either the Department or the Boards. For instance, the department, in an issue of the Education Gazette, corrected with some asperity a statement supposed (wrongly, as it happened) to have been made by a member of the Canterbury Board. At a meeting on September 22, 1927, members of the Canterbury Board retorted with impassioned accusations that the department was incompetent, that it was extravagant, that it was deliberately refusing to co-operate with the Boards, and that by means of regulations the powers of the Boards had been illegally filched from them. To this the Director replied in person with a general denunciation of the board system, in the course of which he said that recent investigations had showed that in the past year £ 90,000 had been used " improperly" by the Boards. It is perfectly true, he concluded that Boards have been deprived of one function after another, but notwithstanding this, the Boards maintain large and expensive staffs. Several officials, though they assist in administering only single districts, receive higher salaries than senior officers of the department. Luxurious offices much more elaborately and expensively furnished than the department's own offices, are provided for the Board's staff.
>
> " In October, 1927, the department made the not unreasonable suggestion teat training colleges, over which the boards exercised powers that were largely nominal, should be placed wholly under departmental control. The Boards treated the suggestion, not on its merits, but as another manifestation of the department's lust for power. 'They are asking us to commit

suicide,' said the Chairman of the Auckland Board indignantly and the Otago Board, in a reply to the Minister, declaimed against the 'continuous and insidious policy of the Department to centralise all educational activity in Wellington.'

> " But perhaps the most striking example of the spirit animating the relations between the department and the Boards was the foolish wrangle over the principalship of the Wellington Training College, which fell vacant in August, 1927. The Wellington Education Board nominated the vice-principal of the college for the position; but the department's consent to the appointment, required by the regulations, was withheld. A deadlock then ensued, for although the department was able to prevent an appointment being made by the Board, it had no power to make an appointment itself.
>
> " On June 7, 1928 the department forwarded a memorandum to the Boards containing a draft of proposed new regulations which would have enabled it to make an appointment to the vacant principalship. It was requested that this draft should be treated as confidential; but the Wellington Board replied that 'such a method of attack as the department now proposes is opposed to the accepted standards of British justice, and the board cannot agree to keep the proposals as confidential.' At a meeting of the Board on June 20, the department was attacked, intemperately but on the whole not unfairly, for attempting to gain its end by questionable methods. At the same time the facts of the situation were set before the other Boards, who willingly joined in the attack on the department. The resultant clamour had its effect, the draft regulations were dropped, and the department withdrew its opposition to the Board's nominee. It is not profitable or relevant to discuss the original subject matter of this dispute, for its main importance is an illustration of the extent to which antagonism between the Boards and the department was damaging the true interests of education. Neither side emerges from the episode with any credit. Members of the board at times used language which was intemperate and provocative; the department's tactics were, to say the least, unfortunate ". *

29. Under such estranged relations and bitterness between the Department and the Local Education Boards it is not possible for educa-

* The Control of Education in New Zeland by Webb, pp. 109–112.

tion to make any progress. The unwillingness on the part of the Department to surrender any of its powers, and the effort of the Local Education Boards to have greater authority, have created a complete deadlock in the educational progress of New Zealand. This is best described by Webb in the following words :—

> " At the cost of much duplication of effort, the department has surrounded Local Education authorities with an elaborate network of supervision and restriction. The administrative process has become intolerably tedious and roundabout and can only be simplified either by the abolition of the local authorities or by a re-division of functions between local authorities and the department. But the department will not surrender the powers it has fought so hard to win and the boards are strong enough to prevent complete centralisation. The result is an embittered deadlock ". *

Even to this day the the deadlock continues, and no improvement is possible unless either the Local Boards are abolished or they are given more powers.

30. *Bombay & New Zealand*: From the history narrated in the preceding paragraphs it will be seen that the main controversial problem in the administration of primary education in Bombay and New Zealand refers to the continuance or abolition of School Boards. In New Zealand the controversy begins in 1877 when all powers were transferred to the Local Education Boards. Between 1895 and 1919 the powers of the Boards were withdrawn gradually until they were reduced to the position of mere advisory bodies. Then attempts were made to abolish the boards completely, but they did not succeed. Consequently the present position is that the boards exist as a useless ornamentation in the administrative system. In Bombay the Boards were given full authority over primary education in 1923. From 1938 Government began to withdraw powers of the boards one after another. Today the Municipal School Boards are more or less advisory bodies. An attempt was made to abolish the Boards but did not succeed. Consequently the position in the adminstration of primary education in the Province of Bombay is, at present, more or less the same as that in New Zealand.

31. If the administration of Primary Education is to be improved we must be able to give a definite answer to the following two questions :—

(a) Would it bed esirable to abolish the School Boards altogether?

* Control of Education in New Zealand by Webb, p. 124.

(b) If the School Boards are to be retained how should the powers and authority in primary education be divided between the School Boards and the Government?

Theoretically it is possible to give any of the following four answers to these questions :—

(1) The simplest answer would be that the School Boards should be abolished. In this case Government becomes exclusively responsible for primary education. No difficult or complicated problems regarding the division of powers between Government and the School Boards will arise in this case. This solution is like cutting the Cordian's Knot (This is the position in Australia);

(2) The second answer would be that the School Boards should exist and should have almost all the powers over primary education. Government should only exercise general supervision and control (The position of the 1923 Act);

(3) The third answer would be that the authority over primary education should be divided between Government and the School Boards in such a way that both can do their work without friction and with honour (This is a position to-day in England and France); and

(4) The fourth answer would be that the School Boards should continue; but the powers would be so divided between Government and School Boards that there would be a good deal of friction and the Boards will not feel honourable enough to work under the scheme (This is the position in Bombay Province and in New Zealand).

32. Of these four probabilities, the best is the third. It is the most democratic way of doing things, and it secures the co-operation of the larger number of people and social workers in the administration of education. The worst probability would be the fourth in which the boards exist but are not trusted and have no authority. It is unfortunate that in Bombay we have adopted the one probability that we should not have done.

33 *Budgets of the District School Boards. What Bombay can learn from Naw Zealand:*

In New Zealand the Local Education Boards do not have any funds of their own. All the money they spend is given to them by the Government as grants-in-aid. In the province of Bombay also, the position is very similar. The District School Boards give 15 pies of the Local Fund Cess

only. All the deficit is paid by Government. In practice the District School Boards pay 4% and Government pays 96% of the total expenditure on primary education. In Bombay as well as in New Zealand, therefore the Board live on Government funds.

But the procedure for preparing and sanctioning a School Board budget in New Zealand is entirely different from the procedure for preparing and sanctioning a budget in the province of Bombay. The New Zealand procedure is simple, convenient and based on decentralization. The Bombay procedure on other hand is combrous, inconvenient and based on centralization. It would therefore be a great improvement if the New Zealand procedure is adopted in the province of Bombay. The object of this note is therefore:-

(a) to explain the procedure for preparing and sanctioning the budget of a District School Board in the Province of Bombay;

(b) to explain the disadvantages of the above;

(c) to explain the procedure for preparing and sanctioning the budget of Local Education Board in New Zealand;

(d) to explain the advantages of the above; and

(e) to show an outline of the new procedure that should be adopted in the province of Bombay for preparing and sanctioning a budget of District School Board.

34. The procedure for preparing and sanctioning the budget of a District School Board in the province of Bombay:—

In the province of Bombay every authority regarding the budget is centralized in the Provincial Government. This arrangement is based on the principle that the Provincial Government must have all authority over the budget of a District School Board, because it is the Provincial Government who pays all the deficit in the budget.

Let us first take the *original budget*. This is prepared by the Administrative Officer, recommended by the District School Board and finally sanctioned by the Provincial Government. The rules on this subject are given below:—

"153. Framing and sanctioning of a District School Board Budget—

(1) The Administrative Officer shall prepare the budget for the District School Board for the ensuing financial year in the forms prescribed in Appendix D to these rules and shall submit such budget for the consideration of the District School Board before the 1st August of every year;

(Note-Detailed instructions for the preparation of the District School Board Budget are given in Schedule J.)

(2) The District School Board may appoint a Committee to be designated as the Finance Committee for such period and consisting of such members as it deems fit. Such Committee, if appointed, shall advise the District School Board on all questions involving financial implications;

(3) It shall be the duty of the Financial Committee, if any, to scrutinize the budget prepared by the Administrative Officer under sub-rule (1) and the remarks thereon to the District School Board not later than the 10th August;

(4) The District School Board shall meet not later than the 24th August to consider the budget prepared by the Administrative Officer under sub-rule (1) and the remarks of the Finance Committee, if any, under sub-rule (3). At such meeting the Board may by a resolution-
(a) pass the budget as a whole; or (b) modify the budget by enhancing, omitting or reducing any particular item or item which it may deem fit to enhance, omit or reduce:

Provided that the Board shall have no power to enhance, omit or reduce the provisions included in the budget on account of the pay (including duty pay for permanent teachers under training and pay for substitute teachers employed in the place of teachers deputed for training) and allowance of the staff maintained by the District School Board under Section 20 of the Act;

(5) The Chairman of the District School Board shall, not later than the 31st August, submit to the Director in triplicate the budget as passed or modified by the Board under sub-rule (4).

(6) Government or an officer or authority empowered by Government in this behalf shall, before the 15th March of the following year, after such considerations as may be necessary, sanction the budget submitted under sub-rule (5) with such modifications as may be deemed fit." *

It is ineresting to note that the District School Board has been given powert to enhance, omit or reduce any item in the budget. It has no power

* The Bombay Primary Education Rules, 1948 — Rule 153.

to *add* a new item in the budget. This is really unfortunate. After all the District School Board is only a recommending authority. Government may or may not sanction the recommendations made and is free to do what it likes. No harm can therefore come if the School Board is allowed to *add* new items. There is no reason why this power should be taken away from the District School Boards.

In so far as the Revised and Supplementary Budget or Reappropriation are concerned, all the powers are again vested in the Provincial Government *only*. The relevant rules are the following :—

155. *Revised or Supplementary Budget may be made when nesessary :—*

(1) A School Board may, at any time during the year for which any annual budget has been sanctioned, cause a revised or supplementary budget to be prepared. Every such revised or supplementary budget shall be considered and sanctioned by Government ..... as the case may be in the same manner as if it were an annual budget.

(2) Reappropriation of funds in a budget may be made from time to time subjet to the same sanction as is required for the annual budget.

156. (1) No sum shall be expended in any year by or on behalf of a District School Board which is not included in the budget sanctioned for the Board for that year unless the previous sanction of Government is obtained for such expenditure. *

35. The disadvantages of the procedure described above :—

This procedure for preparing and sanctioning the budget of a District School Board may be described as *one hundred per cent centralisation.* Every power is vested in the Provincial Government. The District School Board has absolutely no authority. It cannot make the slightest chagre in the budget. It cannot even re-appropriate one rupee from one item to another without the sanction of the Provincial Government. It cannot spend even one rupee *outside* the budget without previous saction of the Provincial Government.

Such a system has a large number of disadvantages. Some of the more important of these are given below :—

(a) The system involved a *good deal of delay*. The financial year begins on 1st April; but the School Board has to prepare and send its budget to the Provincial Government before 31st August of the preceding year. Government, it appears want six months to consider the budget and sanction it. This period is too long. A budget which is prepared so long in advance is not generally accurate, and many changes are therefore required from time to time.

It must be noted that the delay will occur, not only in case of the original budget but also in other matters. Revised and supplementary budgets, reappropriations etc. all require the sanction of the Provincial Government. On every occasion therefore the Administrative Officer must prepare his report, the School Board must pass it, and it must go to the Provincial Government through the Educational Inspector and the Director of Public Instruction. All this procedure will mean delay on every occasion;

(b) The District School Boards have no freedom of initiative and no authority. They will not therefore show keen interest in the problem;

(c) In this system there is no inducement to the District School Boards to avoid wasteful expenditure or to economise. If the District School Board saves any money on any item in one year, the saving will not remain with it and the Board is likely to be punished for the saving by a reduction in the grant next year. The normal tendency of the District School Boards will therefore be to spend every pie of the sanctioned budget and like Oliver Twist, to ask for more;

(d) The centralized system may work well in a small area; but for a big area, a decentralized system would work better. The area of the province of Bombay was already big, it has become bigger now on account of the merger of Baroda and Gujerat States, Kolhapur and the Deccan States. In view of this increase in area we ought to have made a progress towards decentralization; but unfortunately we are going in for centralization when the area of the province is increasing. This is a wrong thing to do and will not work in practice;

(e) Owing to the delays and the red tape involved in this procedure, the progress of education will ultimately suffer;

(f) Under this system the School Boards which are more vocal, more vociferous and more extravagant are likely to be benefited; while

* The Bombay Primary Education Rules, 1948 — Rules 155, 156.

the School Boards which are really more needy but which do not have the above qualities are more likely to be penalised.

It is interesting to note that such a centralized system of financial administration is not being tried in India for the first time. Between 1833 and 1870 India had a centralized administration of finance. There was only one budget for the whole of India. The Provincial Governments had no financial powers. They only prepared the budget, the revised or supplementary budgets and the proposals for reappropriation which were all sanctioned by the Government of India alone. In short the financial relations that then existed between the Government of India and the Provincial Governments were exactly like the financial relations between the Government of Bombay and the District School Boards. History shows that this system did not work satisfactorily. The Provincial Governments did dot show any interest either in increasing the revenues or in economising expenditure. There was a good deal of waste and delay. Every province went on increasing expenditure and asked for larger and larger grants. Dr. B. R. Ambedkar who is a great authority on finance describes the working of this system in the following words:—

> "The point to be borne in mind is that the Act of 1833 made an unfortunate divorce between the legal and administrative responsibility. The Imperial Government were responsible in law but did not administer the country. The Provincial Governments administered the country but had no responsibility in law. This divorce had a fatal effect on the economy in the finances of the country. As was inevitable extravagance in expenditure had become the rule in practice and it was inherent in the Imperial system itself. Economy is begotten of responsibility, and responsibility is obtained where a Government has to *find* the resources to meet the charges it desires to incur. Prior to the inauguration of the Imperial system the Provincial Government had the obligation to raise money for the charges included in their budgets. Consequently they had to be economical. But under the Imperial system, while the budgets for the various services were prepared by the provincial authorities, the responsibility for finding the ways and means rested on the Government of India. Formerly they knew the limits of the purse they had to draw upon, but under the Imperial system they had no means of knowing the measure by which their annual demands upon the Government of India ought to be regulated. They had a purse to draw upon, unlimited because of unknown depth. They saw on every side the necessity of improvements, and their constant and justifiable desire was to obtain for their own provinces as large a share as they could persuade the Government of India to give them out of the general revenues of the Empire. They found by experience that the less economy they practised and the more importunate their demands, the more likely they were to persuade the Government of India of their requirements. In representing these requirements, they felt that they did what was right, and they left to the Government of India, which had taken upon itself, the responsibility of refusing to provide the necessary means." *

The experience of the working of this system was so bad that it was given up and a decentralized system was introduced and gradually developed. From this experience of the past it is reasonable to conclude that the centralised system of finance which is now created under the Bombay Primary Education Rules 1948 will also collapse sooner or later and will have to be given up. It would therefore be better to abandon the present arrangement as early as possible and to have a new model in its place.

36. The New Zealand procedure for preparing and sanctioning the budget for Local Education Boards:—

In New Zealand the Local Education Boards have no funds of their own. All their money is provided by the Central Government in the form of grant-in-aid. In this respect therefore the position in New Zealand is the same as in Bombay province. The procedure for preparing and sanctioning the budget, however, is very different. In New Zealand the budgets of the Local Education Boards do not go to the Central Government for sanction. But each Local Education Board prepares and sanctions its own budget according to certain broad principles fixed by Government. These principles are as follows :—

(a) Government grants to Local Education Boards are divided into two types – recurring and non-recurring;

(b) Recurring grants are calculated on the following three principles :—

  (i) a grant equal to the salaries and allowances of all the teaching and other sanctioned staff,

  (ii) A grant for general administration which is calculated at £ 750 *plus* 3s. 6d. per child in attendance at school, and

* The Evolution of Provincial Finance in British India by B. R. Ambedkar p. 24–25.

(iii) a grant to school committees at the rate of 6s. per child for certain school purposes like heating, supply of water, maintenance of the school building etc.;

(c) The non-recurring grants are sanctioned according to the *need* from time to time.

Under this system, each Board knows definitely how much money it is going to receive from Government. It has full authority to utilize the amount for primary education in such manner as it likes. Each Local Education Board therefore prepares its own budget and sanctions it under its own authority without making any reference to the Central Government.

37. Advantages of the New Zealand procedure :—

As compared to the procedure for preparing and sanctioning the budget of a District School Board in the province of Bombay, the New Zealand procedure appears to be much better, and has several advantages. Some of the most important of these are given below :—

(a) There are no delays in preparing and sanctioning the budget because the final authority to sanction the budget is the Local Education Board itself. In the same way the revised budgets and supplementary budgets are also sanctioned by the Local Education Boards. The reappropriations are also sanctioned by the Boards themselves. Consequently it is not found necessary to make a reference to the Central Government and delays are avoided;

(b) The Local Education Boards have full freedom to plan the details of the amount given by Government. They therefore take very keen interest in the problem;

(c) Wasteful expenditure is avoided because the Boards have an interest in economising. If they save money, savings are not taken away from them; but they are free to use such savings for any other purpose. In the same way any saving in money does not affect the grant for the next year;

(d) This is a system based on the principle of decentralization and therefore it is specially suited for the needs of a big province like Bombay;

(e) In this system it is possible to do better justice to the different requirements of different districts;

(f) This system is simple, efficient and convenient to administer.

All things considered it can definitely be said that the New Zealand procedure is better than the Bombay procedure for preparing the budget of the District School Boards.

38. Proposals for Reform :—

It is therefore recommended that the Government of Bombay should adopt a decentralized procedure for preparing and sanctioning the budgets of the District School Boards. This can be done in two ways :

(A) The present procedure should be completely scrapped and a new procedure on the New Zealand model should be substituted in its place,

(B) The framework of the present procedure may be kept the same, and some powers within it may be delegated to the District School Boards.

If the first proposal is accepted, new rules should be made on the following principles :—

(i) Government grants to the District School Boards will be of four types — general maintenance grant, special development grant, general administration grant and non-recurring grant;

(ii) The *general maintenance grant* will be a recurring grant. It should be equal to the salaries and allowances of the sanctioned posts of primary teachers and other staff. This grant can be easily calculated and there would be no difficulty in administering it;

(iii) The Special Development Grant will also be a recurring grant.

It will be given for development of primary education, that is for such purposes as—

(a) opening new schools,
(b) appointing additional teachers,
(c) introducing compulsory primary education in new areas,
(d) providing equipment for schools,
(e) construction of school buildings,
(f) introducing basic education etc.

These grants do not exist in New Zealand because their primary education is fully developed. But in Bombay Province

39. The School Committees: What Bombay can learn from New Zealand :—

A comparison of the New Zealand system with the Bombay system shows that the School Committees in New Zealand are much stronger, much better and more interested in education than the School Committees in the province of Bombay. The following points which show the difference between the School Committees in New Zealand and the School Committees in the province of Bombay will be found interesting:—

New Zealand School Committees	*Bombay School Committees.*
1. The New Zealand School Committees are elected by the householders residing in the school district.	1. The Bombay School Committees are appointed by the village panchayats if a panchayat exists in the village. Otherwise they are appointed by the District School Boards.
2. The New Zealand School Committees have regular financial income at 6s. per child which is given to them by the Government through the Local Education Boards.	2. The Bombay School Committees have no financial powers. They get no grant either from the Government or from the District School Boards.
3. The powers of the New Zealand School Committees are wider. They have a voice in the appointment of teachers; they have a right to be consulted before a teacher is transferred; they also have a larger control on the day to day life of the school.	3. The Bombay School Committees have few and nominal powers. They are given in detail in paragraph 2 below.

On account of these differences the School Committees in New Zealand are working much better than the School Committees in the province of Bombay. It is therefore necessary to study the manner in which the New Zealand scheme can be applied to the province of Bombay so that our School Committees can work more satisfactorily.

40. The present position of the School Committees in the province of Bombay:—

At present the School Committees in the province of Bombay do not form an important part in the administration of the primary education.

They come at the tail end of the administrative machine and have been given practically no power. It would be more correct to say that their existence is tolerated rather than utilized. Their existing powers and duties are given in the Bombay Primary Education Rules, 1948 from which the relevant portions are quoted below:—

"176. Meaning of terms "village", "Panchayat village" and "Non-panchayat village":— For the purposes of this Chapter—

(1) A "Village" means a revenue village which is not a Municipality constituted under the Bombay District Municipality Act, 1901, or Bombay Municipal Boroughs Act, 1925;

(2) A "Panchayat village" means a village in which a Panchayat has been constituted under the Bombay Village Panchayats Act, 1933;

(3) A "Non-panchayat village" means a village other than a panchayat village.

"177. Constitution of Village School Committee:—

(1) In a Panchayat village the Panchayat shall, as soon as possible, appoint a Village School Committee consisting of not less three and not more than five members who may or may not be members of the Panchayat but who shall be persons who ordinarily reside in the village and have passed at least the primary fourth standard examination;

(2) In a Non-panchayat village which contains a District School Board School, the District School Board shall, as soon as possible after it is constituted, appoint a Village School Committee consisting of not less than three and not more than five members who shall be persons who ordinarily reside in the village and have passed at least the primary fourth standard examination.

"181. Election of the Chairman and Vice-chairman:— The Village School Committee shall elect a Chairman from among its own members. The Committee shall also elect a Vice-Chairman who shall carry on the duties of the Chairman in his absence.

"182. Duties of the Village School Committee:— The Village School Committee shall:—

(a) assist the School Board or the District Building Committee, as the case may be, in securing suitable accommodation for the school;

(b) assist the Head Teacher or the District School Board as the case may be, in carrying out the current repairs to the School Building if the District School Boards is liable for such repairs;

(c) visit all Schools placed under its supervision at least once a month;

(d) see that the school registers are kept up-to-date, note whether the number of pupils in the school at the time of the visit corresponds with the number marked as present in the register and report any irregularity to the Administrative Officer;

(e) report to the Administrative Officer any irregularity o unpunctuality in the matter of the opening of the school and the teachers' attendance;

(f) see that the school premises are in good repair and kept in a sanitary condition.

"183. Visits by members of the Village School Committee:— Any member of the Village School Committee may visit a school and report to the Committee any observation he may have to make, but no such member shall issue any orders to the teaching staff.

"184. Village School Committee to endeavour to increase number of pupils:— The Village School Committee shall endeavour to increase the number of pupils, especially of those belonging to the Intermediate communities, Scheduled Castes, Aboriginal and other Backward communities, and to improve the attendance.

"185. Village School Committee to assist in introducing compulsory education:— If it is proposed to introduce compulsion in any area, the Village School Committee in that area, shall assist in explaining the measures to parents and shall, if called upon to do so by the District School Board, assist in the preparation of a census of children of school going age.

"186. Village School Committee to enforce compulsion:—When compulsion has been introduced in an area, the Village School Committee shall assist in enforcing it.

"187. Village School Committee to assist the Head Teacher:— The Village School Committe shall assist the Head Teacher in determining which childred shall be provided with books, slates and other school materials, on account of the poverty of their parents.

"188. Report to Chairman of Head Teacher's leave:— Before proceeding on casual or other leave, the head teacher shall inform the Chairman of the Village School Committee in writing of his intention.

"189. Chairman's authority to grant leave to Head Teacher:— In the event of the Head Teacher's sudden illness, or for other very urgent reason, such as the death of near relative of the Head Teacher, the Chairman of the Village School Committee may allow him to leave his charge. The Chairman shall at once report such action to the Administrative Officer.

"190. Absence without leave to be reported:— The Chairman of the Village School Committee shall at once report to the Administrative Officer, the absence without leave of the Head Teacher or or of an assistant teacher.

"191. Chairman to take charge of the School in certain cases:— In the event of the death of the Head Teacher, or his absence on leave or otherwise if there is no assistant teacher, the Chairman of the Village School Committee shall take charge of the school and report the matter atonce to the Administrative Officer.

"192. Village School Committee, to be present on certain occasion.:— The Chairman and members of the Village School Committee may be present at the school at the time of the visit of any officer of the Educational or Revenue Department or of any member or officer of the District School Board.

"193. Charge of a school to be handed over in presence of the Village School Committee, in certain cases:—

On the transfer of a Head Teacher, if there is any difference of opinion between the Head Teacher giving over charge and the Head Teacher taking over charge in regard to the school accounts records, furniture or other equipment, the charge shall be handed over in the presence of two or more members of the Village School Committee including the Chairman, if he can attend. The members present shall make such remarks as they think fit on the charge - sheet."

41. Advantages and disadvantages of the present system of School Committees in the province of Bombay:—

It will be seen from the above rules that very few powers are given to the School Committees. This position is defended on the following grounds:—

(a) The School Committees are meant for villages. In the average village of today there are hardly any persons who are sufficiently

educated or interested in education. It is therefore wrong to give important powers to School Committees which will mostly consist of persons who have had little or no education. In New Zealand the position is entirely different because the averega person is highly educated. The example of New Zealand cannot therefore be applied to our rural conditions;

(b) In our villages there are no good traditions of public service. In democratic bodies established in villages power is more likely to be abused than used. In School Committees also the members are more likely to abuse their powers than to use them in the interest of education. For example they will consider the teacher to be their personal servant rather than a public servant. They will interfere with the working of the school, particularly with the examination results. There have beencases when teachers were compelled to give free private tuition to the children of the School Committee members and so on. These evils are very likely to happen, and it is therefore necessary to give no important powers to the School Committees;

(c) There is one point on which all the Primary Education Acts agree, *viz.*, to give no important powers to the School Committees. The rules on this subject made under the Acts of 1923, 1938, 1947 are all similar.

There is a great deal of truth and force in these arguments. But it must be noted that there is also another side to the picture. There are a number of disadvantages in the present position and the following arguments may be advanced on the other side :—

(a) The present arrangements are purely negative in their aim. Their only object is to avoid the evils that might arise if some important powers are given to the School Committees. They achieve nothing positive, and if the present system of distress alone is to continue the School Committees would preferably be abolished;

(b) No system of primary education can succeed if the people do not feel that they are close to the primary school. They must feel the school belongs to them, that they owe a duty to it, and that the school has an important place in their lives. In the province of Bombay at present the village people have no such feeling. They look upon the school as a Government institution with which they have hardly any concern. In other words there is a great distance between the village people and the village school. An important way of reducing this distance is to give more powers to the School Committees. But we have not done any thing of the sort;

(c) The Primary School must really be a Community Centre for the Village. If this result is to be achieved, the School Committees will have to be vitalized.

It must be admitted that there is a good deal of force in the arguments on both these sides. On the one hand it would be rash and imprudent to give powers on the New Zealand model to all the School Committees in the province at one stroke. This would be a hasty reform which will not be digested. More evil than good will follow from it. On the other hand to say that the existing position should continue for all time is equally absurd. It will bar the door to all progress. As a compromise therefore and as a practicable scheme the following proposals are made:—

(i) Improved type of School Committees should be established in those towns and villages where the local conditions are favourable. All villages are not alike. In some of the bigger villages we now get a fairly large number of educated people. In such cases it would be desirable to give more powers and more responsibility to the School Committees, so that in these villages at least the gulf between the school and the people will be bridged to some extent;

(ii) In other villages where favourable conditions do not exist, the present arrangements may continue; but as soon as possible an improved type of School Committee should be set up;

(iii) The ultimate ideal should be to have the improved type of School Committees in every village.

42. The improved type of School Committee :—

The last question to be discussed is about the improved type of School Committee. It is suggested that the School Committees in the province of Bombay should be remodelled on the following lines :—

(a) The new School Committees should be given financial powers and responsibilities. Every school committee should have authority to collect money locally for school purposes either by donations or in other ways. In order to encourage such collections the Provincial Government should give them grants-in-aid through the District School Boards. These grants-in-aid should be in proportion to the moneycollected locally by the Committee.

In addition to these amounts the Provincial Governments should give grants-in-aid on a per pupil basis as in New Zealand;

(b) The powers of the new School Committees should be increased and the following additional powers should be given to them :—

(i) The School Committees should be made responsible for the maintenance of the School building, play-ground, the school garden and the school farm;

(ii) They should be in charge of the distribution of slates and books to poor children;

(iii) They should be allowed to make recommendations for scholarships;

(iv) They should be able to arrange school sports or inter school sports and give prizes in them;

(v) Local expenses of the school such as school excursions, gymkhana equipment etc. should also be a responsibility of the School Committees.

These are only a few suggestions and not all details. But if a beginning is made with the definite object of developing the School Committees in such a way that the village people will feel close to the school there is no doubt that the primary education in villages will begin to improve.

PLANNING
and
Architectural Development
of
Holiday Resorts

By

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Modern ways of democracy with plenty of economical facilities that have come within the easy reach of a man in the street has led to the spirit of going to places, away from hubhub of the city to resorts, hotels, gardens, parks etc., where one could enjoy pleasant surroundings within the easy access to all amenities that are avilable in the City. After work which means making money, we have leisure which is a method of spending it. Here one could enjoy ones week ends, weather permitting to ones heart's content. As far as parks are concerned one could ramble in the maxe of trees & flowering hills. One could also do a little bit of boating in the serpentine canals (real or artificial) or streams so that the holidys earned are well spent. In and around the City of Bombay, there seems to be no such activity designed on the basis of town planning. Only there are a couple of baths and swimming pools and clubs exclusively used by one and forbidding another to enjoy. In short since the inception of the conglomeration of the seven islands of Bombay into one, this form of rendzevous has been never thought of from the social and aesthetic point of view. I know old people in the seventees and eightys telling their stories of romance and outings on the beaches of Warden Road and Nepean Sea Road. Nobody thought then to have a grand and glorious promenade and even now to a substantial extent. My object now is to enlighten you to think over this problem so that we could suggest ways and means to have a seashore resort, where one could go and forget his deeds and misdeeds if any and spend some moments of life in gaiety and

jollity. Before we consider the mentality of holiday makers and of the general crowd, it will not be out of place to trace the rise of these social amenities in the life of a nation.

It might be of interest to take a birds eye view of the British developments that took place in the past. There has always been a relation between Spas and seaside resorts. The former rendzevous are of the richer classes and those whose habits necessitated the habitual resort to a cure. All those who went to them, were not invalids. Some gay and bright youths were going for enjoyment. From Spas, we got "Pleasure Resorts" which combine both restorative advantages of the Spa with the hygenic advantages of the seaside. Examples: Ramsgate, Brighton etc., from which they purely developed seaside resorts as Llanduduo, in the north, and Eastbourne on the south came into existence. Also the needs of the middle class were catered in the towns of Bournemouth, Hastings, Worthing. Lower industrial middle classes went to Blackpool, Southend, Margate etc. In the rear of these holiday resorts, there grew with rapidity the residential area of the retired classes. The main idea was that of Spa, and where mineral waters did not exist, they were produced from precipitation brought from the Continent.

The Architectural style first followed was that of the late Georgian Regency and afterwards Victorian style of Architecture. In any of these one finds a copy of a Portland place, a Regent Street, a Wellington Street. Before anything could be done, one will have to study very carefully the psychology of tl e who frequent these places.

Crowd psychology will have to be studied very carefully for it is the crowd that goes to enjoy at such places. I have experienced during my stay of decade or so at the Juhu, people who have got their residences and cottages and shacks were avoiding the holidays, so that the quietitude of life they have come to enjoy were not frustrated. It is essential to know and study carefully how the residents, visitors, trippers reacted to varying climes and other conditions. One must know their likes and dislikes. One must also understand how far to respect them so that a layout and buildings could be arranged therein by a planner who knows his job well. The planner will have to prepare and direct his planing so that the people on holidays spend comfortably their precious weeks of holidays. Scientific and well designed plans go to the realisation of this object. It is necessary for each resort to be dealt with entirely as an independent unit, regulated by its topographical conditions, the nature of the site, seas front and its existing order of thing and special function rather than as reflection of other resort.

The next question that comes uppermost in the mind of a professional town planner is the visitors' requirements. Seaside planning and buildings need a very different technique from that applied to inland towns. In the first instance, resorts of this nature were semi-circular on plan with sea, which is invariably the dominant feature and attraction and it governs the planning, zoning, becomes the terminal and base line feature.

The next important point that besets the planner is the method of attractive visitors and also supply the perenial needs of the permanent residents of the place. Population is doubled, trebled, nay sometimes quadrupled, and provisions have to be made for an influx of trippers at holidays and weekends. Some of the places at the weekends, one finds crowds collected on a beach which is liked by thousands.

The various kinds or groups of frequenters will have to be considered and then arrive at a confortable balance. There is an abnormal amount of traffic at holidays and it will have to be conttrolled. This requires bus stations, car parks, traffic distribution and control in far excess of those inland towns. Finally we must have hotels, restaurants, entertainment buildings or hall or other place of public rest. Some will be temporarily or semi-temporarily in character, until there prevails a demand for permanent buildings.

There may be country's exhibition places, so that million people frequenting them may visit and pass their holidays time in plesant past time. One could go and study the modes of life of fish or plant. There should be most imaginative layout and buildings povided, so that we get maximum number of invaluable attractions which create the most potent incentive for the public at large to patronise them. Such resorts should also exert an incalculable influence on planning architecture throughout the Dominion.

Before I conclude, I will give you an insight in the Spas which are the starting point of "Pleasure resorts."

"SPAS"

The Clinical use of Mineral Waters.

Medical history records that for centuries patients have resorted to the natural springs for relieving their sufferings. Many got relief in Europe, where eleborate establishments have been provided to care the ailments of man.

The studies of mineral waters are called balneology and application to treatment as balneotheapy.

The presence of mineral waters is not enough to turn a place in Spa, which is a place where nature has provided such natural healing agents as mineral waters and where physical plants and equipments for the proper administration and utilization of these agents exist. There should also be a programme of study in which careful observations are made regarding the treatments given.

Mineral waters may be divided into thermal and non-thermal groups. Approximately 20° C is the dividing line. All waters below 20° C come under the cateoory of normal. There are 2 groups. One is the saline groups which are usually either sulphate or chloride or both. The other is alkaline which have carbonate or bicarbonate as the anion radicle. Sometimes gases exist such as Hydrogene Sulphide. Carbon Dioxide and Radon. Their utility depends upon the amount of gas present and the method of administration.

Mineral waters also contain trace elements. Their bio-chemical studies are in infancy. It is known that small amounts of copper, iodine, iron, zinc, manganese, magnesium, etc. play a part in the enzyme systems of the body and therefore must be provided to the body in our food or water.

The medical control is necessary of Spa development. Over-indulgence in the mineral waters is sometimes harmful. By drinking and bathing at temperatures which are not suited to their conditions might lead to bad results.

The methods of administration and action are :- (a) Bath; (b) Parks; (c) Inhalations; (d) Injections.

The physiological effects of the treatments with mineral waters are produced mechanically as :—

(1) Thermal influences;
(2) Mechanical effects;
(3) Chemical actions.

The principles of thermal treatment are essentially the same with mineral waters. The water readily gives up heat to bodies with which it comes in contact. It also results in rapid cooling if applied at temps. below the body level. The extremes of cold or heat are stimulating to that body. The physician must order the temps. to be used according to the effects desired on a patient.

Mechanical influences of the use depends upon the hydrostatic pressure of fluid on the body submerged. If the water contains a greater

amount of chemical constituents, then its buoyancy will even support the entire weight of the body, so that it will float freely in the water. This external pressure is effective in emptying the superficial vessels, including veins and lymphatics. It also exerts increased pressure on the abdomonial cavity, thus aiding the return of the blood to the right heart. Pressure and temp. are subject to regulations.

The Chemical effect upon a body depends upon the three gases mentioned above. Experiments have shown that carbon dioxide and radon are absorbed through skin from the baths and are eliminated through lungs in greater than usual quantities. H. 2. S is easily absorbed through the skin, Iodine, brommine, and boron are absorbed in small quantities.

They have a wonderful influence when drunk. It may be prescribed as hypertonic, isotonic, or hypotonic. Some are laxative and others are digestive.

Patients with chronic medical conditions who derive benefit are :—

(i) Cardio-raseular diseases of middle & late life, (ii) Subacute and chronic rhumatic conditions, (iii) Gastro-intestinal disorders, (iv) Borderline nervous conditions, (v) Metabolic disorders, obesity and diabetis, (vi) Skin conditions, (vii) Glandular disorders, (viii) Chronic catarrh & bronchitis, (ix) Convalescene. (x) ordinary person could derive immense benefits from the programme of relaxation for 2–3 weeks.

Before I conclude, I'll make a passing reference to some of the seashore resorts that I have personally studied by frequenting them too often. They are Eastbourne, Bournemouth, Torquay, Southport, Hastings, Folkstone, Hernbay, Skegness, Luzern, Interlocken etc. which have enjoyed the privilege of a planned foundation. Clacton-on-See could claim the distinction of having grown as a resort ab-initio. There are few others barring which very few have been designed and planned for the purpose and in fact it will not be far out to assert that they grew in utter disregard of the future needs. There was no organised effort on the side of the British, although it forms a very important phase of the British national life. Ours has been a confused planning, if there be a planning at all. With the result that traffic conjection, the insatisfactory hotels and boarding houses and the untidy beach form the order of the day. No seaside resort has been designed. The new traffic and other demands arose with almost bewildering suddenness. The holiday resorts are mainly business concerns, whose growth must be incommensurate with the reasonable public demand. Many buildings are there with the purpose for which they were not meant before. What is the ultimate result ?

Sterotyped designs of bandstands, halls and lamps etc. are seen everywhere. Over artificiality has been the fashion of the day. The shores lack order on the front. Disorder prevailed owing to the absence of ordered and well-thought out planning. Shelters have grown up at random without due consideration for the ultimate whole. All this requires corrections means, time and money.

What should be in general the lay out is to suit the real geographical, physical and public requirements for a layout of a pleasure resort. It must provide all the amenities of the holiday makers when the population of a resort is at its maximun or minimum and the design of sewerage and water supply should be such so that there is a balance of economical investments in normal times, when the population is at its lowest.

My object will be achieved, if people in power and position direct their little precious energy and attetion to this form of our national activity, so that " Pleasure Resorts " for rest, recreation and romance, crop up all over the Union of India, and that such places come within the means of of our ordinary citizens. With the result that national health is improved, enhancing the total output of work either in factories or offices, which is very much essential for our healthy group of a nation, when it is in its infancy.

THE ADMINISTRATION OF THE DISTRICT BOARDS IN THE MADRAS PRESIDENCY

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Introduction : The province of Government may be divided into two politics and administration. Politics is concerned with the discovery of human needs, formulation of politics and securing the sanction of the legislature for their execution. Administration on the other hand, is concerned with the actual execution of policies sanctioned by the legislature. Thus the administrative organisation is a means to an end. Its form and tempo are, therefore, determined by politics. The adoption of such policies as prohibition and the establishment of trade controls have caused administrative upheavals. Prohibition wiped out one department and brought about reorganisation of several other departments. In Russia, after the October Revolution, it was necessary not only to dismantle completely the previous administrative machinery but to fashion a new administrative organisation to serve the new ends of the Government.

The utter dependence of administration on politics is illustrated by the following fact. The fundamental objective of the science of administration is the accomplishment of the work in hand with the least expenditure of man power and materials. In other words, efficiency is the key note of public administration. But this brings the administrative organisation into conflict with certain elements in politics. For example, the spoils system is a branch of pragmatic politics. And its dominance is incompatible with efficient administration. But it must be tolerated in some measure, because it maintains the party system is needed to maintain a

stable and a democratic form of Government. Without a stable Government, the administration itself will disappear. Even in private business pure efficiency is sacrificed in view of increased profits or greater safety of a concern. Thus in the end, the pure concept of efficiency is modified in the context of popular demand or political necessity.

Though this contention is true, it is true in some cases of countries which are self-governing. But it cannot be so true in countries subjected to foreign rule. There, administrative activities are not influenced by politics. In India, Local Bodies were at first brought into existence to meet administrative needs. The famous Ripon Resolution on Local Self-Government said: "The task of administration is yearly becoming more and more arduous as the country progresses in civilization and material prosperity". The only plan open to Lord Ripon to overcome the administrative difficulties was to establish Local Boards and induce the people to undertake the management of their own affairs. * Thus administrative necessity promoted Local Bodies in this country. It was very much later in the history of British India that political considerations began to play a large and decisive part in determining the structure and evolution of these institutions.

This part deals with organisational matters. It is divided into three chapters. The first chapter deals with the administrative organisation, the second with election administration and the last with the office of the President.

* Resolution of the Government of India dated 18th May 1882. (Home). See also Ruthnaswamy: "Some Influences that made the British Administrative System in India", p. 651.

CHAPTER I

ADMINISTRATIVE ORGANISATION

The efficiency of a Governmental organisation depends principally upon four factors. They are firstly: the existence of a scientific constitutional structure; secondly, legislators possessing public spirit, wisdom, integrity and imagination; thirdly an enlightened public opinion; and lastly, a civil service whose efficiency must be high and whose integrity unquestioned. The main purpose of this thesis is to see how far these conditions have been fulfilled. But before we proceed further we have to bear in mind that the Boards were the creatures of the Provincial Legislature. Necessarily, therefore, their structure, their electorate, their size and their tenure of office were all determined by the Legislature and Government. What they must do and what they may do, what they must spend and what they may spend were all determined by the Acts. In short, they lived and grew as designed and ordered by the Provincial Legislature and overseen and guided by the Provincial Executive.

Administrative Areas:—An administrative organisation should have have a difinite area of operation and the area should be of suitable size with adequate revenues. Prior to 1871, there were a number of administrative areas for various purposes. For instance, in 1863 a village to which the provisions of the Madras Education Act were extended was treated as an administrative area for purposes of education. In 1866, the revenue district was adopted as an administrative area for the administration of the District Road Cess Act. In 1868, the Wynad Tolls Act limited its operations to a particular taluq. The creation of different administrative areas for different purposes produced confusion. For, in and the same area, several acts were put in operation by separate authorities and the Government came to the conclusion that there should be a single administrative area for all local purposes. With this end in view, the Local Funds Bill was introduced in 1870 in the Mardas Legislative Council by the Hon'ble Mr. A. J. Arbuthnot. The bill contemplated the establishment of Committees in each district for the administration of services for which Local Funds would be raised. But a controversy arose as regards the area within which the Local Funds Act should operate. The Select Committee on the Local Funds Bill, recommended that the administative area of each Local Fund Circle should be coterminous with that of a revenus taluq so that the funds raised in each taluq might be spent there. Such an arrangement, the Committee contended, would satisfy the

rate-payers that they were deriving immediate advantage from the taxes paid by them and thereby render local taxation less unpopular. *

The Board of Revenue did not agree with the recommendations of the Committee. They contended that a revenue taluq was too small an area for the administration of such sevices as roads and education; that it would not be possible to find members in many taluqs to work on the Boards, or officers competent to preside over their meetings and that it would enormously increase the work of the Collectors and Board of Revenue in regard to the scrutiny of their budgets and approval of their administation reports. They, therefore, advocated a revenue district as a unit for the administration of the Local Funds Act. †

The proposal was referred to the Collectors for their opinion. Six of the 19 Collectors were in favour of having a taluq as an administrative unit; five preferred a Revenue Division and the remaining eight a Revenue District. ‡ After a good deal of discussion it was finally decided that it would be prudent to leave the determination of the administrative area of each Circle Board to discretion of the Government. §

In virtue of the discretion vested in them, the Government formed 36 "Circle Boards" for the administration of the Local Funds Act. The Revenue Districts of Nellore, Kurnool, Trichinopoly, the Nilgiris and Soute Cannara each formed a single Local Fund Circle. The District of Bellary was divided into three circles and the remaining 15 districts were divided into two circles each. ** Later on, however, some of the circles were amalgamated. ††

In 1881, the Government of India suggested that the administrative area of each Circle Board should be coterminous with that of a Revenne District. ‡‡ In 1882, however, they changed their mind and favoured the formation of more than one administrative unit in each Revenue District

* M. L. C. P. 1871, p. 63, Speech of Mr. Ellis.

† Proceedings of the Board of Revenue, No. 542, dated 4-2-1871.

‡ M. L. C. P. 1871, p. 24. Speech of Mr. A. J. Arbuthnot.

§ M. L. C. P. 1871, p. 63.

** "Fort St. George Gazette" 1871, p. 691.

†† G. O. No. 1345. F. 14-10-1872. The Coimbatore District was divided into two circles for the purposes of the Local Fund Act. The division did not prove to be of any advantage. The Board of Revenue wrote: "Toe southern circle would contain all the covenanted officers in the District, most of the intelligence required to make up the Local Fund Boards and most of the Local Fund Revenue. The northeren circle would have no covenanted official, no natural head-quarters, few men ready and able to serve on the Local Board, expensive roads in progress and little money to make them with". They, therefore, recommended the amalgamation of the two Circle Boards which was accordingly done. For similar reasons two Circle Boards in Vizagapatam District were amalgamated in 1875.

‡‡ Letter No. 3575, dated 10-10-1881. (Home) Simla, Government of India.

for purposes of Local Administration. They contended that District Committees had failed to secure the attendance of the members of the outlying parts of the district with the result, that undue attention was paid to the areas adjoining the head-quarters. To serve the needs of all the parts of the district they suggested the constitution of taluq committees in addition to the District Committees. They said: "The cardinal principle, which is essential to success of Local Self-Government in any shape is this that the jurisdiction of the Primary Boards must be so limited in area as to ensure both local knowledge and local interests on the part of the members". * The Committee to which the resolution was referred for report also recommended that there should be Taluq Boards in addition to the District Boards. The recommendation was accepted by the Government and incorporated in the Act of 1884.

The creation of Taluq Boards brought into existence two schools of thought: one objected to the establishment of Taluq Boards and other desired the abolition of the District Boards. Some of the witnesses that appeared before the Decentralization Commission advocated the abolition of the District Boards on the ground that its administrative area was unwieldy. They therefore wanted that the administrative area af each District Board should be coterminous with that of a revenue division, so that many people may be induced to evince interest in Local Administration. † But there were others who pleaded that the District Boards formed the "inevitable link in the chain of Local Bodies" ‡ and that their abolition would throw additional work on the Collectors which they would not be able to perform. §

The Decentralization Commission while agreeing that Taluq Board "should form an essential part in the scheme of Local Self-Government" did not agree with those who wanted to eliminate the District Boards as a direct instrument of Local Self-Government. They considered that it would be politically unwise to abolish the District Boards and endow the Taluq Boards with full responsibility for the administration of local affairs. Further, political and business talent was largely concentrated at the head-quarters of the district and they would go unused as a whole were the District Boards abolished. **

* Resolution of the Government of India. (Home) 18-5-1882.

† Decentralization Commission Report 1912. Vol. 2, p. 205. Evidence of Mr. L. A. Govindaraghavan Iyer and Mr. Annaswamy Iyer.

‡ Decentralization Commission. Vol. 2, p. 448. Evidence of Mr. (later Sir) Mahomed Habibulla.

§ Ibid. Vol. 2, Qs 8421-23

** Ibid. Vol. 1, p. 249.

Thus there were two administrative areas in each revenue District during the period 1885-1920. The Act was amended in 1920 but the Taluq Boards were retained. The controversy, however, did not cease. It continued to be a live issue. In 1926, a Committee appointed to investigate into the question of making Village Panchayats the basis of Local Administration * recommended the abolition of Taluq Boards. And the proposal was supported by most of the District Officers. But the Government did not pursue the matter further owing to the General Elections to the Madras Legislative Council. In 1928, the question was again examined and the Government came to the conclusion that the Taluq Boards should be abolished. A Bill containing the proposal was actually drafted but was not proceeded with as such a step was considered premature when there were not enough Panchayats to look after rural interests. Therefore, the Taluq Boards were retained in the amended Act of 1930. The Government not only retained them as administrative units, they went a step further in advocating the policy of having a Taluq Board in each Taluq. †

In 1934, various factors conspired to bring about the abolition of Taluq Boards. Firstly, under the Act of 1920, an obligatory land cess of one anna in the rupee on the annual rental value of land was levied. Out of the proceeds, half was credited to the District Boards and the remaining half to the Taluq Boards. In addition, an optional cess of three pies could be levied by the District Boards and also by the Taluq Boards. But in 1930, the amended Act fixed the levy of a uniform compulsory rate of one anna six pies, the proceeds being distributed to the District Boards and the Taluq Boards at six pies each and to Panchayats and the Village Development Fund at three pies each. The result was that the District Boards lost a revenue of Rs. 16 Lakhs and the Taluq Boards Rs. 12 Lakhs. This reduction tended to cripple the Taluq Boards more severely because they were more numerous.

Secondly, when the Village Panchayats Act was passed in 1920, there were only 2000 Panchayats but in 1934, there were about 5000 and their number was rapidly increasing. With every increase in the number of Panchayats there was a decrease in the income of the Boards. But, both the Government and the Legislature, had already committed themselves to a policy of Developing Panchayats.

Thirdly, the policy of having a Board for each Taluq adopted in 1930, increased the number of Taluq Boards from 130 to 208. As a consequence, the income of these Boards was too little for the administrative charges

* G. O. No. 625. L. M. 11-2-1929.
M. L. C. P, Vol. 69, p. 415, Speech of Dr. P. Subbaroyan.

which many Boards were not able to bear. Of the 208 Taluq Boards, ninety had recurring deficits, 39 had just enough money to pay the salaries of the Establishment, Contingent Charges and the Travelling Allowance of Members. Even in 1930, when there were only 130 Taluq Boards, 46 of them were not able to balance their Budgets.

Fourthly, the financial position of many of the District Boards was not sound. The Madras Motor Vehicles Act, 1930, deprived them of an income of Rs. 33 Lakhs per annum. And as a consequence 12 of the 24 District Boards had deficit budgets. In view of these facts, the Government came to the conclusion that the Taluq Boards should be abolished. *

The abolition of Taluq Boards would result in the devolution of all their functions on the District Boards and all the executive work would fall on a single person, the President. The Government considered that it would not be possible for a single person to bear so large a burden. They, therefore, proposed the bifurcation of the bigger Boards. They thus wanted administrative areas smaller in size than a revenue District, so that the supervision and control of the administration may be effective. † Accordingly, the Act was amended and the Government was authorissd to bifurcate any District Board it thought fit. In excercize of this power, as many as fifteen Boards were bifurcated and in their place 31 Boards were brought into existence. Only nine Boards were not touched for financial and administrative reasons.

Were these bifurcations justified? The writer has taken pains to consult the reports of the Special Officer for the bifurcation of District Boards. And he has arrived at tne following conclusions:—Firstly, there were some Boards whose administrative areas were too unwieldy for a single Board. For instance, Malabar was one of the biggest districts in the Presidency with an area of 5794 sq miles, 1741 villages, 3.53 million population with a density of 610 per sq. mile, with a great number of schools, medical institutions and a vast staff to man them. It administered about Rs. 25 lakhs of income per annum. From the above figures it is obvious that the area was too big for a single Board with a non-official Preisdent as its chief executive. In consequence, certain parts of the district in North Malabar, particularly the taluqs of Chirakkal and Wynad, did not receive proper attention of the Board. Though these factors were in favour of the bifurcation of the Board, the financial considerations stood in the way. For instance:

* M L. C. P. Vol. 69, pp. 74-75. Speech of the Hon'ble the Rajah of Bobbili.
† M. L. C. P. Vol. 70, p. 361.

	Existing Board.	Bifurcated Boards.		Total increase.
		Malabar South.	Malabar North.	
Net total receipts	11.88	8.52	3.29	11.81
Estimated expenditure	11.54	8.30	3.40	11.70
Balance	0.34	0.22	- 0.11	0.11

N. B:—The figures are in lakhs.

The old undivided Board had a normal surplus of Rs. 34,000. After bifurcation, the new south Board would have a normal surplus of Rs. 22,000 while the north Board would have a deficit of Rs. 11,000. It was estimated that the additional overhead charges on account of bifurcation would amount to Rs. 23,000 and thereby reduce the normal surplus from 34,000 to 11,000. Yet, the Special Officer recommended the bifurcation of the Board on the ground that it would increase the efficiency of the administration and that the neglected parts of the district would receive proper attention. To wipe out the defict of the new north Board, the Special Officer suggested that the Government may make a small grant of Rs. 10,000 annually as a special concession in view of the sadly neglected condition of roads and sanitation in north Malabar. * On similar grounds the bifurcation of the Vizagapatam and Coimbatore Boards was recommended and the Government accepted the recommendation. The reasons given by the Special Officer were sound and there can be no quarrel over their bifurcation.

But there were other Boards which were not at all suitable for bifurcation either on administrative or on financial grounds. In Ramnad, the Board had a normal surplus of Rs. 69,000. But bifurcation would place the south board in financial difficulties. For instance :

	Existing Board.	New North Ramnad Bd.	New South Ramnad Bd.
Total receipts.	8.83	4.47	4.30
Expenditure	8.14	3.92	4.39
Surplus or deficit	0.69	0.55	- .009.

N. B:—The figures are in lakhs.

* I. L. B. Office D. Dis. 15793-36. Report of the Special Officer.

Under the elementary education fund the existing Board had a surplus of Rs. 25,000 while the bifurcated boards would have a deficit. Further the existing Board had a debt of Rs. 3.91 lakhs and it had already deverted Rs. 1.05 lakhs from the Railway Cess Fund and this amount was to be paid back in ten instalments. Above all the bifurcation would result in an additional expenditure of Rs. 25,900 on over head charges and would reduce one of the bifurcated Boards to bankruptcy. *

Similar was the position of the Trichinopoly Board. The district was comparatively a small one with a total population of 17 lakhs and an annual income of Rs. 8.14 lakhs— ordinary, Rs. 4 lakhs— elementary education. It administered 764 elementary schools, four high schools, one middle school, 42 dispensaries, 130 miles of Trunk Roads, 427 miles of second class roads and 300 miles of other roads. It is, therefore, evident that the administrative area was compact with sufficient revenue and population. It was also reported that the bifurcation would place one of the Boards in financial difficulties. †

Let us take the case of Tinnevelly. The Government were definitely advised that bifurcation would reduce one of the Boards to bankruptcy. In regard to the bifurcation of the South Arcot Board, the Special Officer informed the Government that the new Cuddalore Board would be exposed to the risk of financial difficulties. ‡ Inspite of these facts, Ramnad, § Trichinopoly, ** Tinnevelly and South Arcot Boards, †† were bifurcated.

We shall now consider the case of the Boards whose bifurcation though financially feasible was not administratively desirable. For instance, the West Godavari Board. Its total income was Rs. 9.13 lakhs with an annual expenditure of Rs. 7.27 lakhs. The bifurcated Boards were expected to have a surplus even after meeting the additional overhead charges. But administratively bifurcation was not desirable. For, its area was only 2361 sq. miles with 716 villages, 12 lakhs population. ‡‡ Next to the Nilgiris it was the smallest Board in the Province. Similar was the position of the Kistna, Guntur and East Godavari Boards. They were all compact in area with sufficient revenue and population. For instance:

* Report of the Special Officer, I. L. B. Office D. Dis. 15796-36.
† Report of the Special Officer, Ibid. No. 15798-36.
‡ Report of the Special Officer, Ibid No 15797-36.
§ G. O. No. 5276. L. M. 5-12-1936.
** G. O No. 343, L. M. 26-1-1937.
†† G. O. No. 5477, L. M. 22-12-1936.
‡‡ Special Officer's Report, I. L. B. Office D. Dis. No. 11645-36.

Name of the District	Area in Sq. Miles	Number of villages	Population in lakhs	Density per Sq. Mile
Godavari East ...	2544	806	16.80	660
Kistna ...	3547	981	12.54	354
Guntur ...	5757	926	20.35	355

Inspite of these facts all these Boards were bifurcated. *

We now come to the case of Boards which ought to have been amalgamated with their neighbours as they were unfit to exist as separate administrative units. The Nilgiris Board was the smallest of all the Boards in the Province with an area of 982 sq miles, 53 villages, 169 lakhs of population of which 49,000 lived in the municipal areas and a total voting strength of 11,501. It had under its control 70 miles of Trunk Roads, 94 miles of second class roads, 420 miles of other roads, one high school, 76 elementary schools, two hospitals and three dispensaries. † Its total annual revenue was never sufficient to meet its ordinary expenditure. It always depended on the compassionate grant of Rs. 87,000 made annually from the Provincial funds ever since it was constituted. ‡ Thus the whole district was not in any respect equal to a taluq in the plains. It would have been more advantageous, if it had been amalgamated with its neighbour, Coimbatore and the whole divided into two administrative units, Coimbatore and Erode. The Coimbatore Board had an area of 7085 sq. miles with 1103 villages and 24.45 lakhs of population and an annual income of Rs. 25 lakhs. Thus, the Coimbatore Board was already sufficiently large and if the Nilgiris had been amalgamated with it and then the total area bifurcated into two administrative units we would have had two administrative areas with sufficient revenue and population. But what was done was actually the reverse. The Nilgiris was retained as an administrative unit but Coimbatore was bifurcated into two administrative units. Thus in the place of two administrative areas three were brought into existence. §

What were the various factors that influenced the Government to resort to the bifurcation of Boards even against expert advice and without taking into consideration financial and administrative difficulties? There is enough evidence to show that political considera-

* Special Officer's Report, I. L. B. Office D. Dis. No. 14474-36.

† G. O. No. 5295, L. M. 26-8-1936.

‡ G. O. No. 528, L. M. 1-6-1920.

§ Special Officer's Report, I. L. B. Office D. Dis. No. 15794-36.

tions played a major part in the bifurcation of the Boards. Bifurcation of the Boards was undertaken to prevent a political party from coming into power. For instance, the general elections for the East Godavari, Nellore, Coimbatore, Salem and Ramnad Boards were to be held on the 23rd December 1935. But they were bifurcated on the 15th December 1935 so that the party in power may be able to capture some of the Boards. * The replies to our questionnaire, furnished by the Hon'ble Mr. B. Gopala Reddi who as Minister for Local Administration was responsible for the amalgamation of the bifurcated Boards may be of interest in this connection.

Q. Was there justification for the bifurcation of the District Boards? :- Yes. There was justification for the bifurcation of the District Boards. But the then Government used it as a political weapon to gain a political end.

Q. What was the political end which they aimed at? :- It was to prevent the Congress from coming into power.

Q. But you admit that there was justification for the bifurcation of some of the Boards if not for all :- Quite so.

Q. Then why did you amalgamate all the Boards indiscriminately without taking into consideration administrative difficulties? :— As I had already said the Bobbili Ministry used bifurcation as a political weapon. I wanted to undo that. So political considerations impelled me to amalgamate all the bifurcated District Boards.

Q. So you say that both in the bifurcation and in the amalgamation of the District Boards, politics played a notable part :— Yes.

Since politics brought about the bifurcation of the Boards, financial and administrative considerations were not given due weight. Further, in the formation of new administrative areas some ingenuity was shown so that some Boards got all the barren and backward tracts while the others the more enlightened and the richer parts. † Therefore, bifurcation caused financial embarrassment to some of the bifurcated Boards. From the above it is evident that in the formation of administrative areas the principal that the areas should be so delimited as to enable the local authorities to discharge the functions assigned to them economically and efficient

* M. L. C. P., Vol. 3, pp. 999 Speech of the Hon'ble Mr. B. Gopala Reddi Minister for Local Administration

† Memorandum of the South Ramnad Board to the Hon'ble Minister for Local Administration ogether with its Resolution No. 580, dated 24-8-1937.

ly was not observed.* In 1937 when the Congress came to power they amalgamated all the bifurcated Boards and limited the administrative area of each board to that of a Revenue District.

The problem of administrative areas may be looked at from four different agles. The first of these is the technical. Technical men like the Sanitary Engineer and the Electrical Engineer would fix up different areas to suit the best technical conditions of the particular service with which they are concerned. The Sanitary Engineer for instantce, may say as he said at one time, that the Local Bodies should be divested of the function of supplying protected water and that the whole thing should be organised on a Province wide scale. This is what is happening so far as electricity is concerned. At first the supply of electrical energy began with the setting up of a large number of local under-takings; some of them belonged to local authorities while others to Joint Stock Companies. They operated within restricted areas. As a consequence, the cost of generation of and the distribution of current varied enormously from place to place according to the area of operation and the efficiency of the plant. These variations in the cost of production induced the Madras Government to instal hydro-electric and thermal stations in different parts of the Province. Each one of these stations cover a wider area and very often more than one revenue district. Now the Government proposes to replace all private and local generation stations by a net work of thermal and hydro-electric stations throughout the province. The area of each of these stations would be defined by technical considerations. It is thus evident that the technical approach to the problem would mean setting up of different administrative areas for different purposes.

A second line of approach to the problem is that of the Provincial Government. Here again the problem of areas depends upon the type of Provincial Government that is in power and the notions and ambitions of those who control it. A despotic Government ruling over a reluctant people would wish to have Local Government areas that would provide weak rallying points. And wherever possible, they would create artificial areas as the Revolutionary France of 1787 had done. Prior to 1920, the British Government adopted the revenue district as an administrative area for the Board. Their main idea being to place these Boards under the supervision and effective control of the Collector. Any other area would not achieve the end in view. After the introduction of the Constitutional Reforms of 1917, the question of administrative areas received considerable attention. And as we had already seen, political considerations

* Royal Commission on Local Government, England. See the Evidence of Sir Arthur Robinson, Vol. 9.

weighed with the Government of the day. Here again, there are two schools of thought. Some of the former Ministers desire that the administrative area of each Board should be coterminous with that of the revenue district. But there are others like Mr. B. Gopala Reddi, formerly Minister for Local Administration, who think that the present administrative area of the Boards as most unsuitable for the administration of such subjects as education. They therefore, want that the areas of each District Board should be coterminous with that of revenue division. They contend that a smaller area would enable the President and his executive staff to supervise the work of the institutions particularly the educational ones more effectively and would render opportunities to a greater number of people to gain experience in the art of Self-Government.

The third line of approach to the problem is the administrative. We do not mean to say that the technical person would not give thought to the administrative probleme of the service concerned. What we wish to emphasise is this. That the techinical person would give a secondary place to the administrative problems. The administrator would look at the problem of areas form the point of view of control and supervision. Naturally, distance from the centre to the periphery of the administrative area, the complexity of the service concerned, the facility of communications, the amount of revenue and expenditure and population are the considerations which would weigh with him. A former Inspector of Municipal Councils and Local Boards, Mr. N. Gopalaswamy Ayyangar, desires that the administrative area of each District Board should be coterminous with that of a Revenue District. While admitting that there are wide variations in respect of population revenue, and area from district to district, he contends that the adoption of any other area would cause administrative difficulties. He further contends, that the creation of Boards with smaller areas would only mean the revival of Taluka Boards in some form or other which were abolished for sound administrative reasons; that the administration of such subjects as communications, community medicine and even elementary education economically and efficiently would require wider areas. As regards the contention that a non-official President would not be able to exercise effective supervision of the works and institutions, should a revenue district be adopted as an administrative area, Mr. Ayyangar says that as the role of the President should be that of a Minister, leaving the executive work to the Chief-Executive Officer, the question of supervision by a non-official executive does not arise at all.

The fourth line of approach to the problem is from the standpoint of an ordinary citizen. How does he wish his province to be split up for pur-

poses of local administration ? The answer is that a vast majority of the citizens have no opinion to offer on the general issue of the Local Government structure. The Press also is not interested in the question; nor is there any public discussion on the subject. All of them consider that the existing structure of Local Government as a settled fact and ask thereforeno question about it. There are no doubt exceptions to this rule.

Thus as the problem has been approached from different angles, different opinions have been expressed on the subject. We have oursome of the selves investigated into this question in detail and discussed it with former Presidents and officials and there is much to be said in favour of all schools of thought. As we are concerned more with the administrative aspect, we feel that the existing areas need modification. A glance at the areas, population and revenus of the several Boards clearly establishes thefact. The position was as follows in 1945-46:—

Name of the Board.	Area in Sq. Miles.	Population in lakhs.	Revenue in lakhs (1941)
1. Anantapur	6,719	11.15	2.07
2. Arcot Nortth	4,649	23.74	7.25
3. Arcot South	4,207	24.98	10.43
4. Bellary	5,713	9.33	4.75
5. Chingle put	3,071	16.90	15.32
6. Chittoor	5,901	15.84	6.45
7. Coimbatore	7,085	25.43	14.81
8. Cuddapah	5,892	10.01	4.35
9. Godavri East	2,507	19.91	12.54
10. Godavari west	2,427	12.95	6.15
11. Guntur	5,757	21.14	26.75
12. Kanara South	4,021	14.24	6.15
13. Kistna	3.547	12.75	22.31
14. Kurnool	7,580	10.75	11.76
15. Madura	4,907	20.62	11.29
16. Malabar	5,758	36.50	14.23
17. Nellore	7,948	15·60	6.98
18. The Nilgiris	982	1.62	2.28
19. Ramnad	4,820	17.94	9.81
20. Salem	6,965	27.39	13.22
21. Tanjore	3,727	22.96	18.97
22. Tinnvelly	4,316	20.77	15.24
23. Trichinopoly	4.303	19.80	9.74
24. Vizagapatam.	6,199	36.60	14.08

A close study of the figures given above clearly shows that wide variations exist so far as area, population and revenue are concerned. Though Nellore, Kurnool and Anantapur are the biggest districts in respect of area, their population is small and revenus poor. We may ask what should be the size of each Board and on what criteria the territories of each Board should be delimited. It is not possible to give any definite answer to this question. For, the question of areas depends upon the extent and nature of functions that may be assigned to the Boards. But this much is a fact that the present state of affairs require a thorough revision. And in forming new administrative areas, the revenue and population which each Board should have must first be settled. A satisfactory settlement of this question requires investigation into several factors such as, functional, economic and geographical. We would, therefore, suggest the appointment of a Boundary Commission to settle this issue.

Composition of the Boards :— The next essential factor of an administrative organisation is a scientific constitutional structure. The constitutional history of the Boards may be divided into three periods: (1) from 1884-1920;(2) from 1920-30 ; (3) from 1930-45.

Prior to 1871, there were a number of organisations for the administration of such subjects as education and communications. To administer the Madras Education Act, 1863, a committee consisting of Inspector of Schools, Deputy Inspectors of Schools and such number of resident householders as determined by the Government, was constituted in each village or town to which the provisions of the Act were extended. The members of the Committee were appointed by the Collector. In addition, another Committee, consisting of the Collector and the District Engineer was constituted for the administration of the funds raised under the District Road Cess Act, 1866. The existence of separate committees for separate purposes in one and the same area created confusion in the minds of the people. It was, therefore, considered necessary that there should be a single committee in charge of such functions as education, communications, medical relief and public health in a particular area. With that end in view the Local Funds Bill was published in 1870

The Select Committee on the Bill recommended that instead of having one Committee in each area, separate Committees may be constituted for separate purposes and that wherever necessary the constitution of Committees may be dispensed with. The Select Committee felt that there were some localities in which it would not be possible to form competent Committees. The Legislature, however, did not accept the reactionary recommendation of the Select Committee. In its final shape, the Local Funds Act, 1871, provided that there should be a Board in each Local Fund

Circle consisting of the Collector as the Ex-Officio President and certain number of officials and non-officials, the proportion of officials being not more than " one half of the whole number of Local Fund Commissioners ". The total strength of the Board was determined by the Government and all of them were nominated by the Governor-in-Council. The Governor-in-Council may appoint one of the members of the Board as Vice-President.

Though it was laid down that the number of officials should not be more than one half of the total strength of the Board in practice official element dominated some of the Boards. * This fact attracted the attention of the Government of India and they suggested that at least two-thirds of the members of the Circle Boards should be non-officials. † But the Madras Government asserted that official control and restraint of the Local Boards was necessary and therefore the official element on the Local Boards should not be less than one-half of their total strength. But the Government of India did not agree with the views of the Madras Government and in their resolution on Local Self-Government, they suggested that the non-official element should be sufficiently large. In the preliminary report the Committee to which the resolution was referred for examination, wrote thus :—

> "On this important question we desired to inform ourselves, by a perusal of the reports from other Provinces in which the principle might have been given a trial, and applied for such papers accordingly; but having now to report before their receipt, we have to submit, that our experience being limited to the latter course, our impression is, that it is the one to be naturally first adopted in the education of the people in the direction of Self-Government and safest also to continue for some-time because it brings the officers of the Government and the people into constant cordial relationship in the combined endeavour hand in hand, to benefit the country of their adoption and their birth respectively teaching the former every day, more and more, of the wants and growing tendencies of the latter, showing the latter at every step the earnest sympathy in the weal of the former and thus cementing a bond of union". ‡

While forwarding the report to the Government of India the Madras Government took credit that they made very great progress in the field of Local Self-Government and that such progress would not have been made " if the maxim 'Festina Lente' had not guided their action

* G. O. No. 684, F. 2-8-1872.

† G. O. No. 1531-32, F. 20-10-1882.

‡ Preliminary Report of the Local Self-Government Committee, (See G. O. No. 1531-32. F. 20-10-1882).

hereto taken". At the same time they assured the Government of India that they were conscious of the change of times and of the necessary constitutional changes that should take place to meet the changed situation. "There can be no doubt" the Government added " that as the prosperity and intelligene of the country increase, demands will be made upon the administration which it will be quite impossible to supply through the direct official agency and it will be more and more necessary to relieve the highly paid and elaborately trained European Superintendents of work which can be tolerably done by the less trained and often unpaid ability".*

In their final report, the Committee suggested that the strength of the non-official element might be increased to three-fourths and that the remaining one forth might be officials nominated by Government; † that the non-officials should be elected by the Taluq Boards. ‡

The recommendations of the Committee were accepted and incorporated in the Local Boards Act, 1884. According to this Act, each Board should consist of a President and not less than 24 members. The Collector was the ex-officio President and all the Revenue Divisional Officers were the ex-officio members of the Board. Under Section 13 of the Act of 1884, the members elected by the Taluq Boards should be at least three-fourths of the whole numbers unless the Government otherwise directed. Thus the Government was vested with the discretionary power to vary the proportion of the elected members according to circumsatnces. Taking advantage of the discretionary power vested in them, they fixed the strength of the Boards, but in doing so they followed no uniform policy. In some of the Boards, the proportion of the elective element was less than the three-fourths fixed in the Act. Excepting in the case of Salem and South Canara, the proportion of the elective element was between one-half and three-fourths in South Arcot, Cuddapah, Godavari, Malabar, Tinnevelly and Vizagapatam Boards and less than half in other Boards. This deviation from the statutory provision was defended on the ground that " it was difficult to select so many sufficiently well educated men interested in public affairs ". § But in 1886, the Government felt it expedient " to adopt a definite policy " in regard to the proportion of the elected members which a Board should have and fixed it at one half. In pursuance of this decision, the Presidents of the Boards were instructed to distribute the elective seats among the Taluq Boards according to

* Preliminary Report of the Local Self-Government Committee. See G. O. No. 1531-32 F. 2 -10-1882.

† G. O. No. 864 F. 30-4-1883.

‡ The Report of the Local Self-Government Committee 1883, p. 96. The Committee suggested that each Taluq Board should return at least two members.

§ G. O. No. 416 F. Mis. 6-7-1885.

their importance. As there were no Taluq Boards in the District of Nilgiris and Kurnool all the members of the Boardw ere nominated by the Government. * Thus, as finally constituted, the composition of the Boards was as follows :— The Collector was the ex-officio President of the Board; one-fourth of the total strength consisted of ex-officio and official elements; one-fourth of nominated non-officials and the remaining half elected by the Taluq Boards. And the persons that may be elected by the Taluq Boards may be either officials or non-officials.

How did this arrangement work in acual practice ? Firstly, the prescribed proportion of the elective element was atttained in few Boards. In 1889-90, the total percentage of the elective element was only 37.7. † Secondly, the official element was occupying a dominant position in some of the Boards. ‡ In 1912, the total percentage of the officials on all the Boards was 38. But in some of the Boards, the officials occupied more or less half the number of seats. The figures given below illustrate the situation :—

Name of the Board.	Number of officials.	Number of non-officials.
1. Salem	15	14
2. Kurnool	19	18
3. Guntur	15	16
4. Kistna	19	21
5. Tinnevelly	13	15
6. South Arcot	14	17
7. Vizagapatam	14	17
8. Cuddapah	14	17

The officials who generally contested the elective seats were the Tahsildars. By virtue of their official position, they possessed undoubted importance in the taluq and invariably they took advantage of it and

* G. O. No. 1285, L. 7-10-1886.

† The Administration Report of the Madras Presidency, 1889-90.

‡ G. O. No. 1352, L. 18-12-1902 & G. O. No. 420, L. 27-3-1903. A doubt arose as regards the proportion of the official element, whether it should be limited to the one-fourth referred to in Section 12 of the Act. At first, the Government gave a liberal interpretation to the rule and informed the Presidents that the one-fourth referred to in Section 12 of the Act represented the maximum official strength on the Board. Later, they interpreted the Section to mean that the proportion of one-fourth specified in Section 12 referred to the case of persons appointed by nomination and not to person elected by the Taluq Boards. The immediate effect of this interpretation was that the the official element increased on the Boards.

influenced the voters. Any one who dared to contest against the Tahsildars was sure of his defeat. *

The preponderence of the official element on the Boards came in for a good deal of criticism. In 1911, a resolution was moved in the Legislative Council recommending to the Government that the officials particularly the Tahsildars should be prohibited from contesting for an elective seat on a District Board. † But the Government opposed the resolution on theground that the official element particularly the Tahsildars, played a notable part in the administration of the Boards, ‡ and that the preponderence of the official element did not produce any undesirable results. §

These contentions are, however, not convincing. For, the Tahsildars lacked the necessary courage to oppose any proposal of the Collector-President and whenever a difference of opinion arose between the non-officials and the official President, they the Tahsildars, invariably voted against the non-officials. "There have been instances" said Mr. Govindaraghava Iyer : "when some of the officials had to vote along with their official superiors although their own inclinations and their own opinions were the other way". ** Secondly, the argument that the Tahsildars should be on the Boards to supply official knowledge and official experience is equally untenable. For, there were already Revenue Divisional Officers as *ex-officio* members to supply that need. Thirdly, the preponderence of the official element on the Boards rendered the proceedings dull and life-less. †† Fourthly, it deprived so many non-officials from being trained in the art of Self-Government and put the very principles for the realization of which the Boards were brought into existence in cold storage. It is grotesque to call Boards like Salem and Kurnool Local Self-Governing Institutions where officials were in a majority.

* Decentralization Commission Report, Vol. 1, p 230.

† M. L. C. P. 1911, p. 230. Resolution of Mr. Kesawa Pillai.

‡ M. L C. P. 1911, p. 230. Speech of Sir Murray Hammick.

§ M. L. C. P. 1914, p. 273. Speech of Mr. P. S. Sivaswamy Iyer.

** M. L C. P. 1915, Resolution of Mr. A. S. Krishna Rao.

†† Decentralisation Commission, Vol. 2, p. 268. Evidence of Dr. Downie. Dr. Downie said: "The Board is largely official and is controlled by a very small number of members. It is safe to say that the work of the Board is done by not more than a half dozen of the 32. The average attendance is 20 but most of them do little more than voting".

See also G. O. No. 1581, L. 11-7-1889. Even the official members did not evince much interest in the administration of the Board. And some of them went to the extent of resigning their seats on the Board. For instance, Mr. Hannan, the Superintending Engineer, Bezwada, resined his seat on the Kistna District Board on the ground that he was not able to attend the meeting of the Board. But the Government refused to accept the resignation on the ground that a member of the Public Works Department should be on the Board.

We have so far considered the character and influence of the official element on the Boards. We shall now consider the quality of the nominated element and how they were selected.

The authority to nominate the members was the Government, * excepting during the year 1889–1897 when the power to nominate members was delegated to the Collectors. †

In nominating persons to the non-elective seats, the Collector was not bound to distribute the seats among the various taluqs in the same proportion as the elective seats. He was given the discretion to recommend such persons as he considered best qualified to sit on the Board. In practice, however, nominations were made after taking into consideration several factors. Firstly, they were distributed in such a way as to secure equitable representation of all the taluqs on the Board. ‡ Secondly, it was also seen that all the communities, castes and interests which were not already represented were given due representation. § Thirdly, only persons who had experience in public affairs with some social and economic status were nominated. ** Generally non-officials who were once nominated were re-nominated provided they "retained interest in the administration of the Board". Habitual absentees and "undesirable persons were not reeommended for renomination."†† Fourthly, salaried servants of the Boards or officers exercising judicial functions, ‡‡ were not generally nominated. Of course, there was no hard and fast rule and each case was considered on its merits. §§ While nominating officials, District Engineers, District Surgeons and Tahsildars were preferred. Of all the officers, the Educational Officer, was considered as the least valuable member. *** Finally, whenever a Taluq Board failed to elect its own quota of members within a reasonable time, the Government filled the vacancies by nomination. *

* G. O. No. 2352. L. 12-10 1889.

† M. L. C. P. Vol. 27, p 27.

‡ G. O. No. 32. L. 9-1-1889

§ G. O. No. 1576, L. 23-8-1883. The President of the South Canara Board recommended one Mr Kantappa for is nominatd seat on the ground that the community to which he belonged, Billava, was wholly unrepresented on the Board. Kantappa was nominated in the place of Padmaraja Ballala. Ballala was not recommended for renomination because the community to which he belonged, Jain, was already represented on the Board.

** G. O. No. 991, L. 6-5-1889.

†† G. O. No. 144, L. 13-6-1886. The President of the Anantapur Board wrote "Eight of the preseat non-official members were said not to have attended a single meeting since they were appointed..... I do not think that these should be reappointed and have omjtted their names from the list of those proposed to constitute the new Board." As regards another person he said that he was an undesirable person and therefore should not be renominated. The President's proposals were accepted by the Government.

‡‡ G. O. No. 2238, L. 28-11-1888.

§§ G. O. No. 2874, L. 12-11-1890.

*** G. O. No. 416, L. 7-7-1885.

What type of persons were these nominated members? From the records, we gathered the impression that like the official members, the nominated non-officials also lacked courage and independence in giving expression to their views, and as a consequence made no contribution to the proceedings of the Board. Some of the witnesses that appeared before the Decentralization Commission attributed this weakness to the procedural defect in selecting persons for nomination. Though the Act laid down that the Government should nominate non-officials, they had no means to assess the merits of the individual candidates independently of the Collector. Naturally, they consulted the Collector and he in turn consulted the Revenue Divisional Officer and the Tahsildars. It was contended that most of the nominated non-officials were the nominees of the Tahsildars. If that was true, we can imagine what influence and what prestige these members could have commanded, particularly in the presence of the authority that brought them into the Board. † In effect the non-official nominated members were the nominees of the Collector. ‡ It was no doubt true that some of the nominated non-officials were outstanding personalities who expressed themselves freely and fearlessly. And their opinions were respected by the official President. But such persons were few. §

* G. O. No. 2923, L. 14-2-1889. The Penukonda Taluq Board failed to elect its quota of members to serve on the Anantapur District Board. The Government filled the vacancies by nomination.

† Decentralization Commission Report Vol. 2, p. 283, Evidence of Mr. A. Kesava Pillai.

Chairman:—By whom were you nominated? I was nominated by the Collector.

Of course in your case that was a wise choice; I dare say he makes the same wise choice in regard to other people?:— He cannot know all the people; there are 24 members to be nominated. I would not be free to talk in the presence of the Collector. I am only a nominated member; we feel sometimes diffidence in speaking out especially when the Collector himself sits and besides himself there are other members who are officials themselves.

‡ Ibid. Vol. 2, Evidence of Mr. W. Francis, I.C.S. Mr Francis said: "I have never known Government to over-rule a nomination".

§ Decentralization Commission Report, Vol 2, Q. 5609-12. Evidence of Mr Kesava Pillai.

Chairman:—We had a witness who told us that as a Divisional Officer he had been outvoted by the Board and had followed their advice as he thought wisely? Sometimes you get an officer like that; we had one or two officers who were very kind and invited us to give advice and heard us ... but that is not common.

In those cases you had no hesitation in expressing your real opinions?:—We had no hesitation because we knew the officers to be very sympathetic and good men; they would not take our advice amiss.

You tendered it freely and it was accepted?:—That is so.

But that is not the general practice and you would like a greater freedom?:–Certainly.

And you think that freedom would be of great advantage to the people of the locality?:—To the people and even to the Government servants.

Most of the non-officials whether elected or nominated felt that it was not worth-while to be on the Board. *

The Decentralization Commission also felt that the composition of the Boards was not satisfactory. They therefore recommended, that there should be a substantial elective majority on the Boards and that the principle of nomination should be limited to secure the representation of the minorities and official experience. †

The Madras Government accepted the recommendation of the Commission and increased the proportion of the elective seats from one-half to three-fourths, ‡ the remaining one-fourth being nominated members. The principle of nomination was retained to secure the re-presentation of the minorities and the depressed classes. The Boards were, however informed that if at any rate they were in need of the advice of any officer, he may be invited to that particular meeting at which his assistance was required. § As a consequence of this decision the official element on the Boards was considerably reduced. Comparatively, the composition of the Boards was as follows during the period 1885-1922:—

Year	Total strength of the Boards	Officials		Non-officials	
		Nominated	Elected	Nominated	Elected.
1885–86	607	148		459	
1894–95	658	166	76	189	277
1921–22	882	—	127	193	562

From the above account it must be evident that the composition of Boards was not satisfactory and that the Boards were filled by officials and docile nominees of the Collectors.

We now enter the second period of the constitutional history of the Boards. In 1920, the Act was amended and the following changes were effected. It eliminated the ex-officio official element; prohibited the officials excepting the village headman from contesting for a seat on the Board; made the Presidents of all the Taluq Boards in the District Ex-Officio members of the Board; increased the proportion of the elective element from 2/3 to 3/4 of the total strength of the Boards and retained nominations to secure representation to the minority communities. Though

* Decentralization Commission Report, Q. 8147. Evidence of Mr. Chamberlain.

† Report Op, cit Vol. I, p. 264. See also the Resolution of the Government of India No. 41 (Education), dated 16-5-1918. In their Resolution the Government of India suggested the increase of the elective element from one-half to two-thirds.

‡ G. O. No. 394, L. 20-3-1918.

§ G. O. No. 498, L. 21-5-1910. See also the Report on Indian Constitutional Reforms 1917, p. 106.

the changes effected in the constitution of the Boards were in the right direction, in actual practice, the provision, particularly the nomination of non-officials as members of the Boards was not worked in the spirit in which it should have been worked. * Various types of persons were nominated by Government. For instance, persons defeated at the polls, † Members of the Madras Legislative Council who did not belong to any recognised minority community, ‡ Indian ladies, § the outgoing Presidents, ** persons who have had considerable experience in public affairs and influence in the District, †† persons who had considerable stake in the District, ‡‡ persons who had leisure and qualifications, §§ and lastly officials *** were nominated to the various Boards. A careful perusal of the proceedings of the Legislative Council leads one to the conclusion that even though this power was intended to be exercised in favour of the poor and the helpless, it was exercised by the Government of the day almost always with a political end in view. It appears as if, that the Local Bodies were treated as useful adjuncts of the party in power rather than as institutions functioning for the welfare of the people of the locality. †††

* G. O. No. 733, L. M. 17-4-1911; 711, L. M. 4-5-1911; M. L. C. P. Vol. 1, p. 615; M. L. C. P. 17, Q. 1234. The procedure adopted before nominating a person was as follows:—Usually the President and the Collector were consulted before nominating a person According to the executive instructions, the Collector in consultation with the President should recommend persons who in his (Collector's) opinion were "worthy of being appointed as members". He was also required to furnish particulars in regard to each person, such as the community or caste to which he belonged, his knowledge of English, his position in life and the amount and nature of tax paid and the number of years, if any, for which the nominee had already served as a member of the Board. In selecting persons for nomination the Government may or may not accept the recommendation of the Collector. Sometimes nominations were made without consulting the Collector and the President.

† M. L. C. P. Vol. 46, p. 211. One Mr. Sundara Rao was defeated when he contested for a seat on the Polur Taluq Board, North Arcot District. But he was nominated as a member of the North Arcot Board.

‡ M. L. C. P. Vol. 45, p. 117 and Vol. 46, p. 213. By the 16th November 1918 nineteen members of the Madras Legislative Council were nominated to the various Boards. Most of them were members of the party in power. One of them was Mr. B. Ramachandra Reddi, who subsequently became President of the Madras Legislative Council. Mr. Reddi was defeated when he contested a seat on the Kavali Taluq Board, Nellore District.

§ M. L. C. P. Vol. 26, p. 467. Members of the fair sex were appointed to protect the interests of the infantile and female population.

** M. L. C. P. Vol. 44, p. 484.

†† M. L. C. P. Vol. 25, p. 87. Mr. N. Subba Rao was renominated as a member of the South Kanara Board so that it may, if it was disposed to, avail itself of his services as President.

‡‡ M. L. C. P. 15, p. 395. Mr. Ramachandra Padayachi was nominated to the South Arcot Board on this ground.

§§ M. L. C. P. Vol. 33, p. 55 Mr. C. Muthayya Mudaliar was nominated to the Chingleput Board on this ground.

*** M. L. C. P. Vol. 37, p. 47. Some of the Presidents thought that the presence of the Collector on the Board was desirable and accordingly the Government appointed the Collectors as members of those Boards which desired their presence.

††† M. L. C. P. Vol. 15, p. 144. Speech of Dr. C. R. Reddi on the motion of no-confidence against the Panagal Ministry.

It is true, that members of the minority communities and some eminent men were nominated. But our contention is, that in nominating members to the various Boards the intentions of the framers of the Act were not kept in view.

The one notable difference between the nominations made prior to 1920 and those made after 1920 was this. Prior to 1920, nominations were made by an Executive Councillor. He almost always, attempted to secure the representation of all interests not already represented. He had no political end in view. But after the introduction of Reforms of 1917 and the transfer of the portfolio of Local Administration to the charge of a Minister responsible to the Legislature, political considerations influenced the Ministers in making nominations. The Legislative Concil consisted of a number of Presidents of the District Boards. And almost all of them were members of the party in power. In order to retain their sympathy and support nominations were made as desired by them. Further, party rivalry and desired to have access to the sources of authority became acute particularly in the northern districts. There was, therefore, a scramble for the nominated seats. Thus the nominated members played a notable part during the second period. They converted the political majorities into political minorities. They placed in positions of authority, persons defeated at the polls. There was, therefore, a demand for the abolition of the principle of nomination. Accordingly, the Act was amended in 1930 and the nominated seats were abolished. *

We now come to the third period of the constitutional history of the Boards, a period which witnessed several changes in quick succession. In 1930, as we had already noted above, nominated seats were abolished and in their place seats were reserved for the minority communities. In reserving seats, certain principles were observed. Firstly, seats were reserved for the Muslims, Indian Christians, the Scheduled Castes, Europeans and Anglo-Indians and women. Secondly, no seat should be reserved for any of the communities mentioned above if at the last census such community constituted more than half of the total population in the district. Thirdly, in reserving seats the population strength and the importance of the community concerned should be taken into consideration. † But any person belonging to any of the minority communi-

See also M. L. C. P. Vol. 36. Speech of Dewan Bahadur M. Krishnan Nair on the motion of no-confidence against the Subbaroyan Ministry.

* M. L. C. P. Vol. No. 27, p. 401. The Ministers themeselves realised that the system of nomination was apposed to the principles of democracy. Attempts were made in 1923 and 1926 to abolish the nominated seats but they did not proceed beyond the bill stage.

† G. O. No. 188, L. M. 21-1-1931.

ties mentioned above was eligible to contest for a general seat provided he had the necessary qualifications; Finally, the number of seats that may be reserved should not exceed one-fourth of the sanctioned strength of a Board. The remaining three-fourths were elected from the general constituencies.

In 1935, the Act was amended and the power to nominate persons was again vested in the Government. But it is interesting to note that the Local Boards Bill, 1935, did not contemplate the introduction of nominations or the reservation of seats for the minority communities and to women. The Select Committee on the Bill recommended that "for the purpose of giving representation to the minority communities and to women, the Local Government should have power, subject to the provisions of Sub-section 4 of Section 9, to reserve seats..... for such communities or for women and to nominate qualified persons for such seats." * But during the discussion of the Bill, this provision was altered and the Government was vested with power to nominate any number of persons to any Board provided they belonged to the minority communities. † The consequence was that all the evils associated with the system of nomination returned once again. The peculiarity which we notice in regard to nominations made during this period was that they were made after the results of the election were known. Further, they were made just before the date fixed for the election of the President. In one case, the election of the President was due to be held on the 6th January 1936 and nominations to that Board were made on the 3rd January by a Gazette Extraordinary and the nominated members were telegraphically informed to take part in the Presidential elections and the Collector was telegraphically instructed to permit the nominated members to exercise their vote. The peculiar feature was that these nominated members invariably voted against the Congress candidates for the Presidentship. It is, therefore, evident that nominations were made "to spite the Congress and the Congress majorities" ‡ and for this purpose persons belonging to the minority communities were used as scape goats. The figures given below will illustrate the fact:—

* Report of the Select Committee Gazette, dated 13-2-1934

† M. L. C. P. Vol. 70, p. 468 Amendment by Mr. Devadasan, a nominated member of the Legislative Council belonging to a minority community The Government accepted the amendment on the ground that they found it difficult to give adequate representation to the various minorities within the limit of 25 per cent of the total number of seats. See the speech of the Raja of Bobbili, Minister for Local Self-Government, Vol 70, p 470

‡ M. L. A. P. Vol. 5, p. 997. Speech of Mr. B. Gopala Reddi, Minister for Local Administration.

Name of the Board	Total strength of the Board	Total number of seats reserved for minorities	Number Nominated	Total No. of seats for the minorities
1. North Ramnad	26	5	8	13
2. Villupuram	34	7	7	14
3. Narsapur	27	6	6	12
4. Bezwada	32	7	5	12
5. Rajahmundry	29	4	7	11
6. South Nellore	28	3	6	9

Even this arrangement existed only for a year and half. Immediately after the Congress came to power in 1937 the Act was amended and the system of nominations was abolished. But seats were reserved for the the minority communities. * This arrangement existed for a short period of five years only. In 1942, fifteen of the 24 Boards were superseded on political grounds. The superseded Boards were placed at first under the charge of Special Officers. The Government however, came to the conclusion that administration by a Board, even though nominated was preferable to a continuance of administration by a Special Officer. The Act was accordingly amended empowering the Government to nominate all the members of the Board. † In 1943, fifteen Boards consisted of members entirely nominated by the Government. By this reactionary piece of legislation all the principles of democracy were abandoned. But the significant feature was that this time bureaucracy played the part of a politician. They used the system of nominations to play Indians against Indians. Reactionaries and persons who were discredited at the previous elections were nominated as members of the Boards. ‡

In 1946, after the Congress came to power, this Legislation was repealed. These changes in the constitutional development of the Boards truly and faithfully reflect the political evolution of the Provincial Government. Excepting for a short period of five years, the Boards contained nominated members throughout the period under review in some proportion or other. As we had already seen, nomination suffered in popular esteem because it was often synonymous with nepotism. Individual officers, who were entrusted with the task of selection of candidates were often swayed by personal prejudices against or prepossession

* Gazette, Part IV, p. 37, 1937. Objects and Reasons.

† Act 24 of 1942 Madras.

‡ The Government appointed two persons to the North Arcot District Board though both of them were previously removed by the Inspector from the Presidentship of the Panchayat Boards for misconduct and mismanagement of the administration of the Boards.

for a particular class or community. Further, the system of nomination encouraged a spirit of servility among the applicants which was inimical to the development of manly independence. This does not mean that the system of nominations is bad. It would have not earned the bad reputation, which it did, if certain safeguards had been introduced to secure better type of men. In the absence of these safeguards the system was abused. Further, the existence of this system runs counter to the democratic principles. It was, therefore, abolished and the representation of minorities was secured by the reservation of seats. It may be asked whether after all there is necessity for the reservation of seats for the religious minorities in a secular state. In a country like India, where religion shaped politics, the only way open, to conciliate the religious minorities was the reservation of seats. It was half-a-way house between communal representation and territorial representation. It was pragmatic politics that induced our countrymen to accept this principle. It is one of the methods by which minorities can be mollified and reassured.

Though the principle of reservation was accepted by all the parties concerned, it was criticised on the ground that it did not secure adequate representation to the minority communities. * We can examine this view in the light of the following statistics :—

Name of the Board	Muslims		Scheduled castes		Indian Christian	
	No. reserved	No. due	No. reserved	No. due	No. reserved	No. due
1 Trichinopoly	1	2	4	10	2	2
2 Tanjore	3	3	3	12	2	2
3 Coimbatore	2	2	4	9	1	1
4 Madura	2	2	4	10	2	2
5 Tinnevelly	3	3	4	9	4	6
6 South Arcot	2	2	5	8	2	2
7 Kistna	3	2	5	8	2	5
8 The Nilgiris	1	1	1	8	1	2
9 West Godavari	2	1	4	9	2	3
10 Cuddapah	4	7	3	7	2	2
11 Kurnool	4	7	3	7	2	4
12 Anantapur	4	5	4	7	1	1
13 Vizagapatam	2	1	4	5	1	1
14 Nellore	4	3	4	10	2	3
15 Bellary	3	4	3	5	4	6
16 Guntur	3	4	3	5	4	6
17 Salem	1	2	4	8	1	1
18 South Canara	3	6	2	3	2	4

* M. L. C. P. Vol. 70, pp. 470–75. Speech of Rao Bahadur A. T. Pannirselvam.

According to the figures given above, Muslims got representation in proportion to their population strength on five Boards, Christian in nine and the Scheduled Castes in none. Of the three communities Muslim got over representation in three Boards and under representation in nine. The Indian Christians got adequate representation in nine of the 18 Boards mentioned above. * Of the three communities the position of the Scheduled Castes was worse. They were not given even one-fourth of the representation to which they were entitled on some of the Boards like the Nilgiris and Tanjore. It is a fact that the members of this community were at liberty to contest for a general seat. But in practice, caste prejudices, economic position and social status stood in their way in securing a general seat. The interesting point in the reservation of seats was that two of the minority communities, viz. the Europeans and the Anglo-Indians got over representation even though their population and voting strength were negligible. †

Before we leave the subject of reservation of seats, we may consider one or two suggestions made for the better working of the principle. It was suggested that the members of the communities for whom seats have already been reserved should not be allowed to contest for a general seat and that all the reserved seats for a particular community should be allotted to the circle or circles, as the case may be, where they were in substantial numbers. The main idea in making this suggestion was that the minority communities should not get more than what was already reserved to them. But the suggestion is reactionary one. For by adopting this suggestion we would be introducing communal representation unwittingly. Secondly, the respective minorities living in other parts of the District would go unrepresented. Thirdly, it would result in giving undue representation to some of the localities which they did not deserve. Finally, we must remember the fundamental fact, that reservation of seats for the minority communities was a transitional measure and during this period, it was incumbent on the part of the majority community to

* One of the principles on which reservation was made was "the importance of the community." In actual practice, this was not observed For instance, the Indian Christian community was twice as much as the Muslims in numbers in the Guntur District. Further, they had a great stake in the District and did praiseworthy service for the cause of education. Yet they were given only as much representation as the Muslims.

† I. L. B. D. Dis. 21316-36 and 21626-1938 For instance,a seat was reserved for the European community in the 33rd circle Trichinopoly District even though their voting strength was only 67. It would have been reasonable if their population strength was substantial but it was only 321. The most interestimg part of this story was that the seat was not filled for a long time tor want of a candidate. Ultimately, on the recommendation of the Board, the seat was transferred to the Anglo-Indian community whose population strength was 1660.

Similarly, seats were reserved for the European and Anglo-Indian communities in South Kanara even though their voting strength did not warrant such reservation.

remove that fear complex from which the minority communities were suffering. And one of the ways by which this could be done was to allow them to contest for a general seat also. If a general constituency desires to return a member of a minority community, it is unreasonable and politically unwise to deny that privilege to that constituency.

Powers and Functions:—The District Boards derived their powers mainly from two sources, under the Acts passed by the Provincial Legislature and under the executive instructions issued by the Government. The principal general statutes from which the Boards derived their powers and functions were, The Madras Local Boards Act, The Madras Elementary Education Act, The Madras Town Planning Act, The Local Authorities Loan Act, The Madras Public Health Act, The Madras Prevention of Food Adulteration Act, and The Madras Motor Vehicles Act.

The powers and functions of the Boards varied from time to time. To begin with, the Board of Commissioners established under the Madras Education Act, 1863, had power to assess and collect school rates; to make rules for carrying into effect the purposes of the Act; to hold lands and other private property; and finally to establish and maintain schools.

Under the Road Cess Act, 1866, the Collector was empowered to fix the rental value and expend the amounts collected for the proper maintenance of communications in the District. In 1870, both the Acts were superseded by the Local Funds Bill.

The Bill proposed to vest real power in the proposed Circle Boards, such as the power to frame their own budgets, power to criticise the administration report prepared by the Collector and power to allot funds for various purposes. In the first report, the Select Committee on the Bill, suggested that the powers and function of the Boards should be limited to one of advice and criticism. The Board of Revenue also expressed the view that it would not be possible to endow the Circle Boards with administrative powers. Their contention was that the work was such that it could be carried out only by a strong proportional establishment and that a Committee of numerous individuals, many apathetic and mostly irresponsible, would not perform their duties effectively. They, therefore, recommended that the power to prepare the budget estimates should be vested in the Collector. *

The recommendations of the Select Committee were so reactionary that one of the members wrote in his dissenting minute: "I am not at all sure

* G. O. No. 1389 (Public). 28-10-1870.

that the system of Local Fund Committees, as originally constituted would have worked well..... But I am sure that the Committee without power and responsibility, as proposed under the amended bill, will be a farce to which the sanction of the law should not be accorded. I cannot imagine any independent or intelligent native consenting to serve on a Committee whose duties are limited in the way proposed". *

The Legislative Council did not accept the recommendations of the Select Committee and the Boards were vested with administrative powers and functions. Under the Local Funds Act, 1871, the Boards were held responsible for construction and maintenance of roads and other communications, schools, dispensaries, hospitals and undertake such other measures as were necessary to promote the health, comfort and convenience of the people. They were also held responsible for the preparation and submission of the budget estimates. Further, they had power to determine the number of officers and their emoluments, power to levy a rate not exceeding one anna in a rupee on the annual rental value of all occupied lands on whatever tenure held and a tax on houses and tolls on carriages, carts and animals that made use of the roads.

In 1873, a controversy arose as to the extent and scope of the powers of the Circle Boards. In 1871, the Government informed the Circle Boards that the duty of controlling the expenditure was made over to them and expressed the hope that the members of the Boards by bringing to bear their local knowledge and local interest in the Administration of the Boards, would greatly increase the efficiency of Local Administration. But in 1873, the Government adopted a strange attitude. They informed the Circle Boards that their duty consisted in raising the money required and in supplying the funds for the execution of works sanctioned by it. Having done that their responsibility for the proper execution of works or for the proper maintenance of accounts ceased. † The position thus assigned appeared to be incompatible with that given in the Act. The President of the Trichinopoly Board protested against this order. He contended, that the Boards were constituted with a view to checking Local extravagance and waste, and therefore they should have a right to check the details of expenditures. ‡ The Government agreed with the contention of the

* Minute of dissent by Mr. J. B. Norton, dated 29-6-1870. See also the minute of dissent by Mr. P. MacFayden. He said: "The effect of the Bill in its present shape will very likely be that the Tahsildars of the District will name committee composd of men who are not likely to advice except as they are told and then there will be the evil of the budgets passed under the cloak of a non-official recommendation while in reality they emanate entirely from Tahsildars".

† G. O. No. 763 F. 7-6-1873.

‡ G. O. No. 1616 F. 20-6-1873.

President, and the Boards were allowed to have access to all the records. * It should however, be said that the powers and functions of the Circle Boards were very few and several limitations were thrown round them.

In 1881, while considering the decantralisation of certain functions, the Government of India suggested to the Madras Government the transfer of certain revenue and expenditures retained in their hands, † such as education, medical and public works to the control of the Circle Boards. ‡ But the Madras Government replied that all transfers which were expedient, had already been made and that the Boards would not be able to undertake any increased responsibility and work connected with education. Further, they expressed the fear that any more transfer of functions would only produce undesirable consequences. They, however, admitted that the powers of the Boards mignt be increased considerably in the matter of expenditures." §

While conceding the claim of the Madras Government that more advance was made in this Province than in any other in the development of Local Funds, the Government of India observed that real Local Self-Government did not receive adequate development and that the administrative powers of the Local Bodies were extremely limited in character. They, therefore, suggested that all the educational institutions should be transferred to Local Management.

The Committee on Local Self-Government, 1882, which examined the above suggestion, recommended that the powers and functions of the Boards should greatly be extended. While forwarding the report of the Committee to the Government of India, the Madras Government remarked that the time had arrived for a decided advance "along the whole line in the direction of further development of the local liberties". The recommendations of the Committee were incorporated in the Act of 1884.

Under Section 96 of the Act of 1884, as amended in 1900, the nature and extent of the functions which a Board should perform were determined by the Government. Generally, the Boards were held responsible for the construction and maintenance of communications and railways and tramways, vaccination and secondary schools. All other functions were vested in Taluq Boards.

* G. O. No. 269, F. 7-7-1874.

† G. O. No. 1531-32, F. 20-10-1882.

‡ G. O. No. Letter No. 3515, (Home), Government of India, 10-10-1881.

§ G. O. No. 1531-32, F. 10-10-1882.

In 1920, the functions which a Board should undertake were specifically stated in the Act. The Act entrusted them with the following functions, in addition to those already mentioned above. They were held responsible for the construction and maintenance of all culverts, bridges, dams, causeways, travellers' bungalows and rest-houses on main lines of communications; the construction of rope ways and the training of nurses and midwives.

In 1930, some more functions, such as the establishment of choultries, vocational and industrial schools and hostels, every kind of medical relief not provided by Taluq Boards, preventive and remedial measures connected with epidemics the establishment and maintenance of veterinary hospitals and the supply of protected water were added to the list. After the abolition of the Taluq Boards in 1935, all the functions discharged by them were transferred to the charge of the District Boards. Thus in 1945, the Boards were held responsible for the provision and administration of all the social services in rural areas.

What about their powers? Under the Act of 1884, the Boards had powers to levy land cess not exceeding two annas in the rupee on the annual rental value of all occupied lands on whatever tenure held in the District of Malabar and the Nilgiris and not exceeding one anna in other Districts, a Railway cess, a tax on houses, tolls upon carriages, carts and animals passing allong the road and fees from licences. In 1920. the Boards were authorised to levy in addition to those taxes already mentioned above, a Company Tax, Profession Tax and Pilgrim Tax. In the same year the Railway cess was abolished. In 1930, the Company Tax was eliminated, in 1931, tolls were abolished, and in 1938, the entertainment tax was provincialised. Thus in 1945 the Boards had power to levy land cess, profession tax, house tax and pilgrim tax. These taxes were levied subject to certain conditions which we shall consider in the third part of the thesis.

As regards powers relating to personnel, the Boards had power under the Acts of 1884 and 1920 to fix the number and salaries of its servants. This power was exercised subject to the condition that the scales of pay fixed by the Board had the approval of the Government. * Further, the Boards were also empowered to recommend the removal of the District Health Officer and the District Board Engineer. And whenever such recommendation was made by a special majority of two-thirds of the

* In 1934, the Government assumed the power to fix the strength scales of pay and salaries of the establishment. In exercise of this power the Government fixed the strength, grades and scales of pay of the establishment of the Boards.

sanctioned strength of the Board, the Government removed the officer concerned from that place.

The Boards had power to elect their own President and Vice-President and impeach them by a special vote whenever they failed to command the confidence of their fellow members.

They had also power to co-opt a qualified person as a member of the Board if the electorate of any circle failed to return a candidate even after the election was notified for a second time.

Finally, they had power to frame their own budgets, enter into contracts, own property and defend or prosecute a person in defence of their action.

Supersession and Dissolution of Boards:—A Board may be superseded or dissolved by an order of the Government. Dissolution as a measure of punishment is a mild one because immediately after dissolution, the voters of the area are given an opportunity to return better men. But supersession is a punitive measure. A superseded Board was generally placed under the control of a special officer for a period not exceeding three years at a time; and the period of supersession may be extended after the expiry of the statutory period. The aim of this provision was to bring the administration of the Board concerned to a particular standard of efficiency and then hand it over again to the representatives of the people.

At first, there was no provision in the Act for the supersession of the Boards although provision was made for their dissolution. Experience has, however, shown that dissolution was not always the appropriate remedy, for example, where the mismanagement of the Board's affairs was so serious that only an official regime would restore efficiency. Provision was therefore made in the Local Boards Bill, 1929. But the Select Committee on the Bill dropped the provision. When the Bill was taken up for consideration by the Legislature, the Minister in charge of the Bill moved that the clauses in the original Bill relating to supersession may be retained. * But one of the members moved an amendment that the Government should not be invested with this power. † The Government accepted the amendment and the proposal was eventually dropped. Subsequently, the absence of this power was felt. For, it was found necessary to supersede some of the Boards whose administration had deteriorated, for fairly long periods so that the tone of the administration may be improved under the control of a special officer. In 1941, the Act was amended and

* M. L. C. P. Vol. 52, p. 811. Speech of Dr. P. Subbaroyan.

† Ibid. Speech of Mr. B. Muniswamy Naidu.

the power to supersede a Board was vested in the Government. The Government was also empowered to supersede a Board which had been dissolved and was awaiting reconstitution. For, further investigation into the facts or further consideration of the circumstances may reveal that it would be inexpedient to reconstitute the Boards immediately. *

The grounds on which the Boards were dissolved or superseded may be classified into two: political and administrative. In 1930, the Boards were informed that they would be dissolved should they indulge in any activity designed to support or show sympathy with the disloyal movement promoted by the advocates of the Civil Disobedience Movement. In 1942, as many as twelve Boards were superseded under the Defence of India Rules for supporting the famous August Resolution of the Indian National Congress.

Boards were also superseded for administrative reasons. As we had already seen, the power to supersede a Board was vested in the Government in 1942 and during the period 1942-45 four Boards were superseded on administrative grounds. As regards the dissolution of Boards, though this power existed during the period 1885–1945, it was exercised only four times and these Boards were subsequently superseded.

The grounds on which the Boards were superseded or dissolved were several. They were for instance, persistent failure to discharge the duties imposed on them by law; † for passing resolutions on matters not connected with the administration of the Board and for adopting a con-

* "Fort St. George Gezette", Part IV, dated 20th March 1941. The procedure adopted for the supersession of the Boards was as follows:—A statement containing the grounds on the basis on which the Government proposed to take action should be furnished to the Board and a reasonable time must be allowed for the submission of a reply. The reply should be considered before taking any final action.

† G. O. No. 1342, (L. A.) 17-5-1941. For instance, the Kistna Board did not transact any business during the period 1-7-1940 to 1-6-1941 and the meetings held on 14th September 1940 and on the 26th April 1941, were adjourned without transacting any business even though a number of important matters were included in the agenda. Outstanding liabilities could not be cleard for want of sanction. The Board's protracted inaction was reflected in the general condition of the office. For instance, on the 31st December 1940, there were as many as 2814 papers pending disposal, of which 661 were of three months old, 696 six months old and 495 over one year old. The accounts section was in a deplorable condition with a pendency of 735 files. Further, owing to the delay in the disposal of licence applications, mills and factories were working without licence. Audit objections received from the auditors from April to August 1940 were not cleared. The accounts of the Provident subscribers were not brought uptodate.

See G. O. No. 1352, (L.A.) 19-5-1941. A similar state of affairs prevailed in the office of the Malabar District Board. In that office, there were as many as 4714 audit objections involving an amount of Rs 5.50 lakhs.

tumacious attitude; * for neglecting to take action on the advice rendered by the Government; † for keeping the roads and communications in a most unsatisfactory condition; ‡ for failure to remove all the objectionable encroachments; § for allowing the collection of revenue to fall in arrears; ** for restoring to membership "a proclaimed offender who was evading lawful arrest";†† for reducing the President into a tool in the hands of the majority party; ‡‡ for failure to take action against the Standing Committees which abused the powers delegated to them; §§ and finally for being factious and thereby obstructing the transaction of business or for showing incompetency to deal with extraordinary situations.***

* G. O. No. 3004, (L.A.) 3-11-1941. For instance, the Anantapur Board passed a series of resolutions on different dates relating to political matters. It condemned the action of the Government for arresting one Mr. K. Subbarao; it congratulated the President of the Indian National Congress for courting arrest and adjourned the meeting of the Board as a mark of protest; it congratulated some of the members of the Board for offering individual *satyagraha* under the leadership of Mahatma Gandhi; it condemned the action of the Government in detaining its President under the Defence of India Rules; it condemned the action of His Majesty's Government for appointing individuals who were not representatives of the people as members of the Gpvernor-General's Executive Council. The interesting part of this story was that whenever a resolution of the kind mentioned above was passed by the Board, the Government called on it to show cause why the resolution should not be cancelled and every time the Board refused to reply to the Government.

† G. O. No. 1342, (L. A.) 17-5-1941. For instance, the Government advised the Kistna Board to close down all the uneconomic and inedicient schools under its management. But the Board did not act according to the advice tendered.

‡ G. O. No. 1342, (L. A.) 17-5-1941. For instance, the Kistna Board seriously interfered with the work of the District Board Engineer and thereby caused delay in accepting tenders which resulted in the lose of much precious time for the collection and the spreading of the material.

§ G. O. No. 78, (L.A.) 11-1-1941. For instance the Revenue Department requested the Malabar Board to remove all the objectionable encroachments but the Board did not take any effective action and thereby failed to safeguard the property vested in it.

** Ibid. For instance, in the Malabar Board, the arrears of revenue on the 31st March 1941 amounted to Rs. 32,000. Some of the items related to the years 1922 to 1930 and the number of decrees pending execution was 144.

†† Ibid. For instance, the Malabar Board held one of its meetings in an out-of-the-way place in order to facilitate the attendance of one Mr. Sankaran who was wanted by the police. Mr. Sankaran appeared on the scene, signed the attendance register and left the meeting after few minutes. By facilitating his attendance the Board restored him to him membership of the Board which he would have otherwise lost.

‡‡ G. O. No. 1342, (L. A.) 17-5-1941. For instance, the President of the Kistna Board was coerced by its members who made him a tool in their hands. By adopting such an attitude the Board destroyed the independence of the President which the Act gave him.

§§ G. O. No. 78, (L. A.) 11-1-1941. For instance, the Education Committee of the Malabar Board selected text books for use in their educational institutions in utter disregard of the rules framed by the Government. It was also said that the Committee received large sum, of money from some of the publishing concerns and utilised them for party purposes.

*** G. O. No. 1736 (L. A.) 6-6-1941. For instance, the Guntur Board misled by its own officers, got into such financial mess that drastic reduction in expenditures was required to balance its income and expenditure. But the Board as then constituted was found to be not competent to carry on the retrenchment required. It was considered that the appointment of a Special Officer independent of local influences was essential to overhaul the administration.

Should the Government possess this power? It was contended that the Government was likely to be influenced by considerations other than administrative in the use of this power; and that it was opposed to the very principle of Local Self-Government. These arguments are familar ones. What we have to note is whether the Boards were harassed by the presence of this power in the statute book. According to statistics, the Boards were dissolved on four occasions during the period 1884–1945 and the power of supersession was exercised on fifteen occasions during the period 1942–45. Excepting in the case of three Boards, twelve were superseded for political reasons. Further, all the fifteen Boards were superseded by the emergency administration set up after the resignation of the Congress Ministry in 1939. So the argument that the Government was likely to abuse this power is not valid. As a matter of fact the Government did not use this power as frequently as it should have done, whenever the administration of the Boards had deteriorated. Arguing without admitting that the Government should not possess this power, what is to be done if a Board adopts a contumacious attitude and disregards all the provisions of the Act? Under such circumstances is it not advisable that there should be some higher authority to bring the Board to its senses? Further, the fact should not be forgotten that the Board had no paid executive officer of suitable status who could be held responsible. We, therefore, think that the Provincial Government should possess this power. Curiously enough all the non-official gentlemen whom the writer interviewed desired that there should be such a power to meet extraordinary situations.

Vice-President: Under the Local Funds Act, 1871, the Circle Boards had power to elect their own Vice-President with the permission of the Government. But generally, an official was appointed as Vice-President by the Government. In 1882, the Government of India suggested that "the power of electing their Vice-President may be left freely to the Local Boards".* But the Committee on Local Self-Government, 1882, to which the proposal was referred, reported that only officials would be able to fill the position satisfactorily and that the official Vice-President, particularly the European official, was the educator and the trusted mentor of the Board. The Indian members of the Committee dissented from the above view. They said, that the real executive functions should be entrusted to the Vice-President and that should be elected by the Board. The legislature accepted the contention of the Indian members and accordingly provision was made in the Act of 1884. Under Section 20, a Board could elect its Vice-President with the previou spermission of the Government. The Government was also authorised to withdraw the permission so accorded at any time.

* No. 1534 (Legislature), dated 3-7-1884.

Though provision was made in the Act of 1884, for the election of a Vice-President by the Board, in practice, officials only were appointed as Vice-Presidents and they were invariably the head-quarters Deputy Collectors. During the period 1885–1917, no Board was permitted to elect its Vice-President. In 1900, when the Act was being amended, it was suggested that the Boards should be empowered to elect its own Vice-President without outside sanction. But the Government opposed the proposal on the ground that should a difference of opinion arise between the elected Vice-President and the official President such disagreement would injure the efficiency of the administration of the Board. * But the main reason which prevented the Government from accepting the proposal was the opposition of the Collector. † Generally, the Collector-President delegated most of the functions to the official Vice-President. And this they did because of their official relationship. In case, a non-official was appointed as Vice-President they would not be able to delegate to him powers and functions to the extent to which they could and did, when the Vice-President was an official. ‡ It is true that the Government never said that they would not appoint a non-official as Vice-President. As a matter of fact there was one, only one, non-official as Vice-President in 1893. But, whenever the issue was raised they contended that competent non-officials were not available for appointment. §

In 1912, the Decentralization Commission, recommended that when the President was a nominated official the Vice-President should be a non-official. ** In the same year, a resolution was moved in the Legislative Council suggesting the appointment of a non-official as Vice-President to certain selected District Boards. The Government accepted the proposal and accordingly instructed the Presidents to fill the post of Vice-President by non-officials wherever possible. †† In 1914, eleven of the 24 Boards had nominated non-official Vice-Presidents. ‡‡

In 1917, another resolution was moved in the Legislative Council recommending to the Government that the Vice-President should be elected by the non-official members of the Board. The Government accepted

* M.L.C.P. 1900, pp. 296–97. Speech of Mr. A. T. Arundale.

† Decentralization Commission Report. Vol. 2. Q. 7933. Evidence of Mr. W. Francis, I.C.S. :

"Chairman:—Would it not relieve your work if you could hand over your work to a Vice-President, a gentleman who is not necessarily an official? ..... "No. I would much rather have an official; he is used to official ways and official methods."

‡ Decentralization Commission Report. Vol. 2, p. 263. Evidence of Mr. Venkatappayya.

§ M. L. C. P. dated 13-12-1893. Reply by Mr. Bliss.

** Decentralization Commission Report. Vol. 1, p. 267.

†† G. O. No. 556. L. 10-4-1912.

‡‡ M. L. C. P. 21-1-1914.

the resolution and as an experimental measure they permitted four Boards – Nellore, Bellary, Madura and South Canara – to elect their own Vice-Presidents. *

In 1920, the Act was amended and provision was made for the election of Vice-President by the members of the Board. Salaried officers of the Government, excepting the village headman were prohibited from contesting for the post. Thus, the Vice-Presidentship was thrown open to election 35 years after the provision was made in the Act.

The Vice-President derived his powers from the President, and exercised only such of the powers and functions delegated to him by the President. † The powers and functions which developed on a Vice-President under Section 23 (2) of the Act of 1920, were only those which the President exercised under the Act. They did not include those which were conferred on the President by or under any other Act or the rules framed under them.

One of the functions of the Vice-President in-charge was to preside over the meetings of the Board. A President-delegate had, therefore, no right to preside over the meetings when there was a Vice-President. ‡

Members:—Every member had certain obligations and rights. His duties were: Firstly, immediately after his election and before taking his seat on the Board he should take the oath of allegiance. At first, there was no provision in the Act, making it obligatory on the part of the members to take the oath and the necessity for its provision was not felt till 1922. In that year a peculiar situation arose. All the twenty elected Councillors of the Anantapur Municipality refused to take the oath on the ground that it was not provided in the Act. Further, some of the Municipal Councils like the one of Guntur became instruments for anti-government propaganda. § The Act was, therefore, amended in 1922 making it obligatory on the part of every person, elected or appointed as a member of the Board, to take the oath of affirmation of his allegiance to the Crown. ** Any person who failed to take this oath at a meeting of the Board within three months from the date on which his term of office had

* M. L. C. P. 7-2-1917.

† A Vice-President could call for a meeting of the Board or address a letter to the Government or to any authority only when he was in charge of the office of the President under Section 18(1). A Vice-President addressing a letter while thus in charge should state at the top of the letter the section under which he was functioning.

‡ G. O. No. 2901, L. M. 30-7-1927.

§ M. L. C. P. Vol. 4, p. 1896-97. Speech of the Rajah of Panagal.

** The form of the oath of allegiance was as follows:— "I ... having been elected a member of this Board, do solemnly swear that I will be faithful and bear true allegiance to His Majesty the King Emperor of India, His Heirs, Successors and that I will faithfully discharge the duty which I am about to enter."

commenced ceased to hold office. * There was no provision in the Act, under which he could make the oath in absentia by letter, or by proxy. The Board had no power either to extend the period for taking the oath or to reinstate a person thus disqualified. But the outgoing member was not ineligible for reappointment or for standing as a candidate at any subsequent election. †

Secondly, every member should attend the meetings of the Board regularly. Any person who did not attend the meetings for three consecutive months was disqualified from being a member of the Board. At first it was not specified how long a member, official or non-official, could retain his seat on the Board without attending its meetings. All that was said in the Act of 1884 was that a member who did not attend the meetings of the Boards "without sufficient excuse" for more than three consecutive months rendered himself liable to removal. But if the President of the Board was convinced that the member concerned had shown good reason for his continued absence and was assured that it was not likely to recur, his removal from the membership was not recommended. Thus "sufficient excuse" was the basis on which every case was tested. Whenever a member, for obvious reasons, was absent continuously for long periods he was advised by the Government to resign and in the event of his refusal some action was taken. ‡ In 1920, however, it was specifically stated that a member who failed to attend the meetings of the Board for three consecutive months ceased to be a member of the Board whatever may be the reason. § But provision was made in the Act for the restoration of such persons to membership provided the Board was willing to do so. ** A member thus restored was not deemed to have been restored to the Presidentship or the Vice-Presidentship of the Board if he held such a post at the time when he acquired the disqualification. The person concerned was merely restored to his office as member and not to his office as Vice-President. ††

Thirdly, they should pay their dues to the Board within the prescribed time. Failure to pay the dues rendered their removal from office automatically. This obligation was imposed in 1940 because many of the members of the Boards, fell into arrears in respect of the amounts due by them to the Boards and the executive heads of those bodies were

* G. O. No. 409, L. M. 3-3-1921.

† G. O. No. 1477, L. M. 22-8-1922.

‡ G. O. No. 432, L. 20-2-1889.

§ G. O. No. 769, L. M. 20-2-1926. The period of three months was to be computed from the first default.

** G. O. No. 3291, L. M. 30-7-1926.

†† *Devasighamoni V. Sethuratnam Iyer.* A. I. R. 1925. M. 1934. And *Kandaswamy Chettiar V. Foulkes* A. I. R. 1926. M. 396.

unable and some-times unwilling to take coercive steps to collect such dues from the defaulting members. The Government therefore came to the conclusion that such members be disqualified from being members of the Boards and accordingly the Act was amended. *

The members of the Boards enjoyed certain rights. Firstly, every member had a right of access to records, unless the President for reasons to be given in writing, had forbidden such access; † Secondly, the members had a right to interpellate the President, to move resolutions and to take part in the debates; ‡ thirdly, any member of the Board may call the attention of the President to any neglect in the execution of works, to the wants of localities and to any waste of public funds; § fourthly, they had a right to visit the institutions maintained by the Local Bodies subject to certain conditions; ** fifthly, every member was entitled to travelling allowance for attending the meetings of the Board. ††

* G. O. No. 2975, L. A. 13-10-1942.

† G. O. No. 1616, F. 20-6-1873. And Letter from Mr Pennington, President of the Trichinopoly Board in G. O. No. 269, F. 11-2-1874. An interesting controversy arose over this right in 1873. In that year the Trichinopoly Circle Board resolved that the detailed accounts of all expenditures from the Local Funds should be open at all reasonable times to the members for scrutiny. But the Government informed the Board that members were entitled to be supplied with any explanation that may be required for the elucidation of the details of expenditure and that they were not entitled to check the technical details which must be left to the District Engineer and the Controller of P. W. Accounts. This assertion was not consistent with the position assigned to the members under the Act. This was pointed out to the Government by the President of the Board. He contended that unless the members had free access to the detailed accounts of expenditure they would not be able to detect improper practices: that the Boards were constituted so that the members of the Boards may bring to bear local knowledge and local experience and thereby check waste and extravagance which characterised the administration of the Road Cess Act; and that the knowledge that members of the Board may look into the details of expenditures would exercise a check over such practices as fraud and misappropriation.

‡ G. O. No. 129 M. 30-1-1897; G. O. No. 805A. L. 28-6-1910. At first no provision was made in the Act authorising the members to interpellate the President. It was only in 1910 that this right was conceded. Subject to certain restrictions any member may ask any question, but the discretion whether the question should be answered or not was vested in the President.

§ Section 26 of the Act No. XIV of 1920.

** G. O. No. 740, P. H. 12-4-1927; G. O. No. 2406, P. H. 3-6-1940; G. O. No. 1358, (Edn.) 15-6-1938. For instance, the members may visit the hospitals and the dispensaries maintained by the Board during the working hours, in the company of the medical officer in charge or with his knowledge and permission. But they were not allowed to have access to certain registers such as the case register, history of cases and the wound register as they were purely professional in character and confidential in nature. Similarly, they could also visit the Educational Institutions to see if they were working satisfactorily. In 1938, however, the Government prohibited the male members of the Board from visiting girls' schools, because one of the Vice-Presidents misbehaved towards a lady teacher. Later, on representation, the President and the Vice-President alone were permitted to visit the schools mainly intended for girls.

†† Proceedings of the Board of Revenue, dated 13-6-1871; G. O. No. 12 F 3-1-1880; G. O. No. 731 F. 26-5-1873. At first, the members were not paid travelling allowance. In 1871, the Board of Revenue suggested the payment of travelling allowance to the non-official members attending the Meetings of the Board. But the Government thought that at least the principle that service on a Board should be entirely honorary ought to be afforded a trial. The result was that non-official members rarely attended the Meetings of the Board because the honour of being a member of a

Disqualifications of Members:—A member may acquire a dis-qualification during the tenure of his office. For instance, he may be sentenced to imprisonment for a criminal offence for a period exceeding six months; * or he may become a lunatic, leper, an adjudged bankrupt or insolvent or acquire an interest in a subsistent contract with the Board or may be appointed as an officer or servant of a sitting member. Persons disqualified on any of these grounds were removed from the membership of the Board.†

Resignation of Membership:—A member may resign his membership and the procedure for the acceptance of the resignation was as follows. Whenever the President received a letter of resignation from any member, he should immediately make a reference to the member concerned and find out whether the communication was a genuine one. He was prohibited from taking any precipitate action in filling the vacancy because it occasionally happened that these resignations were subsequently disowned or repudiated by the member in question. ‡

Removal of Members:—Prior to 1920, the Government could remove a member for misconduct or neglect of duty. This provision was deleted in 1920 when the Act was amended. Before removing a member an opportunity was to be given to him to explain his conduct. Generally persons who failed to attend the meetings of the Board regularly were warned and were not reappointed after the expiry of the term of office. § Removal for failure to attend the meetings was therefore a rare event.** But at times removals were manoeuvered. ††

Board did not counter-balance the expense which the attendance entailed. Ultimately, the Government was compelled by circumstances to approve of the proposal of the Board of Revenue.

* Prior to 1930, even persons convicted for political offences were disqualified from being members of the Board. In 1930, this disqualification was limited to cases other than political.

† G. O. No. 2279, L. M. 27-6-1931. The procedure for the removal of such persons was as follows:—Whenever, a member acquired any disqualification the President should intimate the fact in writing to the person concerned specifying the nature of the disqualification. If the members disputed the alleged disqualification the President should move the Board for permission to refer the matter to the District Judge for a decision. Pending the decision, the member should be permitted to act as if he was not disqualified

‡ G. O. No. 146. L. M. 17-1-1931.

§ G. O. No. 2517. L. 29-10-1889.

** G. O. No. 1995, L. 9-9-1889. The Chief Secretary to the Government of Madras recommended the removal of a person for irregular attendance. The Hon'ble Member in charge of the department of Local Self-Government wrote: "It is to be remembered that these people are giving gratuitous and voluntary service and it is only recently that pressure has been put on them. I would not drive them too hard. Decent men will not be got bullied." See the notes of Mr. H E. Stokes.

†† G. O. No. 1286. L. 8-6-1889. For instance, the President of the South Canara Board first made it difficult if not impossible for one Mr. Kantappa, the Deputy Inspector of Schools to attend the Meetings of the Board by not serving the notice of the Meetings of the Board. And then recommended his removal from the membership of the Board to the Government. (See letter of the Inspector of Schools to the Director of Public Instruction.)

Educational Qualifications, Economic and Social Status:—What type of persons were appointed either by nomination or by election as members of the Board? What were their educational qualifications, social status and economic position? For, no stream rises higher than its source. So no Board can be better than its members. To study this question we may divide the period under review into two, pre-dyarchic and dyarchic and post dyarchic. During the pre-dyarchic period, apart from the officials, landed interests secured a dominant position. A good number of Zamindars and Proprietors of Estates were selected. They were comparatively superior in every respect to their successors in the dyarchic and post dyarchic periods. All of them were either Rao Sahibs or Khan Sahibs or Dewan Bahadurs, titles conferred for some distinct act of public service. *

In the dyarchic and post dyarchic periods there has been considerable deterioration in the quality of membership. † The number of big landed interests steadily diminished. There were no doubt some persons representing that community on the Boards but there was nothing to indicate their importance. It was said that the deterioration in the quality of membership was owing to the fact that the affairs of the Boards had become complex and therefore made it difficult for capable men to come forward to shoulder the responsibility in addition to their own affairs. This contention does not hold water. The main cause for the deterioration in the quality of membership was mainly owing to two factors, viz, the extension of the franchise and secondly, the introduction of party politics. ‡

As regards their educational qualifications, the average member was not a highly educated person. Nearly half of them did not know English, the language in which the proceedings of the Board were conducted till 1920. But we are told by some of the former Presidents that all them knew how to read and write the vernacular of the District. On the whole persons with shrewed commonsense were elected as members.

Under an elective system there is a chance of undesirable persons being elected using their membership for personal and pecuniary benefit. Were the members of the Board, men of integrity and character? All the

* G. O. No. 261, M. 8-3-1889.

† Replies to our questionnaire No. 2. "What type of men were elected as members of the Board?"

Mr. B. Gopala Reddi:—During the Congress regime young men not with much experience in local administration but with jail going as their qualification were selected. During the Justice regime men with some influence and local potentials were elected.

Mr. K. Nachiayappa Gounder:— Before the Congress entered the field leading men of the area were elected. They were generally men of character and integrity..... But after the Congress entered the Boards the quality of membership has gone down in the sense that economically and socially it was not equal to its predecessor.

‡ Mr. Gopala Reddi said:— "Judged objectively, party selections in some cases were not happy".

non-officials whom the writer interviewed admitted that a certain proportion of the members were interested in contracts and the official evidence is more definite and specific on this point. Mr. A. Nageswara Iyer, Retired Special Engineer for Road Development, Madras Government, wrote to us as follows on this point:—

> "The worst abuses are now caused by the members of the District Board being themselves real contractors acting in the name of an accommodating relative, servant or friend ..... The subordinates wink at their bad work as their chances of promotion ... rest in the member's hands and often times exaggerated measurements are given to pay them more than their due... This evil was considerably aggravated by the opportunity given to the President for nominating contractors for works costing below Rs. 1000. Often times the cost is reduced to Rs. 1000 by splitting up works to avoid calling for tenders. I have known cases in which an inexperienced member is given a contract and he entrusts the work to be carried out by the overseer concerned. The latter thus acts as a contractor ..... The abuses and the corruption consequent on it may be imagined."

What Mr. Iyer said relates to the period prior to 1936. In that year the tender rules were revised and the scope for the practice of the abuses mentioned above have been eliminated. *

We may now ask whether the members were mere yes-men approving everything that was placed before them or a hostile crowd blocking projects initiated by the President? To study this question we may divide the period under review into two: pre-Reforms (1917) and post Reforms. Prior to 1920, when the Collector was the President the members were mere yes-men. As we had already noticed, a great majority of them were the nominees of the Collector. They were, therefore, subservient to the Collector that brought them into the Boards. As a consequence they did not take much interest in the administration of the Boards. After 1920, the subservience of the members shifted from the Collector to the party in power. The majority party discussed the agenda at its party meeting held on a day previous to the date of meeting and the conclusions arrived at that meeting were simply ratified at the regular meeting of the Board. Very few persons took part in the proceedings of the Board and the agenda containing several hundreds of important items was disposed of without any debate. †

* Questionnaire No. 33. Is is it a fact that some of the members were the real contractors?

Mr. K. A. Nachiayappa Gounder:— Prior to 1936, a good number of members of the Salem Board were the contractors. As a matter of fact the President himself was interested in contracts. He advanced money to the contractors and shared the profits.

† Dewan Bahadur T. M. Narayanaswamy Pillai informed the writer that when he was the President of the Trichinopoly Board only four or five members took part in the discussion of the agenda.

The Committee System :—The extension of Governmental activities calls imperatively for alteration in the technique of administration. One of the alterations suggested is the adoption of the committee system. The will of the people is given expression to by the electorate. It is interpreted by the Legislature and applied by the expert. The question is should the expert implicitly be trusted. It is contended that the expert who lives in a world of his own may not be in touch with the realities of every day life. * It is therefore suggested that he should be brought into touch with popular sentiments and feelings. Such an arrangement was considered as a compromise between the New Despotism of the central official and the anatomized rule of the local democracies. †

By the extensive use of the committee system representative government is strengthened. It enables a greater number of people to evince keen interest in the administration of the Board. Further, in the committee stage all controversial issues are solved, because the discussions are private, the proceedings are informal and the personal contact between the members is intimate. All these factors not only mitigate the party influence over the members but give them a capacity to discuss questions, even burning questions, without bitterness, and a willingness to decide issues in the light of commonsense and a readiness to arrive at generally fair and reasonable conclusions.

The Act of 1884, authorised the Boards to form subcommittees to look after schools, choultries and hospitals. All other matters were to be decided by the Board itself. ‡ In other words the Act specifically stated the purpose for which "sub-committees" may be constituted. These "sub-committees" were authorised to co-opt respectable men who were not members of the Board. Though some of the Boards made use of the provisions, § a great majority of them did not make use of it.** The failure to make use of the system was attributed to the unsympathetic attitude adopted by the Collectors. There were capable men on each Board willing to work on the committees. But the Collector-President was not willing to trust the non-officials in the field of administration. They thought that the committees system would act as a brake and obstruct the smooth working of the Board. †† It

* Vernon : Advisory Bodies. Introduction by Sir Arthur Salter.

† Simey : Principles of Social Administration, p. 102.

‡ G. O. No. 721, L. 26-6-1886.

§ G. O. No. 1358, L. 15-19-1910. The Tanjore, Kistna and South Arcot Boards made use of the system and the conclusions arrived at by the committees were generally accepted by the Boards.

** Decentralization Commission Report, Vol. 2, p. 291. Evidence of the Hon'ble Mr. G. S. Forbes. Mr. Forbes said :— "I do not know any district in which there are such bodies even with regard to education."

†† M. L. C. P. 6-11-1915. Speech of Mr. Ramayya Iyengar.

is true that there were difficulties in the constitution and in the working of the committees. * But they were not insurmountable or insuperable ones. Further, whenever a committee was constituted it was filled by members who were in the headquarters, and they did not know what was going on in the interior. Sometimes instead of forming committees matters were referred to a single member for report. That was how the committee system worked during the the period 1885-1920.

In 1920, an attempt was made to rectify the defects noted above. Provision was made in the Act, for the constitution of standing committees with delegated powers to dispose of matters relating to any particular branch of administration which were reserved by the Act for the decision of the Board. Provision was also made for the constitution of joint committees.

But experience has shown that the provision made in the Act of 1920, was defective in several respects. Firstly, it made a distinction between the standing committees and other committees. For, power could be delegated to the standing committees only but not to other committees; secondly, the standing committees were prohibited from taking outsiders on it ; thirdly, a joint committee could be formed only for the execution of a work and for no other purpose ; finally, the Government had no power to order the local authorities in a district to constitute joint committees under necessitous circumstances. In 1930 the Act was amended rectifying all these defects.

In 1934, a further improvement was effected in the committee system. In that year all the Taluq Borads were abolished and all the functions which they were performing were transferred to the charge of the District Boards. To enable the Boards to discharge the additional duties thus imposed on them economically and efficiently, the Local Boards Bill, 1934, proposed that the Government should be empowered to direct any Board to constitute standing committees for the administration of the subjects specified by them. The Select Committee on the Bill, felt that the provision made in the Bill was not adequate to meet the circumstances. They, therefore, suggested that every Board should compulsorily constitute standing committees for the administration of such subjects as education, rural development, public health and works and communications; that the Government should have power to compel any Board to constitute one or more satnding committees for any other purpose that may be specified by them and that the President should be the ex-officio member of each standing committee. The recommendations of the Select Committee were

* Decentralization Commission Report, Vol. 2, p. 291. Evidence of Mr. Cummings, I. C. S.

accepted by the Legislature. Thus, since 1934, various committees existed. They may be classified as follows:—Standing Committees, *ad hoc* Committees, Joint Committees, and the Boards themselves may resolve to sit as a Committee.

By law, the Boards had to establish four standing committees: for education, rural development, public health works and communications. The distinguighing feature of the standing committees was that their constitution and their strength were determined by the Government and the Boards were compelled to refer the business to these committees and act only after the receipt of a report from them. The committees were authorised to plan and execute certain works without reference to the Board. To the extent to which powers were delegated to them the Boards were powerless.

In addition to the statutory committees, *ad hoc* committees could be constituted. The constitution and the composition of these committees were determined by the Board. They exercised only those powers which the Board had delegated to them. But of course the Boards were not at liberty to delegate any power they liked to these committees. On the other hand they were prohibited from delegating such powers as the imposition of taxation and the raising of loans. These committees were brought into existence to deal with certain urgent or extraordinary works and went out of existence immediately after the completion of the work allotted to them.

Joint committees could also be formed consisting of the renpresentatives of two or more local authorities. The constitution of joint committees arise out of imperative circumstances. When the interest of the different local authorities are so interwined, they should combine together to promote good Government. "A surely independence and isolation must lead to waste and inadequate service. The cultivation of a spirit of administrative co-operation is therefore essential to good government." *

Joint committees are of two kinds: statutory and non-statutory. The statutory committees are endowed with certain powers and functions. But it should be remembered that the joint committees are not independent bodies. They are simply the organs of the constituent authorities. They have no power to levy taxes or borrow money. So far as their finances are concerned each constituent authority agrees to contribute certain amounts to the common fund. As regards their constitution, the Government determines it in the case of statutory committees or

* Royal Commission on Local Government, (England), Vol. 1. Evidence of Mr. Gibson.

joint committees constituted by it. In other cases the constituent authorities determine it. *

Size of the Committees:—The effectiveness of a committee depends upon its size. What should be the size of a Committee? Sir Ernest Simon says: "If all Councillors were men of reason, of first class experience and ability, with no political difference of point of view, with no private interest, direct or indirect to serve, working whole-heartedly, and devoting a greater part of their time to the Council work and if there were no danger of bureaucracy, a committee of eight would probably be the best." †

The number of Meetings which a Committee can hold depends upon its size. A committee of 32 can meet three times in a year; a committee of sixteen 6 times, a committee of eight once a month. Thus the Committee, smaller in size, would meet oftener and its members would develop soon a friendly relationship and tackle problems in a bold and constructive way. Above all, each member of such a committee would begin to feel that he or she has a *special* contribution to make. This feeling would induce them to attend the Meetings regularly and take a lively interest in the work. ‡

But then the smallness of a committee has its own disadvantages. It may not be a representative one in the sense that all shades of opinion may not be represented. Exclusion of certain interests and opinions may be politically bad. Further, the work may be too heavy for a single committee and it may have to be split up into a number of sub-committees and in such circumstances a larger committee would be preferable. Again, influential Bodies and interests may ask for representation. So these are the several factors which may have to be taken into consideration in determining the size of the committee. It is true that the expansion of a committee would result in the reduction of collective ability but pragmatism must dominate idealism.

The size of the statutory committees was fixed at seven. As regards the other committees, it varied according to the importance of the subject and the circumstances under which they were constituted. Generally the strength of the committees did not go beyond five and never beyond ten. The only committee whose strength was more than ten was the budget committee. Prior to 1934, this committee consisted of all the Presidents of the Taluq Boards and four members elected by the District Board.

* Royal Commission on Local Government, (England), Vol. I, p. 46.

† Simon: A City Council from within, p. 85.

‡ Vernon: Advisory Bodies, p. 218.

Membership of the Committee:—The membership of the committee was not confined to the members of the Board. The tendency in modern legislation is to extend the membership of the committees to persons who were not elected in the ordinary way. The idea in co-opting outsiders was to keep the committee in touch with kindred organisations and associations engaged in similar work. Further, co-option is the only way by which the reservoir of knowledge and skill which are at the disposal of the public may be utilised. * Above all, the presence of a few persons, on a committee, who know something about a subject dealt with will be a welcoming leavening of the collection of dead-heads and mediocrities who constitute the majority in most of the committees. †

It is true that co-option was not favoured by many. In their evidence before the Royal Commission on Local Government (England) the County Councils Association, while admitting the valuable work done by the co-opted members, contended that such a system suffered from one great disadvantage, viz, the co-opted members had no financial responsibility towards the electorate. As a compromise, Sir Arthur Robinson suggested that there should be power and not obligation to co-opt members up to a limit of one-third of the total membership of the committee. The Commission accepted the suggestion.‡

The provision to co-opt outsiders was made in the Local Boards Act of 1884 and 1920. Under the Act of 1920, it was subjected to several limitations. Firstly, the number of members so co-opted should not exceed one-third of the total strength of the committee; that such co-option should have had the approval of at least one-half of the sanctioned strength of the Board; and finally, co-option should be limited to committees other than standing committees. In practice, however, a great majority of the Boards did not make use of this provision. It was, therefore, practically a dead letter during the period 1920–1934.

In 1934, the Local Boards Bill proposed that the Government should be vested with power to determine the proportion of outsiders which a committee should have and the authority that should appoint them. The Select Committee on the Bill, however, suggested that the number of co-opted members on each committee should not exceed one-third of the total number, that the President and the members of the Standing Committee should be authorised to co-opt outsiders; that excepting in the case of Rural Development Committee, the co opted members should not have the power to vote; and that a co-opted member should not be elected

* Simon: Opp. cit, p. 86.

† Hasluck: Local Government in England, p. 181.

‡ Royal Commission on Local Government Report, Part 3, p. 107.

as Chairman of the committee; and finally, for the Rural Development Committee co-option should be limited to the Presidents of the Panchayats in the District.

The Legislature accepted all the suggestions excepting the second one. They desired that the power to co-opt outsiders should be vested in the Board. For, if the Board co-opted outsiders it would not interfere with the decisions of the Committee. *

According to the rules issued under the Act the co-opted members should not suffer from any of the disabilities which would disqualify members of the Board. Further, in selecting outsiders for the Education Committee effort should be made to secure at least one woman to serve on it. †

The President was the ex-officio member of all committees. The idea behind this provision was that the President should have access to the whole machinery of administration of the Board over which he presided. Otherwise, it was feared that a committee may turn into a cabal against him. ‡

Though co-option of outsiders was compulsory in regard to standing committees, it was not so in the case of other committees. It was left to the discretion of the Boards. Generally, outsiders were not co-opted on any of the committees. The reasons for the comparatively small use of co-option was partly owing to the fact that it was nobody's business, and partly owing to the unwillingness on the part of the Boards to have them and finanlly the status accorded to the co-opted members was not equal to that of the elected members.

As regards the type of persons that were co-opted, generally party politicians were co-opted. Experts were not co-opted.

Tenure of Office :—A member of a standing committee held office, unless he sooner resigned, until he ceased to be a member of the Board. A member of the committee elected to the Presidentship of the Boards was deemed to have vacated his seat because he became automatically an ex-officio member of the committee. § The co-opted members held office for a period of three years. ** A member of a standing committee ceased to be so if he failed to attend its meetings consecutively

* M. L. C. P. Vol. 70, p. 377. Amendment by Mr. T. A. Ramalingam Chettiar.

† G. O. No. 4590, L. M. 17-11-1935.

‡ M. L. C. P., dated 1-10-1920. Speech of Sir P. Rajagopalachari.

§ G. O. No. 2637, P. H. 15-6-194[illegible].

** G. O. No. 2571, L. M. 23-7-1935.

J. 82-11.

for a period of three months. But the committee may restore him to his membership. * The above rule was not applicable to the ex-officio members of the committee. They continued to be members of the committee even though they did not attend the meetings of the committee consecutively for a period of three months. †

Chairmanship of the Committee :—Prior to 1920, the Chairmen of the committees were elected by the committee concerned. In 1930, the President was made ex-officio member and Chairman of all committees excepting the joint committee. In 1934, the President was divested of this privilege so far as the standing committees were concerned. The standing committees were authorised to elect their own Chairmen. But the President was eligible to contest for the Chairmanship of the standing committees. So in 1945, the position was, the President was the ex-officio Chairman of all committees other than the standing committees and joint committees. The Chairman of the standing committee was elected by the committee concerned, from among the members who were members of the Board. The election of the Chairman should be held at a meeting of the committee specially called for the purpose and the contesting candidates were prohibited from taking part in the election or presiding over the meeting. The meeting should be presided over by the President unless he was himself a candidate. Generally, the Presidents did not aspire the chairmanship of the standing committees. It was distributed among the key men of the party.

Powers and Functions :—The committees were entitled to prior consultation on matters for which they were constituted. But they may be consulted on general administrative policy of the department concerned. As regards the standing committees, their powers and functions were determined by the Act and the rules made there under. We shall now consider the powers and functions of the standing committees. The Education Committee was at first charged with the examination and submission of proposals for the establishment of new schools, with the closure of uneconomic and inefficient schools, with the formulation of policies for the promotion of education. But the committee had no power to undertake any scheme which would involve any financial commitment without the approval of the Board. The only power of importance which it had was the selection of text books for use in Boards schools. But according to rules, text books should be selected only once in five years. Further, the number of proposals either for the opening of new schools were not many and they did not require much examination

* G. O. No. 3298, L. A. 27-8-1937.

† G. O. No. 746. P. H. 24-2-1938.

by the committee as the opinion of the officers of the Education Department were already there. It is, therefore, evident that the powers and functions of the Education committee were not much. Thus the Boards were not relieved of much of the routine and ordinary work relating to educational matters even after the constitution of a standing committee for education. In these circumstances, the President of the Tanjore Board suggested that the education committee might be entrusted with additional powers and duties such as the sanctioning of the petty items of nonrecurring expenditure in elementary and secondary schools; approving indents for furniture and equipment for schools. The Government accepted the suggestion and entrusted the committee with more powers and functions. *

The standing committee for works and communications had power to fix and alter the number, designation and grades of officers and servants of the engineering department. It had also power to fix the salaries and fees payable to those officers and servants provided the proposals had the approval of the Government. It had also power to sanction that portion of the budget of the Board relating to works and communicatians provided the Board sanctioned the budget. But it had no power to commit itself to any expenditure unless sufficient funds were provided in the budget; if the amount involved exceeded Rs. 10000 the previous approval of the Board was required. But this limitation did not apply to expenditure relating to the maintenance of roads within the provision made in the sanctioned budget of the Board. †

The standing committee for public health, had power to fix or alter the number, designation and grades and salaries and fees payable to the officers and servants of the public health department excluding those employed in hospitals and dispensaries, markets and cart stands; power to sanction that portion of the budget relating to public health, other than medical relief, Markets and slaughter houses subject to the condition that the Board approved the proposals. As regards the functions, it was responsible for the training of nurses, midwives, dhais and vaccinators. All its resolutions involving an expenditure or financial commitment exceeding Rs. 1000 required the sanction of the Board. ‡

Meetings of the Committees:—All the standing committees were required to meet at least once a month. Genarally, they met on the days and at the places at which the meetings of the Board were held. This was

* D. P. I.'s Office. No. 1854-1934.

† G. O. No. 4156. L. M. 10-10-1936.

‡ G. O. No. 233. P. H. 2-1-1936; G. O. No. 5107. P. H. 29-10-1940.

because, the members of the committees scattered over wide areas found it difficult to meet at other times and at other places. Further, this arrangement resulted in the saving of large amounts by way of travelling expenses. The quorum of the meeting of a committee was one-third of the sanctioned strength.

Relations between the Committees and the Departmental Heads:- Legally, the committees, particularly the standing committees, were supreme in certain respects. They formulated the policy, approved the schemes and entrusted them for execution to the head of the department. It was the business of the departmental head to render expert advice, furnish statistical information and explain and answer criticisms levelled against his department. He was also responsible for the preparation of the budget estimates relating to his department. Further, he should not proceed with the execution of any work without the financial and administrative sanction of the committee. The oretically, therefore, the head of the department was the servant of the committee. But in fact he was superior in very many respects to an average member of the committee. His knowledge of the department, his strength of character, his zeal and enthusiasm for the work were some of the factors which accorded him that position. An honest, energetic and skilled officer was always able to carry the committee with him. In the final analysis, therefore, the committee, unless it was an extraordinarlly strong committee always approved the schemes that were placed before it by the head of the department. Further the initiative for the formulation of schemes and policies almost always come from the head of the department. For, the departmental head in a local government service, does not live in scientific abstraction always waiting for orders as to what ought to be done. As he is in constant touch with the feelings of those affected by his departmental work, he is always ever on the watch to do something worth doing. He, therefore, takes the initiative in the formulation of policies.

Relations between the Committees and the Boards:—The efficiency of the Committee system depends upon the extent to which powers are delegated to the Committees. Unless the Committees are endowed with responsibility, no Committee would take the trouble of doing its work satisfactorily. Further, no Committee would do its business with responsibility if it entertains the idea that its recommendations are likely to be turned down.

Normally, all actions of the Committees should be forwarded to the Board either for ratification or for report. For instance, the Chairmen of the Standing Committees were required to forward a copy of the proceedings the Committee to the President within three days of the Meeting of the

Committee. The President should place them before the Board at its first Meeting held after the receipt of the reports. As regards the other Committees, it depended upon the extent to which powers were delegated to them. Generally, the recommendations of the Committees were approved as a matter of course.

Which of the Committees was most popular ? Of all the committees the Standing Committee for works and communications was the most important and its membership was sought by most of the members of the Board. The reasons are obvious. Next to the Works Committee, the Education Committee occupied an important position. Of all the Committees the least popular one was the Public Health Committee.

To what extent did the Boards make use of the Committee system ? A perusal of the records reveals the fact that the statutory Committees were functioning properly. They met regularly and the attendance of the members of these Committees was also good. It could not but be. But the other Committees did not function properly. Most of the optional Committees existed on paper, because they were not generally endowed with responsibility and power. As we had already seen no Committee would take the trouble of doing its business satisfactorily if powers were not delegated to it.

Apart from the fact that the Committee system was not made use of extensively, the work of the various Committees was not co-ordinated. If Local Administration is to be carried on economically and efficiently, it can be done only by co-ordinating the work of the several Committees or department as the case may be. Every committee and every department should know what other Committees and other departments are doing on cognate subjects in which they are mutually interested. Unfortunately, however, the tendency for each Committee was to function in a water tight compartment. As a consequence, there was wastage of funds. Such wastage could have been avoided had there been a Committee consisting of the Chairmen of all Committees to co-ordinate the activities of all departments. Such a Committee should act as a brain trust of the Board for continuous planning and adjustment of schemes. This Committee may also contain men and women who are experts in certain fields.

Another serious defect which we noticed was the absence of joint committees consisting of all the local authorities in the district. There are certain services like water, electricity and communications in which all the local authorities, whatever may be their status, are vitally interested. It is a well known fact that many of the authorities were unable to carry out all the functions assigned to them individually owing

to the narrowness of their financial resources and the limits of their territorial jurisdiction. But had they joined together for common purposes, some of these services could have been provided and that too cheaply. But the fact was that much emphasis was placed on the autonomy of the local authorities and as a consequence there was no co-operation between the local authorities. It was not realised that co-operation in the field of social services would facilitate joint investigation, joint planning and execution of schemes.

Meetings of the Boards:—The meetings of the Boards may be classified into two: statutory and non-statutory. Statutory meetings were those which should be held. * Non-statutory meetings were those which may be held. It is obligatory that at least one meeting should be held once in two months. † In practice, however, meetings were held almost every months' Some of the Boards adopted the practice of holding Meetings in different parts of the District so that the members may come in contact with local conditions and understand the local needs. In addition to these monthly meetings, the President or the Vice-President in-charge could call for a Meeting of the Board if any emergency has arisen. Whenever such extraordinary Meeting swere called for, the proceedings of the said Meeting should be presented at the next regular meeting for confirmation.‡

Provision was made in the Act of 1920, for the requisitioning a meeting, provided a written request signed by at least one-third of the members of the Board, specifying the date and the purpose of the meeting was delivered to the President at least fifteen days before the date of the meeting. If the President failed to convene a meeting of the Board, the members who signed the requisition may call for a meeting of the Board.

If appears that in several cases the President refused to comply with a number of requisitions on the ground that the subject therein mentioned had already been considered by the Board or that the Board was not competent to discuss the subject. The President was withln his province when he refused to call for a meeting to discuss matters which have were beyond the province of the Board. § But he was bound to call for a meeting if the subject specified in the requisition was one which the Board was competent to discuss. Otherwise, he would be wilfully

* The statutory meetings were those which should be held for the election of President, Vice-President and members of the statutory committees; to consider and adopt the budget and the administration reports prepared by the President; and meetings for which a valid requisition has been handed over to the President.

† G. O. No. 3604. L. M. 3-10-1925. Under the Act of 1884, meetings had to be held once in a month. G. O. No. 265. F. 30-6-1871.

‡ G. O. No. 139. F. 9-1-1873.

§ G. O. No. 1451. L. M. 2-6-1926.

disobeying the provisions of the Act and thereby rendering himself liable for removal. *

Before convening a meeting, it was obligatory on the part of the President to issue a notice specifying the date, the place and the time of the meeting at least ten clear days before the date of the meeting. † The quorum of the meeting was one-third of the number of members on the Board. The President may, with the consent of the members present, adjourn a meeting from time to time without giving fresh notice of such adjourned meetings. But no business should be transacted at any adjourned meeting other than the business entered in the agenda for and left unfinished at the meeting from which adjournment took place. When a meeting was adjourned for ten clear days or more a notice of the adjourned meeting should be given. ‡ But no meeting validly called for should be postponed. §

The meeting must be open to the public and the Press unless the President thought that their presence was not in the public interest.

The meetings must be presided over by the President, and in his absence, by the Vice-President if there was one. If both of them were absent the meeting should elect its Chairman. A President delegate was, therefore, not entitled to preside over a meeting even though the President might have delegated certain functions to him. **

According to the regulations framed for the orderly conduct of meetings, a member may speak but not more than once on a subject. He must speak sense. He should not refer to matters which were *sub-judice*. He should not attack a sitting member. He should not question the conduct of His Majesty the King or the Governor-General. He may interpellate the President but the question should be related to the administration of the Board; further, it should contain facts but not arguments, inferences or ironicol expressions or defamatory statements; it should elicit information but not opinion. The President was vested with the discretionary powers to disallow any question. A member may put supplementary questions provided he observed the limitations mentioned above. He may move a resolution provided it was clearly expressed and raised a definite issue which the Board was competent to discuss.

* G. O. No. 1936. L. M. 24-4-1934.

† A question was raised whether the files relating to the subjects included in the agenda should be circulated to the members. The Government informed the Presidents to do according to their discretion.

‡ G. O. No. 1610. L. M. 3-5-1922.

§ G. O. No. 3297. L. M. 27-8-1927.

** G. O. No. 2901. L. M. 30-7-1927.

He may may also move an amendment to any motion provided it was relevant to the subject. All the issues, with the exception of a few, were decided by a simple majority vote and the method of voting was by show of hands.

One remarkable feature was that unlike in the District Municipalies, the discussions were not marred by disorderly scenes. There were no doubt heated discussions, wilful obstructions and persistent disregard of rules by some of the members but the debate did not go out of bounds. This was due, in a large measure, to the personality of the President. Though the President was empowered to order the removal of persons for disorderly behaviour it did not appear that this power was exercised at any time. Another noticeable feature was that unlike the District Municipalitities, the Boards had not that unenviable record for prolixity in debate.

The medium used for the transaction of business till 1912, was English. It is curious that this should have been so a substantial number of the non-official members did not understand that language. In 1912, the Decentralization Commission recommended that the proceedings of the Boards may be conducted in the vernacular of the district so that the members may take interest in the proceedings. The government accepted the suggestion and directed the Presidents to publish the proceedings of the Board both in English and in the vernacular of the district. *

Any member of the Board could express his dissent from any decision arrived at by a majority vote. But he should submit his minute of dissent in writing to the Collector through the President within 48 hours of the date of the meeting.

The minutes of the proceedings should be recorded in a book specially maintained for the purpose and be signed by the President. A copy of the minutes of the proceedings should be forwarded to the Collector within five days of the date of meeting for publication in the district. †

The Execution of Resolutions:—With the publication of the minutes in the Gazette, the part played by the Board as a deliberative body comes to an end. It is exatctly at this point that the executive steps in. For the execution of resolutions a network of departmental organiziation is required. An organization implies concerted human effort even where no more than two persons are involved.

The first preliminary step towards efficient organization is the proper definition of functions. Where there is no proper definition of

* G. O. No. 54. L. 12-1-1912 and G. O. No. 1423. L. M. 23-7-1912.

† G. O. No. 3956. L. M. 20-9-1931.

functions, there would be friction, overlapping and in consequence inefficiency. But the definition of functions should essentially be practical. For instance, there is no use of dividing work if such division results in the setting up of a task which requires less than the full time of one man. Again any organizational structure which brings together items of work which are not homogeneous either in purpose or in execution will create confusion. Thirdly, the number of departments should not be greater than necessary. Fourthly, each department should be placed in charge of a professional man. Finally, provision should be made for the co-ordination and overall supervision of the activities of the departments. For, if the division of functions is inescapable, co-ordination becomes mandatory That means there should be at the top a single directing executive.

In recent times a controversy arose whether the head of the department should be a professional man or a lay person. Sir Ernest Simon said that the head of the department of a local authority should be a trained administrator and that the technical person should occupy a subordinate position. According to this view, the head of the public health department should not be the District Health Officer, but a lay administrator. His contention was that neither medical knowledge nor medical experience gives him any knowledge or experience of public health administration; that his training and interests were intended for a definite purpose; that he was not likely to become an efficient administrator like a person who spent the best part of his life in acquiring the right knowledge and experience required for an administrator; that the administration of a department under a lay man would be cheaper than under a professional man. In support of his thesis he said that the Permanent Secretary of the Ministry of Health was a lay man. *

Coming as it does from a person with vast and varied experience, Sir Ernest Simon's views require careful consideration. We think that on the analogy of the Permanent Secretary of the Ministry, a lay man should be the head of the Public Health Department in local government service is a misleading argument. The nature of functions performed by technical men in local government service is quite different. The main function of the technical personnel in central service is one of advice and criticism and the issue of instructions. Very rarely are they in charge of the execution of works. Whereas in local government service, they apply their technical knowledge in day to day administration. † Thus a District Health Officer not only advises and issues instructions to his subordinate staff, he

* Royal Commission on Local Government (England) Vol. 2. Evidence of Sir Ernest Simon.

† Public Administration. 1934, p. 224.

of Health (England) to the British Medical Association. It was as follows:—

"(1) The work of the local authorities consists of various elements constituting a whole with reference to which the policy is framed;

(2) In order to frame that policy it is necessary for that authority to study these elements in their relation with each other;

(3) To assist it in this process, it requires the services of the officer able to view the work of the departments as a whole and to bring them into proper relation with each other;

(4) This officer can be no other than the clerk;

(5) The facts stated under the foregoing heads do not either in principle or in practice in any way, involve the assignment to the clerk of any functions which properly belong to the Medical Officer of Health or to any other professional officer appointed by Council;

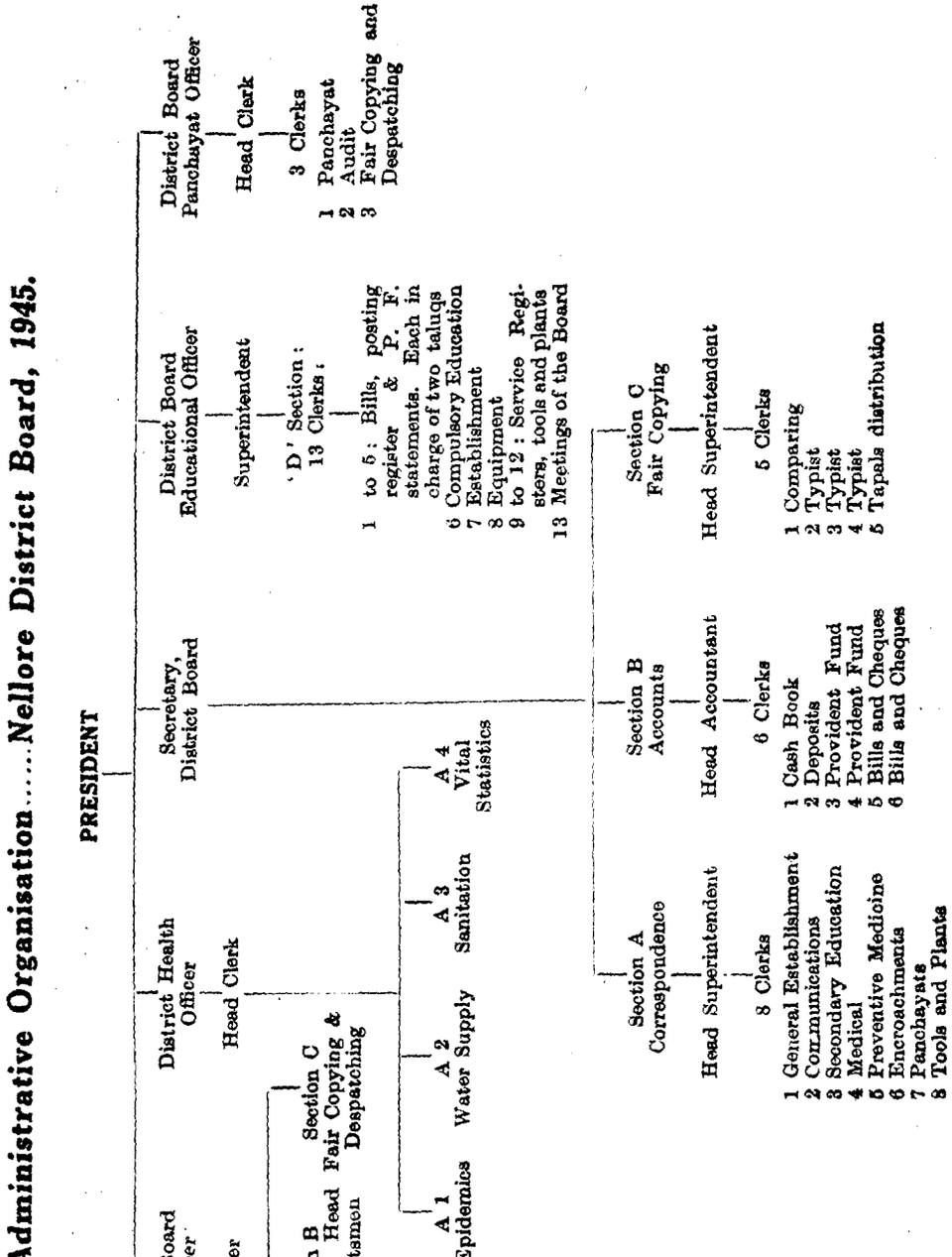
(6) It follows from these facts that official correspondence between the local authority and the Ministry should be conducted on the side of the authority through the clerk. "*

We shall now briefly note how the work of the Board was organized. Prior to 1939, it appears that the principles noted above were not observed in the organization of work. As a consequence, some of the departments like the Public Health and the Engineering were entrusted with extraneous work such as the collection of licence fees and the removal of encroachments. Further, there was no effective co-ordination of the work of all departments. The result was, there was over-lapping and confusion. In 1939, however, a definite step was taken to tone up administration. As a first step in this direction, a new manual, known as the District Board Office Manual was introduced into several departments with a professional man at the head of each department. The functions which each department should perform were also defined. For instance the Nellore District Board Office was organized as shown in the Chart. (See p. 145)

The administrative organization in all the Boards was the same as that of Nellore. According to the Chart the whole administrative work of the Board was divided into five departments :

	Name of the Department.	*Departmental Head.*
1.	The District Board Office.	Secretary.
2.	The Engineering Department.	District Board Engineer.
3.	The Health Department.	District Health Officer.
4.	The Education Department.	District Board Educational Officer.
5.	Panchayats.	District Panchayat Officer.

* Royal Commission on Local Government. Vol. 3, Evidence of Mr. Jarrat.



Each of these departments was further divided into convenient sections. At the head of each section there was a Superintendent assisted by a number of clerks. Each section was designated by a letter and to each clerk dealing with a group of subjects a number was allotted. After the division of office into several sections an office order was issued defining the functions of each clerk and Superintendent.

The office system introduced in the Boards in 1939, was a combination of the Tottenham system and the Maclean system. Prior to 1939, the Maclean system was in use. The salient features of the Maclean system were all the papers were entered in one register and they were given a serial number after disposal. Thus all the R. disposals were given one disposal number and the D. Disposals another number. Though there was nothing inherently wrong with this system it was not worked properly. Probably, it was because the personnel was not competent to work the system. In 1939, an experienced District Officer was appointed as Inspector of Local Boards. He was conversant with the working of the Tottenham system in the District Offices. When he assumed the charge of the Office of Inspector, the organization of work in the District Board Offices was chaotic. In order to improve the disposal of papers and their proper accounting, he introduced the Tottenham system. Under this system, all the papers were arranged after disposal according to their current numbers. In other words the serial number given when the papers were received was utilised for the disposal of the papers also.

How the papers received in the office were accounted? All the papers received on each day were sorted out by the tappal clerk and were entered in the distribution register. They were then delivered to the clerks concerned. The clerk should acknowledge the papers received in the distribution register. The register was designed as follows:—

Serial number	Date	Description of the communication received.	Section letter	Serial Number in the Personal Register.	Clerk's initials
1	2	3	4	5	6

Immediately after the receipt of the papers, the clerk should give it a title. The title was intended to give an idea of the paper received at a glance to the clerk as well as to the checking officer. Then the papers

should be entered in the Personal Register. This register was designed as follows :—

Serial Number	Current Number	Date of receipt	Title, from whom received and the outside number	When the current was sent to Record clerk	returned.
1	2	3	4	5	

Submitted by clerk	Returned to clerk	Reference issued date	Reply received from, number and date	Nature of disposal R. D. F. L. N.
6	7	8	9	10

The clerk must fill up all these columns. It was imperative that the clerks should take some action within three days from the date of the receipt of the communication and the register should be checked every month both by the Superintendent of the section and the head of the department. At the beginning of every month every clerk should render an account of papers received. If a communication was with a clerk for a period exceeding three months without being disposed of, he had to give reasons for the same and furnish a list of such papers. After a final reply was given it should be given a disposal. The nature of disposal depended upon the importance of the paper. Disposals were of five kinds:—R. Disposals were those that were retained permanently; D. disposals were those that were retained for a period of ten years; L. disposals were those that were retained for a period of one year; and the F. disposals were returned in original with a reply. The Superintendent of the section determined the nature of disposal, and it was entered in the appropriate column in the Personal Register. Then the disposal was handed over to the record keeper for safe custody.

The record keeper should index all the R and D disposals separately for each year. With the permission of the head of the department he should destroy all the records ripe for destruction.

How did the new system work ? The disposals of papers was said to be efficient if 85 per cent of the papers received were finally disposed of within a half year. Measured by this criterion the percentage of disposals was as follows in 1945:— It was below 85 per cent in 13 Boards. It was tbeween 81 and 84 in four Boards; between 70 and 80 in eight Boards and

67 in the remaining one. It was above 85 per cent in the remaining 11 Boards. Thus though fifty per cent of the Boards did not come upto the standard fixed by the Government it should also be said that there has been considerable improvement in the disposal of papers after the introduction of the District Board Office Manual. Further, there has been accurate accounting of the papers received. It is true that some of the Boards like Trichinopoly and Kistna continued to be inefficient even after the introduction of the Tottenham system. But their number is steadily diminishing. And the bad reputation which the office administration acquired is slowly disappearing.

LOCAL SELF-GOVERNMENT IN BRITAIN*

THE COUNTY COUNCIL

The County Council is the major Local Authority in each of the sixty-one administrative counties into which (together with 83 County Boroughs) England and Wales (with the exception of London) is divided for purposes of local government. Each County Council consists of a Chairman, Aldermen and Councillors. The Chairman, is elected every year; the Aldermen hold office for six years half of them retiring every three years; and the Councillors retire simultaneously every three years.

Within the administrative county boundaries, the County Council undertakes the administration of the main highways, town and country-planning, education, preventive health services, child life protection, fire services, and a number of subsidiary services. It is responsible for appointing half the members of the Standing Joint Committee under whose control the police force of the county is usually administered.

The County Council is not responsible for the County District Councils within the administrative county boundaries i.e., the Non-County Boroughs and Urban and Rural Districts, but it has certain powers of supervision over some of their functions, e.g. the provision of rural housing, water supplies, sewerage and sewage disposal in rural districts. It is also required to consult with the County District Councils on certain aspects of its own work, e.g. on details of planning control and town and country planning.

The County Council is not a rating (taxing) authority. It is financed partly by Government grant and partly through a levy made by the County Districts in the county, which are rating authorities. Before the level of the rate is fixed, the County Council must inform the County Districts of the sum that it is going to need during the forthcoming year. This sum is added to the sums that the Boroughs and Districts will need for their own use, and a sufficient rate is then levied to cover both requirements.

While policy decisions are made by the County Council, (under its Committees) presided over by the Chairman, executive and managerial functions are carried out by salaried officers working under the direction of the Council and the Committees in the various Departments that have been set up as part of the county's administra-

* With the kind courtesy of British Information Service.

tive machine. The most important of these officers are: The Clerk of the County Council and County Solicitor, the County Treasurer, the County Surveyor, the County Planning Officer, the County Education Officer, the County Medical Officer, the Children's Officer, the Chief Constable and the County Fire Officer.

It is important to remember that the descriptions which follow are not an exact picture of what goes on in every administrative county in the country.

Specimen Table of Organisation in an Administrative County

Title of Committee	Sub-Committees	Title of County Officer	Title of Department
Parliamentary and General Purposes	—	Clerk of the County Council and County Solicitor	Office of the Clerk of the Council
Buildings	—	County Architect	Buildings
Children's	—	Children's Officer	Childrens'
Civil Defence	—	County Civil Defence Officer	Civil Defence
Education	7 (A)	County Education Officer	Education
Finance	4 (B)	County Treasurer	Finance
Fire Brigade	—	County Fire Officer	Fire
Food and Drugs and Weights and Measures	—	Chief Inspector	Food and Drugs and Weights and measures
Health	3 (C)	County Medical Officer	Health
Lands	—	County Lands Officer	Lands
Planning	10 (D)	County Planning Officer	Planning
Roads	3 (E)	County Surveyor	Roads
Road Safety	—	County Roads Safety Officer	Roads Safety
Supplies	—	County Supplies Officer	Supplies
Valuation	—	County Valuer	Valuation
—	—	County Analyst	Analytical Laboratory

(A) Appeals and Disciplinary; Finance and General Purposes; Further Education; Primary Education and Welfare; Secondary Education; Sites Acquisition; Library.

(B) Budget; Estimates; Investments and Loans; Staffing.

(C) General; Health Services Residential Services.

(D) Development and General Purposes; Finance and Staff; 8 Regional Sub-Committees.

(E) Finance; General Purposes; Improvements

CLERK OF THE COUNTY COUNCIL

The Clerk of the Council is the chief county officer and is responsible for co-ordinating the whole of the work of the Council which he serves. His position is founded on a traditional rather than on a legal basis; and it is the nature of his duties rather than any statutory regulation that gives him the authority and distinction which he enjoys. In many cases the Clerk of the Council is also the Clerk of the Peace, the County Solicitor, the Clerk of the Standing Joint Committee, the Registrar of Local Land Charges and the holder of several other associated county appointments. His opportunities for becoming acquainted with the varied activities of the Council are thus both ample and unique.

In addition to his function as co-ordination officer, the County Clerk is responsible for the vast amount of legal parliamentary and clerical work involved in the smooth running of the County. For this work, he has the assistance of a highly qualified staff which usually includes solicitors and persons trained and experienced in all branches of committee work. The legal staff deal under the direction of the Clerk of the Council and Clerk of the Peace with conveyancing, prosecutions and other legal matters; they supply legal advice to the Council and to other associated official bodies; and do much detailed work in connection with problems of finance local government boundaries, parliamentary and local government elections and local government changes. They are also responsible under the County Clerk, for keeping a close watch on Bills including those of local operation, promoted in Parliament and on Special Orders, so that prompt action may be taken to safeguard the interests of the County if these are in any way affected.

The Committee Clerks, as their name implies, concern themselves mainly with Committee business, and work in close co-operation with the technical officers of the various Departments. They have a good knowledge of the law, but are not necessarily legally qualified. They attend all Committee meetings and, in the absence of the County Clerk advise on procedure, keep all the minutes and ensure that the decisions of the Committees are carried out. They also conduct the principal official correspondence with the public and with the government on behalf of the departments, and assist in the compiling of reports and other memoranda which are essential to the proper working of the Committees and of the Council as a whole.

As a rule, the County Clerk is himself a qualified lawyer, although the only statutory qualification he must possess is that of being a "fit person". A few of the larger County Councils have occasionally appointed men of proven administrative ability who possess no legal qualification to the office of County Clerk, but this is the exception rather than the rule. Generally speaking, the Clerk of the

Council is a man who combines first class professional qualifications with considerable experience and talent in handling men and affairs

The County Treasurer is a functional specialist, responsible under the Finance Committee for the whole of the work of the County Council by which he is employed. His appointment is a statutory appointment—that is to say that the law demands that every County Council must choose a "fit person" to act as its Treasurer; but his nomination (and at present the salary paid to him) are entirely in the hands of the Council, and no central Government sanction is required.

The County Treasurer carries out his duties either as defined in Standing Orders published by the Council, or in accordance with an unwritten code established by tradition and custom. In either case it will be found that he acts at least as the Council's financial controller, accountant, receiver and paymaster; as adviser to the Finance Committee on all questions affecting expenditure and costs; and frequently as Local Taxation Licences Officer, responsible for the collection of road fund licence duties and of other taxes, the yield from which has been handed over to Local Authorities by the central Government.

The Finance Committee, which usually consists of about one-third of the total Council members, is primarily concerned with ensuring purity of administration and exercising a centralised financial control. It is an important part of a County Treasurer's work to see that this Committee is supplied with all the facts and figures necessary to enable it to fulfill its functions with reason, economy and despatch.

It is imperative that the Finance Committee should, by means of Reports, Statistical Tables and the like, keep the Council fully alive to its total commitments, so that proposed expenditure may at all times be correctly balanced against available resources. It is therefore, essential that the County Treasurer, in his role as adviser to the Finance Committee, should be aware of the intentions of the spending Departments, and should be present or represented at all discussisons involving the financial aspect of any new project or plan.

The profession of County Treasurer demands a high standard of general education and considerable specialist knowledge and experience; and those wishing to take it up as a career must be prepared to pass the examination which entitles them to become members of the Institute of Municipal Treasurers and Accountants a professional body of some sixty years' standing. A number of prospective County Treasurers also work to become members of the Institute of Chartered Accountants or of the Society of Incorporated Accountants; and some study for external University degrees.

A considerable period of training as junior and senior assistant in a Finance Department, is required before the position of County Treasurer can be attained.

The County Treasurer is responsible for:—

1. Advising the Finance Committee

This means that the County Treasurer or his representative must attend all Committee meetings, which take place, as a rule at monthly or quarterly intervals. At these meetings, the Treasurer must be prepared not only to submit periodic routine Reports on financial organisation, but to answer any questions which may be asked about any particular transaction in which the Council is engaged; to give his views if requested on any existing or proposed administrative practice in which finance is in any way involved; to call the attention of the Committee to any important, irregular or unusual items of expenditure; and generally to present a clear and balanced picture of all the Council's current financial affairs.

2. Preparing draft estimates or proposals involving capital expenditure for the various spending committees.

It is widely accepted that this work is best done jointly by the County Treasurer and the Head of the Department in charge of the project upon which the money is to be spent. Collaboration at an early stage is valuable, because it gives Heads of Departments the opportunity not only of benefitting from the special knowledge of the County Treasurer in framing their proposals, but also of explaining the details of those proposals to him before matters are very far advanced. In this way, if modifications have to be made to any proposed scheme on the grounds of economy, they can be made with the minimum of friction before the final plans are completed and presented for the approval of the Finance Committee and the Council as a whole.

3. Managing loans for capital expenditure

Government sanction must be sought before any project which cannot be paid for out of current income can be given effect. When consent has been obtained the County Treasurer is normally responsible for making all the arrangements for raising the necessary loan or stock. He is also responsible for seeing that the interest charges are duly paid, and for supervising any other business arising therefrom. It is important that the Treasurer should remind the Finance Committee of the sums that must be spent annually for loan purposes, when further expenditure of any kind is being considered.

4. Presenting the Annual Estimates

Tables of expenditure for the current year and estimates of expenditure for the ensuing twelve months are drawn up annually

by Heads of Departments who may seek the expert advice of the County Treasurer on any doubtful points. On completion, these Tables are presented either by the Head of the Department or by the Treasurer to the appropriate spending Committee at a meeting during which the Treasurer may suggest possible economics, and may indicate what the attitude of the Finance Committee is likely to be. When the individual estimates have been passed by the spending Committees, the Treasurer prepares an aggregate estimate, and submits it, together with his Annual Report, to the Finance Committee. The Annual Report may survey the whole financial position of the Council with the object of helping the Finance Committee to reach a correct decision when the Budget is drawn up. It may therefore contain general warnings against excessive expenditure, and even actual recommendations of where savings can be made.

Certain reductions are almost always made by the Finance Committee in the Annual Estimates and it sometimes falls to the Treasurer to explain the reasons for these reductions to the spending Committees concerned. The decisions of the Finance Committee in the matter are virtually final, and are almost always accepted without modification by the full Council.

5. Conducting an Internal Audit

Internal Audit includes the detailed supervision of the many financial transactions that are carried out by departmental officers, particularly those not attached to the Finance Department. Its objective is to satisfy the Treasurer of the regularity of such transactions, and to ensure that the administrative machinery is in this respect satisfactory. In order that the internal Audit, which is generally confined to routine transactions, may be carried out effectively, the Treasurer or his representative must be given access at any time, and authority to apply any test or check, to the accounts and records of all the spending Departments. This right of inspection applies equally to those Departments which have no Finance Sections of their own, and to those, like the Education Department and the Roads Department, which may have the authority to deal with particular financial transactions.

6. Making Payments on behalf of the Council

The Treasurer is normally responsible for paying the salaries of all Council Officers, and also, in some cases, the weekly wages of employees. Where Departments have the authority to pay their own employees, the Treasurer must check such payments to see that they are correct and in conformity with any agreements made

The Treasurer is also responsible for paying all accounts in connection with orders placed by spending Departments. Since Departments are not as a rule required to advise the Treasurer before

incurring expenses covered by the Annual Essimates, it is important that he should be able to satisfy himself that the expenditure is legal and within the allocation of the Department concerned. He must therefore see that the account is sponsored and certified by the Head of the Department, that it tallies with the Order Forms, and that it is arithmetically correct.

Contract payments are also made by the Treasurer, who may be consulted when contracts are being drawn up. All certificates for payments of this kind are submitted to the Treasurer together with full and detailed particulars of the work done, so that he may examine and check all the documents before presenting them to the Finance Committee to be passed for payment. Urgent Accounts may be settled by the Treasurer out of an "imprest" or "advance" account either with or without the consent of the Chairman of the Spending Committee according to the nature of the payment, and the rules governing payments that individual Councils have laid down.

7. Collecting Income

All income due to the Council either from charges made for services or from other sources is either collected by the Treasurer or, if any Department has been authorised to collect its own income handed in to, and checked by him.

8. Submitting claims for Government grants

All claims for grants made against any central Government Department are submitted by the Treasurer on behalf of the spending Committee concerned.

9. Keeping the Council's account

The Treasurer is responsible for keeping all the necessary accounts, including cost accounts and loan accounts. The majority of Treasurers also publish an Abstract of Accounts, which is prepared to show all the details of the Council's financial transactions of the previous year. These accounts are published annually at some time after the close of the Financial Year, and are mainly of interest in enabling the various Councils to compare their expenditure on particular items with that incurred by other Authorities.

10. Insuring the Council's property

Heads of Departments are normally responsible for giving the Treasurer a complete list of the risks in their Departments that should be covered; and, if necessary, for conferring with him over the amount of cover required. Appropriate insurance is then effected by the Treasurer as directed by the Finance Committee.

New risks must be reported to the Treasurer whenever they arise, so that appropriate action may be taken without delay. Claims are normally put forward by the Departments to the Treasurer, who then negotiates them with the Insurance Company concerned.

AS LICENCES TAXATION OFFICER

The Treasurer.

1. Collects road fund licences on behalf of the Minister of Transport and maintains a register of mechanically propelled vehicles and

2. Collects Local Taxation Licences, such as dog licences, gun and game licences etc., and keeps the necessary records.

The duties of a County Treasurer are so numerous and varied that a fairly large and experienced staff is required to assist him in discharging them. This staff makes up the Finance Department of a County Council, which in all cases works under the control of the Treasurer, who is finally responsible for everything that it does.

In counties where the Treasurer is also the Licences Taxation Officer, his Department is usually divided into two parts; the Finance Division, which deals exclusively with matters of finance and the Licences Division which does the work in connection with the collection and issue of licences of all kinds.

The senior officers in the Finance Division of the Treasurer's Department usually includes a Deputy County Treasurer, and a member of Senior Accountancy Assistants, and Senior Audit Assistants all of whom are qualified accountants. A varying number of junior audit and accounting officers work in various sections of the Division, each of which covers the audit or accounting of one or more spending Departments. Other sections deal with the payment of salaries and the maintenance of records for superannuation which affect all the Council officers and not particular Departments. In the Licences Division, there will probably be a Deputy Licences Taxation Officer, and a number of senior assistants at the head of such separate sections as make up the Division as a whole. There may also be a large clerical staff in this Division, as there is always a great deal of routine paper work to do.

The senior staff of the Department is normally appointed by the Finance Committee on the recommendation of the Treasurer. Junior officers may receive their appointments direct from the Treasurer who afterwards reports his decisions to the Committee. Questions of staff welfare or discipline are referred to the Treasurer, and suitable recommendations are made by him to the Committee before any action is taken.

EXTERNAL CONTROL

Internal control of the County Council's finances is carried out by the Treasurer under the Finance Committee by the methods already described. External control of the activities of Finance Committees and Departments is exercised by means of a District Audit which is a central Government audit, carried out by independent civil servants appointed by, but not subject to the authority of the Minister of Health.

District Audits are carried out every year, and conducted with full publicity, so that the ratepayers have an opportunity of seeing exactly how their money is being spent. All vouchers and other relevant documents must be made available for public inspection at least seven days before the audit is due to take place, so that any dissatisfied ratepayer has time to prepare a case against the Council if he desires to do so. It is incumbent upon District Auditors to judge of any complaints made and to come to a decision; but if their decision is unfavourable to the complainant, he may make application against it to the High Court.

District Auditors finding any illegal or improper payment in their examination of the Council accounts have the power to charge the members of the Council and the officers of the Department concerned with the amount of money thus wrongly spent. This means that Council members and officers are obliged to repay the Council out of their own pockets any sums surcharged in this way. It is the Treasurer's business to see that the Council avoids this danger by keeping strictly within the law. If he is doubtful on any point application may be made to the Minister of Health for his sanction to any proposed expenditure, since Ministerial sanction prevents any surcharge being made. Application may also be made for relief from the surcharge, if it can be proved that in authorising the expenditure, the Council was acting reasonably and in the belief that it was covered by the law.

The responsibilities borne by a County Treasurer make it essential that he should be an experienced and able man, and one of great personal integrity. A County Council's effectiveness depends, like that of all other large organisations in the final count, upon its financial stability; and its financial stability must depend to a marked degree upon the work done by the Treasurer and the officers of the Finance Department. Where this work is done with judgment and with a scrupulous attention to detail, the Council will be able to go ahead with its plans in the knowledge that it is acting legally and in the best interests of the community it serves.

THE ROADS DEPARTMENT

WORK OF THE COUNTY SURVEYOR

The Roads Department works under the direction of the County Council on the construction, maintenance, improvement and repair of all directly maintained county roads and bridges in the county for which the County Council has been made responsible eithtet by arrangement or by law.

Generally speaking, these roads are:

(i) classified roads (i.e. roads important for traffic) except those in the areas of Boroughs or Urban Districts sufficiently large either to claim the right or to obtain the consent of the County Council to look after their own main roads, subject to the financial sanction of the County Council;

(ii) all unclassified roads (i.e. roads of little importance to traffic) in rural areas;

(iii) such unclassified county roads in urban districts as the County Council agree with Boroughs and Urban Districts to maintain on the basis of repayment for costs incurred; and

(iv) those Trunk Roads (i.e. roads of national importance) passing through the county for which the County Council has been appointed the agent by the Ministry of Transport, which is the Government Department finally responsible for their upkeep. Sections of trunk roads which pass through Urban and Borough districts are maintained by those local authorities as agent to the Minister of Transport.

GENERAL ADMINISTRATION

The Roads Committee: The Roads Department, although working under the overall direction of the full Council, receives most of its immediate instructions from the Roads Committee which may consist of anything up to forty members of the Council, with the Chairman and the Vice-Chairman of the Council and the Chairman of the Finance Committee as ex-officio members.

Most Roads Committees appoint sub-committees to deal with the detailed points of particular aspects of road construction and repair; and it is not unusual to find at least three-sub-committees—e.g. the Roads Finance Committee, the Improvements Committee and the General Purposes Committee and even more if circumstances warrant it, working to the Roads Committee of a large county.

THE COUNTY SURVEYOR

At the head of the Roads Department itself is the County Surveyor, whose general duty it is to arrange and direct the work of his

Department according to the declared policy of the Roads Committee, and to report back at regular intervals on all that has been, and is being done.

The office of County Surveyor is a statutory office, which means that every County Council is required to appoint a County Surveyor. A Council which intends to apply for a Government grant towards the whole or part of the Surveyor's salary must obtain Ministerial consent to the appointment.

Road maintenance was one of the County Council's earliest functions; and County Surveyors were among the first of the County Officers to receive statutory recognition. During the last thirty years, with the great increase in motor traffic of all kinds, the office has become of increasing importance, and the holder is always an experienced and qualified man. The Ministry of Transport, as the appropriate Government Department, has decreed that a County Surveyor must be a qualified Engineer, which means that he must have passed a professional examination and have had at least three years practical training. An employing Council requires the necessary professional qualifications, and, as a general rule, considerable experience of a Roads Department's work.

The size and make-up of the staff in a Roads Department depends on the size of the County concerned; but in a large county with a considerable total of traffic-bearing road mileage—say about 2,000 miles of road carrying a heavy traffic load—there may be a staff of as many as one hundred on the administrative and technical side and about one thousand manual workers actually employed on the roads.

The administrative and technical staff in a case like this would include a good many professionally qualified men in addition to the County Surveyor himself. There might, for example, be a Deputy County Surveyor and a Bridge Engineer, both of whom would be members or associate members of some professional body, as well as a number of qualified regional surveyors, assistant regional surveyors, inspectors, technical assistants and draughtsmen. In addition, there would always be a Chief Clerk and Accountant, and an adequate typing and clerical staff.

Appointments to the senior staff are generally made by the Roads Committee on the recommendation of the County Surveyor, who has himself made a preliminary selection from the most likely candidates. Junior appointments are usually made directly by the County Surveyor, who reports to the Committee for confirmation on the action he has taken. The County Surveyor is able to take on any additional temporary staff at any time that extra work in the Department warrants it, if he has first obtained the permission of his Committee.

The advantage of decentralisation in any large area of control has been recognised for some time past by the majority of County Councils; and it is usually found that a county of any size is divided up for the purpose of road maintenance into a number of administrative regions, each in charge of a regional or 'Divisional' surveyor.

These Divisional Surveyors exercise a considerable amount of authority in their divisions, but they are at all times subordinate to the County Surveyor, who is finally answerable for everything that they do. He must for instance be consulted before any but routine road repairs are carried out on any stretch of road, unless he has previously given his consent to any improvement or construction scheme; and all financial estimates must be passed to him before they are submitted to the appropriate committee.

FINANCE

The work of the Roads Department is financed partly by rate contributions and partly by Government grant. The amount of money made available from both these sources depends on the Annual Estimates which are prepared every year in the Department, and are submitted, with the recommendation of the County Surveyor first to the Finance Sub-Committee of the Roads Committee, and subsequently through the Roads Committee to the Finance Committee of the Council and finally to the full Council for approval. The estimates cover the proposed head office expenditure together with the sums of money required by Divisional Surveyors to keep the roads in a good state of repair during the following year. As far as possible, they are worked out on the basis of the expenditure of the previous year, although variations are, of course, inevitable; and may be quite considerable if any large new project is to be launched.

Provision is made in the Annual Estimates for all the administrative expense of running the Department, for labour and associated costs, and for the purchase of equipment, road construction materials, vehicles and other plant. When new plant is required, a number of reputable firms are circularised and invited to submit tenders. Tenders when received are opened by the Chairman of the appropriate sub-committee, and the order given to the firm offering the best quality at the most reasonable price. Road construction materials are, as a rule, advertised for public tender.

Details of this kind, and all other items in the Annual Estimates are carefully examined by the County Surveyor. If he is doubtful on any point, he will cause enquiries to be set on foot; and may even inspect the matter in person.

The County Surveyor also examines the expense accounts of

those Borough and Urban District Councils which have claimed or obtained the right to make up their own main roads, before such accounts are submitted for payment to the appropriate Committees and to the Council. Details of these accounts if found not to be in order can be disallowed and the Boroughs and Urban Districts are notified accordingly.

WORK ON THE ROADS

Inspection: The Divisional Surveyors and their staffs are responsible for carrying out regular inspections of the roads under their control with the object of ensuring that the county highways are at all times adequate to the traffic which uses them. In this connection, it is the duty of the Divisional Surveyors, within the limits of their authority, to see that urgent repairs are put in hand with the least possible delay and to initiate such maintenance work as their inspections show to be necessary to keep the roads up to a high standard of efficiency.

Inspections are carried out either as a routine measure or in answer to requests from county district councils, from the police or even from the public. Action is not always taken as a result of inspection, since the money at the disposal of the Department is limited by the provisions of the Annual Estimates; but where representations seem reasonable, efforts are made to put matters right.

There is no inspection of private roads i.e. roads that have been built by individual developers for their own use or for the use of people living on a particular estate, unless such roads have been allowed to fall into a state of disrepair that may be said to constitute a danger or a nuisance to the public. In these cases, the County Council has powers to direct its Roads Department to inspect the side, and with consent of the adjoining property owners execute repairs, subject to the cost being reimbursed to the Council.

Maintenance and Repair: County roads are resurfaced when conditions warrant such work being carried out. The work is executed by whatever means is considered most suitable for the type of road and the type of traffic that it carries. Any special damage done by unusual weather e.g. by extremes of heat or cold, violent storms, etc., or by exceptionally heavy traffic movement is made good by the Department in the course of its ordinary operations, or, if Government traffic is involved, at the request of the Ministry of Transport, which then refunds the cost.

Construction and Improvements: The technical staff is constantly engaged on survey and preparation work in connection with (a) building new roads and (b) such improvement schemes to existing roads as the application of parkway treatment to important

and busy stretches of road, the construction of large roundabouts and Tunnel Approach roads at strategic points where main roads cross each other, the extension of the pedestrian subway system in built-up areas, and the provision of cycle tracks and footpaths in most areas.

Such construction and improvements are often scheduled to fit in with a County Road Plan, which may be drawn up by the County Surveyor after a thorough investigation into all the existing road facilities and traffic conditions in the county. Such a plan ensures that new building and improvements will be put into effect in the right order as financial opportunity permits, and minimises the risk of confusion or delay.

Road Safety: In many counties, the Roads Department is required by the Council to assist in minimising road accidents. Where a Department is charged with this duty, it is usually notified by the police of every incident that occurs on the roads under its supervision, and keeps some sort of record of cases where fatalities or major injuries have resulted. If road conditions are alleged to have been a contributory cause, the matter is investigated by the police in conjunction with the Divisional Surveyor concerned; and wherever possible, action is taken to have remedial measures carried out.

These measures may consist simply of a request to owners to keep their hedges trimmed and cut back to improve visibility, for many accidents are caused by overhanging hedges on bends and in narrow country lanes. Where other causes are suspected, appropriate warning signs are erected and cambers may be adjusted, reflex guard posts and short lengths of kerbing provided and special safety measures for children instituted. If, as a result of investigations it is found that there is something seriously wrong with the road larger improvement schemes may be prepared and put into effect.

The Roads Department may also be responsible for reviewing speed limits, for sitting pedestrian crossings and for preparing traffic regulations and restrictions in built-up areas.

Planning Control: Proposals for any kind of building or development which may affect existing or planned county or trunk roads are referred to the Roads Department, so that their recommendations may be considered before planning consent is given.

Outline development plans, detailed development and redevelopment plans, Local Authorities' housing proposals and Government proposals are examined, and their effect upon existing or proposed roads are reported upon.

The Roads Department is also the link between the Planning Department of the Council and the Ministry of Transport, so that

the Trunk Roads designed by the Ministry may be taken into account in considering development proposals.

Labour: Most of the work done by the Roads Department is done by direct labour; that is to say, by road engineers and workmen employed in the Department.

Responsibility for engaging labour as required is, as a rule, in the hands of the Divisional Surveyors, who are in the best position to know exactly how many men are needed to maintain the roads and for any agreed improvement scheme to be carried out. The County Surveyor must however, be kept fully informed at all times of the labour position; and he must be consulted if any doubts or difficulties arise. The question, for instance, as to whether it would be better to employ the Department's own labour force or to engage an outside contractor for any specially large project must be referred to him; and it will be his duty, in the light of his knowledge, to advise the appropriate Committees on what decision they should make.

Labour and progress on the site are normally supervised by the Divisional Surveyors, who report back to the County Surveyor. If some very large project is in operation, resident engineers will send in monthly reports. The County Surveyor is available at any time to go to the site if his presence is needed either to help solve some unexpected technical problem or for any other reason.

Equipment: The equipment used by a Roads Department includes steam and diesel rollers, haulage waggons and various types of road construction plant. Quantity depends on the size of and work done by the county and on its financial resources (a rich county can obviously afford to buy more and more modern equipment than a poor one), but in a large county, it is unusual to find fewer than 48 rollers and 56 haulage waggons in constant use, in additiotn to a number of tar-spraying and other subsidiary machines.

Plant is distributed to the divisions according to need; and the Divisional Surveyors are responsible for its use and for its upkeep while it is in their division. All major repairs are carried out at the Department's central Depot, which is usually situated in the county town. Minor repairs are done at branch depots located in various parts of the county.

All plant not in use is kept at the central Depot, and is under the control of the Depot manager, or Works Foreman, as he is usually called. The Works Foreman is responsible for all repairs to plant, and for directing the work in the repair shops. Men working under him include fitters, blacksmiths, carpenters, painters and a number of haulage drivers. It is the duty of the

Works Foreman, among other things, to see that proper attention is paid to the need for plant renewal in order that provision can be made in the Annual Estimates. Like all other officers of the Department, he is subordinate to the County Surveyor, and must keep him fully informed.

The administrative framework and operational field described are in most respects typical of any large county in England and Wales; but differences do exist because the essence of local government lies in its flexibility and its ability to adjust ways and means to the particular end in view. The point of similarity which will be found in all Road Departments, regardless of their internal organisation and their scope, is the attitude of the officers to the community which they serve. This is particularly the case as far as the County Surveyor is concerned. He is, or should be, not merely the administrative head of a large Department. He should also be a man who is capable of going out into the field and advising his subordinates on the spot; who is able and willing to see the public's point of view and to judge how far it can be met; and who is ready to work with his Committee to their mutual satisfaction and to the interest of the county as a whole.

THE PLANNING DEPARTMENT

THE WORK OF THE COUNTY PLANNING OFFICER

The planning powers and functions of County Councils have recently been expanded to a very considerable extent by the passing of the Town and Country Planning Act, 1947, which became operative in 1948.

Under the provisions of this Act, County Councils for the first time bear the major responsibility for physical planning. It is their duty to act as the Local Planning Authority for the county; to carry out a Survey and to draw up a Plan for the future development of the administrative area which must be submitted to the Minister of Town and Country Planning within three years of the date on which the Act came into operation.

In order to enable County Councils to fulfil their obligations under the Act, most of them have established Planning Departments to carry out the executive work involved.

GENERAL ADMINISTRATION

The Planning Committee: The majority of County Councils have appointed Planning Committees to deal on their behalf with planning matters both on the restrictive and on the constructive sides. Planning Committees, of course, vary in size; but in a large county it is not unusual to find that they consist of between thirty and forty Council members.

Planning Committees may establish one or more sub-committees to study and advise on particular aspects of planning policy and development control. The type of sub-committee and the functions allotted to each vary from county to county according to the requirements peculiar to that county, as every Council has the right to appoint Committees as it considers desirable to meet its planning needs. One county of some 1,500 square miles and a mixed rural and urban population of about 1,500,000 is served by a Planning Committee with two main sub-committees: the Development and General Purposes Sub-Committee; and the Finance and Staffing Sub-Committee—and eight Area Sub-Committees each of which consists of four members of the Planning Committee and two members nominated by each County District Council of the area served by the sub-committee.

The Area Sub-Committees provide a direct link between the County District Councils and the Planning Committee of the County Council or the central Sub-Committees. The need for such a link is two-fold. Firstly, all large-scale planning is bound to affect local interests, and though these may sometimes have to be subordinated to what is required to meet the needs of a wider area, it is important that full weight should be given to them in the consideration of regional and national issues. Secondly, although the County District Councils have been shorn of most of their planning functions, they will have to do most of the practical work to carry out the plan. One of their functions for example, is the purchase of land to be made available for development or redevelopment, and as Housing Authorities, etc., they will be responsible for carrying out much of the construction work.

At the moment; one of the main duties of the Area and Development and General Purposes Sub-Committees is to deal with those questions of development control, which because they must be considered in the light of the probable contents of the Development. Plan cannot be left to individual County District Councils to determine under delegated powers. Where, because of its importance, a proposal to develop is referred to the Development and General Purposes Sub-Committee, the Area Sub-Committees and the County District Councils are kept fully informed, and their recommendations taken into account.

The Development and General Purposes Sub-Committee is also concerned, among other matters, with the preservation of buildings of historic or architectural interest, and with the making of orders enabling trees and woodlands to be preserved.

The actual preparation of the Report on the Survey and the formulation of the County Development Plan are functions which the Planning Committee has not delegated to its Sub-Committees.

Departmental Organisation: Every county Planning Department will be organised as the individual Council thinks fit to meet the widely varying needs; and it is unlikely that there will ever be any pattern which can be taken as typical of them all. Generally speaking however, the Department in a small county would tend to be fairly close-knit, for at no point would the county boundaries be remote from the administrative centre. In a wider area, such as the county already mentioned, the over-riding aim would be to create a headquarters unit containing specialists whose advice would be available to branches situated in those parts of the county where they would be most useful and accessible.

One Planning Department organised with this end in view has its central office in the county town, and eight area offices placed in other towns, which have fairly large populations and which may be easily reached by road or rail. The area offices are grouped into three geographical divisions representing different parts of the county; while at headquarters, there are three specialist divisions—the Architectural, the Landscape and the Research Divisions—which as their names imply, are engaged with particular aspects of planning rather than with any particular region to which planning is being applied. In this way, matters of planning detail can be dealt with on a more or less local basis in the knowledge that expert opinion and direction is always available over the whole field.

THE COUNTY PLANNING OFFICER

The County Planning Officer, as the Head of the Planning Department, is the adviser to the County Council, including, of course, the Planning Committee and its Sub-Committees on planning matters of all kinds.

It is his responsibility to prepare the Development Plan, paying regard, of course, to decisions on questions of policy which may be taken by the County Council or its Planning Committee from time to time. This part of his work will, in practice, largely be done together with his deputy and his divisional officers working as a team. The County Planning Officer must also be in frequent consultation with the Heads of other County Departments, (e.g. the Education Department, the Health Department and the Roads Department) and through the Ministry of Town and Country Planning, with Departments of the central Government.

The range of his responsibilities makes it essential that the County Planning Officer should be an experienced and qualified man. The minimum qualification normally required is membership of the Town Planning Institute, which implies that the member has reached a high educational standard, and has spent at least five years in training and in passing the necessary professional examinations. A County Planning Officer frequently holds one or more qualifications over and above membership of the Town Planning Institute; and most County Councils prefer that the officer appointed should, in addition to being an expert on planning, have a knowledge of and some experience in the allied professions of architecture, surveying, landscape architecture and civil engineering, as well as being capable of controlling an important Department.

Staff: The staff of a Planning Department such as that already described would probably number up to one hundred, and would include professionally qualified men and women, technicians and administrative and clerical officers.

The senior officers at headquarters would include the Deputy County Planning Officer, whose qualifications should be much the same as those required of the Head of the Department; and the officers and assistants in charge of the specialist divisions who should hold qualifications appropriate to the particular work of each Division, but should also be qualified as planners. There would also be a Chief Clerk, who would be in charge of all routine administration and of the central office clerks and typing staff. The technical staff would include a number of draughtsmen, who would be engaged mainly on the preparation of the Development Plan and Survey maps.

In the geographical divisions, there would be a Planning Officer, an Assistant Planning Officer, and a number of Area Development Officers, the last being concerned almost entirely with development control.

Senior appointments to the staff are made by the Planning Committee on the recommendation of the County Planning Officer. Junior appointments are made on the authority of the County Planning Officer himself, who afterwards informs the Committee of the action he has taken.

WORK DONE BY THE PLANNING DEPARTMENT

The Survey: Since the fundamental objective in planning is to ensure that the use of land and its development is guided by considerations of benefit to the Community rather than by individual or sectional interests, the planning process must be one of co-ordination and of arbitration between the conflicting claims of varying activities.

A full understanding of the background against which these activities operate is essential to those responsible for preparing a comprehensive development plan, for without it there can be no successful integration, in any region, of human needs with economic and social potentialities. It is therefore one of the first duties of the

Planning Department to collect all possible information on the nature of the disabilities and assets of the area with which they are dealing; to collate that information; and then to present it in such a way as to be readily understood by all.

A Survey of this kind involves searching investigations into the physical make-up and use of the land, and into the life history and structure of the towns and rural centres of population. Detailed studies have to be made of the geology of the region, its contours, its climate, its catchment areas and its drainage, for it is generally accepted that all these factors have a direct and obvious bearing on the life and work of man. In addition, such matters as population distribution and trends, different types of agriculture and industry, road, rail and water communications, public services, educational facilities and recreational amenities have to be analysed, for they must all have a considerable influence on the shape of future plans.

The Survey must be kept up to date and will be continuously revised. Planning is an evolutionary process, and cannot be completed by the stroke of a pen. Events are bound to occur from time to time which will necessitate some alterations in any County Plan and the 1947 Act provides for revision every five years. It is an important function of the Planning Department to see that all such changes are noted, so that the Plan can be suitably modified as this becomes necessary.

The Development Plan: The first step taken by one Planning Department has been to prepare a preliminary outline plan as a basis for discussion by the other Local Authorities concerned and by the general public, so that observations on the broad principles from all bodies and persons concerned may be known before any consideration is given by County members to the formulation of the plan. It is well known that the success of any plan depends largely on intelligent public support, and this is more likely to be forthcoming if the public know what is suggested and are given an opportunity to express their views at every stage.

The Development Plan itself will indicate the manner in which the local planning authority proposes that land within its area should be used whether by carrying out development on it or otherwise. It will show the stages by which any suggested development should be carried out; and proposals will be accompanied by maps and sufficient descriptive matter to illustrate the projects.

The Plan may define the sites of proposed roads, public and other buildings and works, airfields, parks and pleasure grounds, nature reserves and other open spaces; and may allocate areas of land for use for agricultural, residential, industrial and other purposes.

Furthermore, the Plan may designate land which may be subject to compulsory acquisition within a period of ten years by any Minister of the Crown, local authority or statutory undertaking.

The Development Plan must receive the approval of the Minister of Town and Country Planning. It may subsequently be altered with the consent of that Minister, and at least once in every five years, the local planning authority must carry out a fresh survey of its area and submit any amendments to the original plan which may be found necessary.

Development Control: Although some time must elapse before any Development Plan can be implemented, the intelligent exercise of development control will prevent any undesirable building or changes in land use which might hinder or defeat the purpose of the Plan. Landowners and others wishing to develop land must obtain permission from the local planning authority before doing so. Development is defined as "the carrying out of building, engineering, mining and other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land." (Town and Country Planning Act, 1947—Sec. 12). The Act mentions a number of operations and uses of land which are not deemed to involve development and gives examples of "material change" in use.

Development control functions have been delegated to a considerable extent to the County District Councils; although every application to develop is seen by an officer of the Planning Department, who, in accordance with the terms of delegation, may certify that an application is one which is to be determined by the County Council, through one of the Sub-Committees of the Planning Committee. Broadly speaking, only those cases where the development proposed would be likely to prejudice the development Plan in course of preparation or where the design of buildings proposed would be seriously sub-standard, would be so certified.

The work of every Planning Department, whatever its administrative framework or the nature of the problems with which it is faced, is of two kinds—positive and negative. On the positive side is the preparation of the Development Plan which is based on the ideas of the Planning Committee and given form by the County Planning Officer and his senior assistants, who work as a central team for the county. On the negative side there is development control, which is operated as far as possible on a local basis and only dealt with at the centre if any special difficulty arises.

In a successful and efficient Planning Department, these two sides are so balanced that the communities affected by them are able to appreciate the advantages that will accrue. The final responsibility of achieving this balance lies with the County Planning

Officer, who must not only be a man of vision, but a man of vast practical experience, capable of pronouncing judgment on the relative importance of opposing factors. Furthermore, since every Development Plan must in the end be submitted for approval to the Minister of Town and Country Planning, and since the Minister will judge of it against a back-ground of national interest, the County Planning Officer must not only understand the needs of his own area, but must be able to consider the issue from a national point of view.

THE POLICE FORCE

The police force in Britain is organised and controlled on a local basis; but it operates under guidance from the Home Office, which is the central Government Department, responsible for maintaining law and order throughout the country as a whole.

Police Authorities: Under the various County and Borough Police Acts, County Borough Councils where their populations exceed 100,000 and County Councils are required to set up their own Police Forces. Where this is done the Councils must appoint Police Authorities which for a County is called a Standing Joint Committee and for a County Borough a Watch Committee. Where a County and a County Borough amalgamate, a joint Police Authority is formed on which members of the Standing Joint Committee and the Watch Committee both serve. Prior to the Police Act 1946, this privilege was enjoyed by many Boroughs outside the Metropolitan Police Area, but this Act limited it to County Boroughs with a population of 100,000 or more.

The Police Authorities are not concerned with the way in which the police force carries on its duties of detecting crime and maintaining law and order, for functionally the force is the servant not of the local authority but of the Crown. They are, however, largely responsible for the management of the police force in their respective areas. Under Home Office guidance they exercise considerable control over matters of finance and establishment and over any new organisational or administrative project introduced. They are also responsible for the appointment of the Chief Constable, although if the Home Secretary does not approve of their choice, he may withhold the police grant normally paid to all Police Authorities.

The Standing Joint Committee: Since 1888, the Standing Joint Committee has consisted of 8 County Council members appointed by the County Council, and 8 Justices of the Peace appointed by the Justices in Quarter Sessions. It is the function of this Committee to fix the establishment of the county constabulary and to see that the administrative measures in force are such as to enable it to reach the required standard of efficiency.

The Standing Joint Committee meets quarterly; and though its findings and recommendations may be reported to the full Council they may not be debated or commented upon except by members of the Committee in session. In other words, the County Council cannot interfere with the day-to-day activities of the Committee to which it has delegated its functions.

By the same token, the Standing Joint Committee has the right to demand from the County Council any sums of money that it considers necessary to enable it to do its job, without the obligation of explaining or justifying its proposed expenditure. In this respect, the Committee is in the position of a precepting authority; which means that the County Council has no power to question the amount demanded, but must simply accept it and make payment.

Central Control: The Home Office pays a fifty per cent. grant towards all police expenditure on application from the Treasurer of the Standing Joint Committee, who is often the County Treasurer as well. The grant can be withheld if the Standing Joint Committee fail to fall in with Home Office requirements either as regards the appointment of the Chief Constable or in general organisational matters. It can also be withheld if police efficiency falls below the requisite standard as laid down by the Home Office and reported upon by the Home Office Inspectorate. It is incumbent upon the Standing Joint Committee to give the Inspectorate every facility and to accept any proferred advice on new measures and reforms.

Central control therefore derives partly from the Home Office power to withhold the police grant if its injunctions or recommendations are not carried out. It also derives from the detailed Police Regulations prescribed by the Home Secretary on the conditions of service in the police force, including the rates of pay of sergeants and constables.

The Chief Constable: The Chief Constable of a County Police Area, is not in quite the same position as the Heads of County Departments, partly because he exercises greater powers and carries heavier responsibilities and partly because, though he is answerable for his administrative decisions to the Police Authority through the Standing Joint Committee, he is operationally responsible to the central Government through the Home Secretary.

The powers of the Chief Constable include the power to appoint all the members of the police force under his command within the establishment laid down, and the power to effect promotions as and when vacancies occur. He has, however, no power to change salary scales or to raise individual salaries, which are all prescribed by the Home Office . Nor may he add to his establishment in any way without first approaching the Standing Joint Committee, which will apply to the Home Office for permission to make the desired change.

If this permission is not forthcoming, the establishment must remain unchanged.

In addition to his powers of appointment and promotion, the Chief Constable is vested with sufficient authority to enable him to maintain discipline in the police force; and he may, without any reference to higher authority, dismiss members of the police force or reduce them in rank or pay for breaches of the police force code. In a county council, every member of the police force has the right of appeal to the Secretary of State if he considers that his dismissal or reduction in rank or pay has been unreasonable or unjust. In a county borough, he has in addition the right of appeal to the Watch Committee.

Members of the Police Force: Service in the police force is open to men and women on reaching the age of twenty provided that there is a vacancy in the force that they wish to join; that they are physically and mentally suitable for the work; and that they are of good and reliable character. It is one of the duties of a Chief Constable to see that the accepted standards in the police force are kept up; and all recruits are therefore required to produce credentials and attend an interview before they are accepted for training. If the nature and extent of the responsibilities of a Chief Constable make it impossible for him to interview each recruit (and this is generally the case), other arrangements may be made; and in one county interviews are held by a Selection Board composed of the Deputy Chief Constable and certain other senior officers. If the credentials of the recruit and the result of his interview are satisfactory, he will be sworn in before a Justice of the Peace and posted to a Home Office training centre.

During the period of training, each recruit is carefully studied; and notes are taken on his intelligence, his educational attainments and his personality and character. Reports on his progress are sent in to the Chief Constable or his Deputy at regular intervals, on the strength of which a decision is made as to whether to accept the trainee for service. If he is accepted, he will, after his training is completed, be posted as a constable; in which rank he must serve for two years on probation before he can be confirmed in his appointment. Once the probationary period is over, he becomes an established member of the police force, and cannot be dismissed unless he offends against the disciplinary code.

The ranks in the police force throughout the whole country are: Chief Constable, Deputy Chief Constable, Assistant Chief Constable, Chief Superintendent, Superintendent, Chief Inspector, Inspector, Sergeant and Police Constable. Promotion in the first stage depends upon a candidate's ability to pass the basic police examination, which is set by a leading Educational Institute in the

country, and is intended to test both educational attainments and knowledge of police duties. Successful candidates are posted as Sergeants as and when opportunity allows, provided that the record of their work is also satisfactory. A further written examination must be taken by Sergeants wishing to become Inspectors; but thereafter promotion depends upon quality and capability as decided upon in some counties by a Promotion Board consisting of the Chief Constable, his Deputy and three Assistant Chief Constables.

There is a considerable degree of interchangeability between the various police forces in the country, and members may seek promotion in the area of any Police Authority where a vacancy exists. All members are eligible for a pension on retirement, if they have served for a specified number of years.

Operational Control: For operational purposes, the areas of Police Authorities are usually divided up into Divisions and Sub-Divisions under one or more District Headquarters. There is no national formula of de-centralisation, but in at least one area each District is controlled by an Assistant Chief Constable; and each Division by a Chief Superintendent or Superintendent (according to the size and nature of the Division) assisted by a Chief Inspector. Sub-Divisions are in the charge of Inspectors or, if they are highly populated, of Chief Inspectors.

Sub-Divisions are further split up into Sections, each with a Sergeant in charge and a specified number of police constables on patrol duties. The number of police constables allocated to each Section varies not only with the size, but the type of locality, since fewer men are needed in rural areas than in the towns. A few women police sergeants and constables work in each Section on Special duties.

Routine police action in the Divisions, including the issuing of Summonses for minor offences, is taken as a rule by the controlling Superintendent, or, if higher authority is needed, by the Assistant Chief Constable of the District. The Chief Constable although he must be notified, is not immediately concerned, unless the case falls into a particular category for which his intervention is required. He deals, for instance, with those cases (clearly set out in written Regulations) which have to be sent to the Director of Public Prosecutions; and his advice must be sought before any action is taken in border-line cases. That is to say, if the Divisional Superintendent is doubtful of the correct procedure to be followed in any case, he must consult with the Assistant Chief Constable of the District, who will in turn, bring the matter to the attention of the Chief Constable.

The Chief Constable and members of the police force do not themselves act as prosecutors. Cases which cannot be dealt with locally and which do not have to be sent to the Director of Public Prosecutions for central action are dealt with by the Police Authority's Prosecuting Solicitor's Department. In the interests of impartiality, it has been generally accepted that police officers should never act as Counsel for the Prosecution even against persons accused of minor offences, but should simply appear as witnesses for the prosecution in the usual way.

Executive and Administrative Control: Policy-making, domestic administration and certain special branches of police work are usually centralised at Force Headquarters and applied over the whole area of the Police Force, regardless of District or Divisional boundaries. Organisation varies somewhat from area to area, but there are usually two or more central Divisions working to a greater or less extent to the Deputy Chief Constable and the Chief Constable. In one area which is organised on this basis there are two main Divisions—the Reserve Division and the Traffic Division.

In the Traffic Division, general administration and control, training, and vehicle repair and maintenance are carried on at headquarters by a staff including several Inspectors, Sergeants and Constables, and a number of men and women clerks, civilian mechanics, electricians and uniformed women drivers, under the direction of a Chief Superintendent and Chief Inspector. Attached to the Division, but working away from the centre are a number of District and Area Traffic Inspectors, who are responsible for liaison with District Assistant Chief Constables, Divisional Officers and Local Authorities or questions of traffic control, including the divisional administration of local traffic and road safety and traffic conditions generally. District and Area Inspectors are assisted by a staff of Sergeants for supervisory duties and Constables for road patrols.

The Reserve Division is divided up into four Departments: Administration; Stationery and Equipment; Training; and Criminal Investigation. The functions of the Administration Department include general office routine, committee work, keeping accounts and other financial business, record-keeping, issuing permits for street and house-to-house collections, supervising the maintenance and cleaning of police buildings and property, and running the finances of the police canteen. There is a Superintendent in charge, assisted by a Chief Inspector, and a staff of Inspectors, Sergeanas, Police Constables and civilian clerks, telephonists, porters, cleaners, cooks, etc. The Stationery and Equipment Department, where all supplies of stationery and cleaning materials and all stocks of clothing and

other equipment are kept, is managed by a Chief Inspector, assisted by a Sergeant, and is staffed by a number of civilian storemen, and a Police Constable for clerical duties. The Department also has a tailoring branch staffed by a Master Tailor and two assistants, who are occupied in altering and fitting uniforms, as necessary, to individual members of the force.

At the head of the Training Department, where local training and refresher courses consisting of both class-room lectures and practical instruction are organised, there is a Chief Inspector, assisted by two Sergeant Instructors and a Police Constable for clerical duties. The Criminal Investigation Department, which is concerned with all manner of crime recording, deals among other things, with the checking and classification of crime reports, with the preparation of crime statistics for the Standing Joint Committee, and with the collation of all kinds of information appertaining to crime or suspected crime in the area. All police photography is done in this Department, as is all the work in connection with scientific aid to crime detection. There is also a branch dealing specifically with aliens, and another for special duties, such as security inquiries and the checking of credentials. The staff of this Department is headed by a Detective Chief Superintendent and includes a Detective Chief Inspector, and a number of Detective Inspectors, Detective Sergeants, Police Constables and civilian clerks.

All of the four Departmental Heads in the Reserve Division are directly subordinate to the Deputy Chief Constable.

Duties of the Police Force: The primary duties of the police in the area of every Police Authority are the maintenance of law and order and the suppression of crime; and for this reason, every member of the force is vested with greater authority than that possessed by the ordinary citizen. To ensure that this authority which touches the life of the community at almost every point, is exercised with propriety and restraint, police officers of all ranks are subject to a stricter code of discipline than that imposed upon civilian officials of any kind. It has long been recognised that an efficient police force trusted by the public to perform its duties with integrity and justice is at the root of all good government; and it is for this reason that recruiting, training and service standards are kept uniformly high.

THE FIRE SERVICE

In 1948 the responsibility for fire fighting functions, which during the war years had been organised on a national basis, was restored to local government control under the Fire Services Act, 1947. Under the provisions of this Act, County Councils and County Borough Councils were created the Fire Authorities for their respective areas, and were given powers and duties that they exercise

either separately, as individual Fire Authorities, or as Combined Fire Authorities where neighbouring Authorities care to make such arrangements to increase the efficiency of the service.

As Fire Authorities, County Councils are required to make provision for fire fighting purposes and to this end provide properly trained and fully equipped Fire Brigades capable of affording adequate fire protection in their own areas and of assisting adjoining areas in case of need. The Council must also take reasonable steps to ensure that the water supplies in the county are adequate and for securing that they will be available for use in fire fighting.

The Fire Brigade Committee: The Act which placed that responsibility for the organisation and management of the fire brigades in the hands of County Councils and County Borough Councils, as Fire Authorities, also laid down that each Fire Authority which is a County Council (other than London) should establish a Fire Brigade Committee to deal on the Council's behalf with matters appertaining to fire prevention and control. These Committees, which must consist of both County Council members and representatives of the County District Councils in the County (the proportion of representatives is about 2: 1) may have delegated to them all the functions of a Fire Authority, except the power to levy a rate or to raise a loan.

The County Fire Officer: Every Fire Authority is required to appoint a Chief Officer who is chief administrative and executive officer for the fire services in its area. This officer is the Chief Officer of the Fire Brigade and of the Fire Department and is thus responsible to the Fire Authority for seeing that both are organised and managed in accordance with the policy laid down. It is his duty to advise his Authority on administrative and technical questions as and when required; and he consults with officials of the Home Office, which is the Central Government department concerned with fire prevention and fire fighting.

The appointment of the Chief Officer, although it is made by the Fire Authority, must be ratified by the Home Secretary, who requires certain minimum qualifications in any officer appointed. As a general rule, Chief Officers are expected to have passed the professional examination of the Institution of Fire Engineers, and to have had experience both in Fire Brigade administration and in operational duties. The war records of most senior fire officers have been kept at the Home Office, and many Chief Officers have been chosen as a result of what these records have shown.

The Fire Department: The Fire Department is the administrative centre and the staff headquarters for the Fire Brigade. Its internal organisation depends upon the decisions of the individual Committee, which are based upon the recommendations of the Chief Officer and upon the requirements of the area concerned. In many

places, however, it will be found that the Department is divided up into a number of separate Sections, each with particular functions to perform. Thus, in one county, there is:—an Establishment Section, dealing with conditions of service and matters relating to personnel; a Finance Section, dealing with salaries and wages and other financial matters; a Supply and Transport Section dealing with all supplies and stores and responsible for the repair and maintenance of all Brigade vehicles and appliances; an Accommodation and Communications Section, concerned with the requisition, maintenance and repair of all Fire Brigade buildings, including residential accommodation for Brigade personnel, and in charge of the various systems of communications which link Headquarters with the various points of operational control; a Fire Prevention Section, staffed by members of the Brigade, for the inspection of public and other buildings with a view to giving interested persons advice on the most up-to-date methods of fire prevention; and a Water Section, concerned with the installation, maintenance and repair of fire hydrants and for ensuring the provision of adequate water supplies. In addition, there is a Staff Section, consisting of members of the Brigade, for carrying out experiments and research, organising training and supervision of mobilisation, for preparing special fire reports and compiling fire statistics, and for undertaking general staff duties.

Departmental Staff: In the County instanced above, the work of the Fire Department is carried out by a non-uniformed staff under the direction and control of a Chief Clerk, assisted, as indicated, by the Fire Prevention and Staff Sections composed of officers and men of the Brigade who are subject to a nationally laid down code of discipline.

The County Establishment Scheme: The Establishment Scheme, which each Fire Authority was required to make and which, in practice, was worked out by the Fire Brigade Committee on behalf of the Fire Authority which it serves, determines the establishment of officers and other ranks, both whole-time and part-time; the number and location of fire stations, and the number and type of vehicles and appliances that the Authority should maintain.

As a guide, each Authority was given a national formula based on pre-determined standards of fire cover; and on this foundation a draft was prepared in the Fire Department under the direction of the Chief Officer and submitted to the Fire Brigade Committee and then to the Council for approval. In the case of counties, it was then sent to the Councils of all the County Districts in the area for their views; and when these had been considered by the Committee and, if justified, incorporated, the amended draft was submitted to the Fire Authority and finally to the Home Office for approval. When the Home Office approval was signified, and the

Establishment Scheme came into effect, no further amendments were possible without prior Home Office consent.

The aim of the Establishment Scheme is to provide an all-over cover of the area of the Fire Authority by professional firemen, supplemented by additional cover on a comparatively local basis by part-time personnel. The sitting of the stations and the numbers of firemen and appliances attached to them must, therefore, vary from county to county; for the problem in a densely populated industrial area is quite different from that arising in a predominently rural and sparsely inhabited countryside. Existing premises, which of course have had to be used, largely dictate at the moment the situation of stations, but the new standards of five cover demand as a rule the acquisition or building of more fire stations than have hitherto existed, and this means that reconsideration can be given to sitting generally. For this reason, provision is made for a periodic review of the Establishment Scheme, so that changing conditions may be met; and so that further measures of rationalisation may be put into effect as time, opportunity and money allow.

Operational Control: County Fire Brigades are administered by the Fire Department from Headquarters, which are usually situated in the most important (the county) town. Operational control is also centralised at Headquarters; but it is generally exercised on a more local basis, and at a lower level, by Divisional Officers in charge of the geographical divisions into which most counties are divided for the purpose.

Divisional Headquarters are, as a rule, situated at the most suitably placed whole-time fire station in the division; and from there the Divisional Officer, assisted by his deputy and a small staff of whole-time officers and men, directs all fire operations in his area of control, subject always to the over-riding control of the Chief Officer. The Divisional Officer, in this regard is responsible for mobilising his fire-fighting force in the strength necessary for dealing with any outbreaks in his division. He is required to report at all stages to Brigade Headquarters; and if at any time an outbreak should grow beyond the capabilities of the force at his disposal, help is sent to him from one or more neighbouring divisions. Conversely, he may be required at any time to go to the assistance of another division; or even to the area of another Fire Authority, for all Fire Authorities have made arrangements for mutual help, and the nearest available force is always sent to a fire regardless of county or county borough boundaries.

To facilitate the speedy operation of the Brigade a system of private telephone wires is fixed up between Divisional headquarters and other whole-time stations in the division, with private lines between Divisional headquarters and Brigade headquarters in the

county town. In some places, communication by wireless is being introduced.

Operational Staff: The size of the actual fire fighting force depends on the fire risks: standards of fire-cover are then applied and the number of fire stations in the area of the Fire Authority concerned, the number and types of vehicles and appliances attached to them and the numbers of persons considered necessary to man fully the various types of appliance are largely pre-determined Thus, in a county with a mixed urban and rural population of some 1,500,000 and an area of about 1,000,000 acres, there might be between 70 and 80 whole-time and part-time fire stations, equipped with some 300 vehicles and appliances, including reserves, and served by a whole-time force of about 800 and a part-time force of about 1,000 officers and men.

Whole-time firemen are professional men, i.e., who do no other work. As recruits, they are required to go through a training neighbouring Authority, under the direction of the Chief Officer, by a Commandant nominated by him. At these schools the men receive practical instruction in various aspects of fire-fighting, in numerous drills, in the nature of appliances and their capacities, in first-aid, in control room and watchroom procedure, etc. They also have lectures and class-room instruction in a wide range of subjects, covering such aspects as building construction, hydraulics (basic principles of water), electricity, physics, chemistry, and Fire Brigade law and history.

In addition to the recruit training courses, there are refresher courses for existing firemen; and most Fire Departments make arrangements that each man shall have an opportunity of going through a course every few years.

Part-time, or retained, firemen are men who, although they are engaged in some full-time occupation other than fire-fighting, undertake, in return for a small retaining fee, to attend fires if they are called upon to do so, and when so called get paid at a recognised rate. The majority of them are attached to retained stations, which are "lock-up" stations on which an out-posted fire appliance is based, but which are not manned, except on drill nights, unless the need arises.

Promotion in the fire fighting force is entirely by merit. Each recruit starts at the bottom and works his way up to the rank for which his abilities and opportunities best fit him.

All officers and men are paid according to national scales. Whole-time officers and certain categories of men are also provided with free quarters, together with free fuel and light. It is the duty

of the Fire Department to acquire the premises needed for this purpose and to allocate them according to the policy laid down by the Authority.

Vehicles and Equipment: It is the duty of the Fire Department to purchase such vehicles and equipment as are required under the Establishment Scheme. All equipment is standardised, which means that in the area of every Fire Authority the same general types of vehicles, appliances and equipment will be found. Before new types of equipment are officially adopted on a national basis they are tried out under operational conditions and the Chief Officer reports to the Fire Service Department of the Home Office on their efficiency in operation.

Repair and maintenance work is carried on in the Brigade Workshops by the Fire Department.

Finance: Every Fire Department must prepare Annual Estimates of its proposed expenditure during the forthcoming financial year and must work within the limits of these Estimates. 25 per cent. of the amount of expenditure approved by the Home Office is recoverable in the form of an Exchequer grant. The rest of the money is raised from the rates and other income of the County Councils or County Borough Councils concerned.

When the Brigade—or part of the Brigade of one Fire Authority goes to the assistance of a neighbouring Authority it may be reimbursed by the assisted Authority for any costs incurred, under provisions made for such reimbursement in mutual assistance schemes. Alternatively, the services rendered by one Authority to another over a period may be substantially of the same extent and, by agreement may be regarded as offsetting one against the other without necessity for financial adjustment.

Special Services: In addition to its main function of fire fighting, a Local Authority Fire Brigade may be called upon to deal with emergencies which are beyond the capacity of the ordinary citizen. Its help may be requested, for instance, in releasing people trapped in lifts or under vehicles or in machinery, in forcing entry into buildings on behalf of owners or the police, in pumping out flooded basements, in rescuing climbers trapped on cliff faces, and in other similar instances. In some areas the Fire Brigade and the Ambulance Service are integrated; in certain others the Brigade assumes responsibility for accepting emergency ambulance calls to street accidents and passing such calls to the nearest Ambulance Station.

Since the passing of the Fire Services Act in 1947, and the inception of the Brigades on the 1st April, 1948, great strides have been made in co-ordinating the fire services on a County and County Borough basis and, as a result of research and experiment, administrative and technical improvements are constantly being

made. In a service of this kind, which is still expanding and developing and which has assumed a greater importance in the life of the community than was the case even in immediate pre-war days, it is essential that the Chief Officer and his senior staff, who are associated, in the case of some counties, with far larger Brigades than ever before existed in this country, should possess initiative and foresight as well as administrative and operational ability and the faculty of keeping an open mind. The loss to the national income and the risks to life and property occasioned by outbreaks of fire are still considerable, even with the present day scale of fire fighting forces. It is the duty of the Fire Authorities and Departments to do all in their power to see that this loss and these risks are progressively diminished.

THE EDUCATION DEPARTMENT

THE WORK OF THE COUNTY EDUCATION OFFICER

County Councils have been concerned with the provision of public education for nearly fifty years; and during the last four years have assumed, together with the Councils of County Boroughs, still wider responsibility for securing that adequate educational facilities are available to all.

On the 1st April, 1945, the Education Act 1944, which was designed to bring about certain reforms in the educational system of the country so that a more varied and comprehensive service might be provided, came into operation. On that date, those Urban Districts and Borough Councils which had hitherto controlled elementary education lost their powers to do so; and the County Council became the sole Education Authority in its administrative area.

The schools with which the County Councils (and County Borough Councils) are now concerned, either directly or indirectly, are:—

(i) all primary and secondary schools, known as 'County Schools', which are provided and maintained entirely out of public funds. These schools amount to about half the total number, contain about two-thirds of all the pupils, and include primary schools which cater for the needs of children under eleven, and secondary schools which offer three alternative types of education viz: grammar, general and technical, to children of eleven years and over;

(ii) those voluntary schools, known as 'Special Agreement Schools', established for children over 12 as a result of the Education Act, 1936, which empowered Local Education Authorities to pay from 50 to 75 per cent. of the building costs. Only a very few of these schools were completed before the outbreak of war, but proposals

for many more, had been accepted, and are now being revived;

(iii) those voluntary primary and secondary schools, known as 'Controlled Schools', which do not, or did not, reach the required standard of schools construction, and are wholly dependent upon public funds for expenses incurred in reconstruction and repair.

(iv) those voluntary primary and secondary schools, known as 'Aided Schools', the managers or governors of which are able and willing to pay half the cost of the alterations, improvements and external repairs needed to bring them up to the required standard.

Each class of school has a different degree of self-government. At one end of the scale are the County Schools which are run entirely by the County Council; at the other, the Aided Schools which enjoy a certain amount of independence.

The County Councils are also responsible for providing or securing the provision of:—

(a) a suitable education for physically and mentally handicapped children in special schools,

(b) full-time and part-time education for persons over compulsory school age (i.e. over 15);

(c) leisure-time occupation in such organised cultural training and recreative activities as are suited to their requirements for any persons over compulsory school age who are able and willing to profit by the facilities provided for that purpose;

(d) a School Meals Service;

(e) a School Health Service; and

(f) they have powers to provide a Youth Employment Service.

Every County Council is obliged by law to appoint an Education Committee, to which it entrusts its responsibilities regarding the provision of educational facilities, except the power to levy a rate or to raise loans. The executive work is carried out jointly by the officers of the Education Committee under a Chief Education Officer usually known as the County Education Officer; by the Governors and Managers of schools or groups of schools; and sometimes by local executive committees known as Divisional Executives.

THE EDUCATION DEPARTMENT

The Education Committee of a County Council may include a substantial proportion of persons of experience in education who

THE COUNTY MEDICAL OFFICER

The County Medical Officer is responsible for advising the Health Committee on all matters affecting the health services in the county; and for directing the work of the Health Department in accordance with the policy which that Committee has laid down. In the main, he exercises the necessary control from headquarters where he is at all times available to his subordinate officers but, in order that he should be fully conversant with all that is being done to promote public health in all parts of the administrative area, he should be prepared to visit the outlying districts whenever his presence there becomes desirable. It is also part of his function to deal with officials of the Ministry of Health, for the Minister has considerable powers over the organisation and management of local health services, and consultation with the Ministry is frequently necessary when any kind of policy decision has to be taken.

The importance of the work undertaken by the County Medical Officer, and the many and varied services which he virtually controls, make it essential that he should be a man with considerable knowledge of, and experience in administration as well as in all kinds of medical work. In addition to his professional qualifications, which always include a Diploma in Public Health, and may include a Diploma in Child Health, the County Medical Officer should have had a clinical hospital background and a good deal of previous experience in local government affairs.

Every County Council is obliged by law to appoint a County Medical Officer, who, once he has received the appointment, cannot be dismissed without the prior consent of the Ministry of Health. The object of this provision is to give County Medical Officers a certain additional security of tenure and thereby to ensure a reasonable continuity of public health administration.

Staff: The Health Department is organised and staffed by the Health Committee in consultation with the County Medical Officer, according to the requirements of the county and the administrative pattern devised. In one county, the Department is organised on a sectional basis, each section being staffed by officers whose functions are confined to executive work on that aspect of public health which is the concern of the section to which they are attached.

The headquarters staff of this particular Department includes, in addition to the County Medical Officer, (who is also appointed as School Medical Officer by the Education Committee) a Deputy; and three Senior Assistant County Medical Officers, each of whom is concerned primarily with a particular branch of the work—i.e. one with the care of mothers and young children, one with the school health service, and one with the mental health side of the work.

Section I of the Department covers midwifery and home nursing, and is staffed by a Senior Midwifery and Nursing Officer and a

proved by the Minister of Education; their activities are limited by the amount of money allowed them in the Annual Estimates; and their meetings may be attended by the County Education Officer on his Deputy, or any other county officer who is concerned in any project there being discussed. As a rule, primary and secondary education only are dealt with on a divisional basis, although in some counties certain aspects of further education are included as well. All Divisional Executives are closely linked with the Education Committee and are required to exercise their functions consistently with the policy which the Committee has laid down.

THE COUNTY EDUCATION OFFICER

The County Education Officer, is responsible (a) for giving the Education Committee and its sub-committees such advice on matters of education and administration in the county as they may require, (b) for keeping in touch with all the activities ot the Divisional Executives and for instructing them where necessary on matters of policy and, (c) ensuring that the plans of the Committee are translated into fact in the Department in accordance with the aims and intentions declared. The appointment is a statutory appointment—that is to say, the law demands that every County Council shall appoint a Chief Education Officer; and it must be confirmed by the Minister of Education, who has considerable powers of supervision and direction in all educational spheres.

The appointment of County Education Officer is usually held by an Officer who has reached a high educational standard and holds a good University degree; who has had a certain amount of teaching experience, preferably in a large school; and who has gained administrative experience in a large office. It is also of paramount importance that a County Education Officer should be a man of judgment and understanding, and one who is naturally sympathetic to his fellow-men; for his duties involve him in numerous relationships with widely different types of people, and unless he can gain their confidence and co-operation, his effectiveness will inevitably be impaired.

Staff: The staff of a Department of Education is constituted according to the size of the county, the scheme of divisional administration devised by the Council, and the number and type of educational establishments in the county. In a large county there may be between 400 and 500 officers, clerks, typists, etc., working either at headquarters or in the divisional offices.

A Headquarters' staff of this kind will probably consist of the County Education Officer and his Deputy; three Chief Assistants in charge of the three departmental sections which cover primary, secondary and further education; an Accountant; a Welfare Officer; a Sites Officer; a Requisitions Officer; a Staffing Officer; a School

Meals Officer; an Accommodation Officer; a Chief Inspector; a number of assistant inspectors and advisers (Physical, Education, Music, Drama, etc.), and an adequate clerical and typing staff controlled by a Chief Clerk.

Each Division will have the services of a whole-time Divisional Education Officer, an assistant Divisional Education Officer and clerical staff commensurate to its needs.

The Department's medical, nursing and dental staff, as well as its engineering and architectural staff and any other specialist officers whose duties are not related wholly or mainly to the functions of one Divisional Executive, will be attached to headquarters although most of their time may be spent in one or other of the Divisions.

Senior staff appointments of all kinds are made by the Education Committee on the advice of the County Education Officer who avails himself of specialist advice whenever he deems such advice to be desirable. Divisional and Assistant Divisional Education Officers are appointed in the same way by a joint panel of County Council and Divisional Executive members.

Vacancies on the staff may be filled by promoting or transferring existing members of the Council's staff or by bringing in persons holding the necessary qualifications from outside. It is usually laid down in the county's scheme of divisional administration that any officer employed by the Council in the divisions must be acceptable to the Executive concerned.

Managers and Governors: In addition to the County Education Committee and Divisional Executives, every primary and secondary school has its body of Managers or Governors. These are statutory bodies of long standing; they are local in character, and their members serve in a voluntary capacity. Some of the members are appointed by the Local Education Authority, some by minor Local Authorities, and some (in the case of voluntary schools) as foundation managers representing the foundation trust; and generally speaking, appointments are made from among local residents who are interested in the education given in the particular type of school involved. Certain Managing or Governing Bodies are in charge of single schools; others may be made responsible for a group of allied or similar schools.

Managing and Governing Bodies create a personal link between the schools and the local community on the one hand, and the schools and members and officers of the Local Education Authority on the other. Managers and Governors are not required to determine the general educational character of the schools, nor their place in the local educational system; nor are they encouraged to interfere with internal organisation, management and discipline, which are matters

for head teachers to decide. They are however requird to visit their school; to hold consultations with the head teacher; and either to suggest or to initiate those repair works and other improvements which, in their opinion, will safeguard and promote the interests of the school.

The necessary liaison between the Department of Education and the Governing and Managing Bodies is provided by a Clerk or Correspondent, who may be appointed by the Managers or Governors, or may be an officer of the Department.

Finance: Estimates of annual expenditure on the educational service in the county are prepared in the Department of Education and submitted through the Education Committee and the County Finance Committee to the full Council. The Annual Estimates may include individual estimates prepared by the Divisional Executives and submitted in advance to the Department for their views.

A careful study is made of these estimates by the Department, by each of the Committees and by the Council, and they are often pruned and amended before final approval is given. When the Council has given its final approval, the estimates are forwarded to the Minister of Education, for the amount of money spent on education is so great that only part of it can be raised locally from the rates or from loans, and large sums have to be provided each year from the Exchequer in the form of a grant to the Education Authority. The exact amount of the Government grant varies as between the various services for which money is required. The average rate is now between 55 and 60 per cent. of approval expenditure, though there is some variation for individual areas. The Councils of the poorer and more sparsely populated counties may receive substantial additional grants.

It is incumbent upon County Councils receiving the grant to satisfy the Minister of their efficiency and goodwill. If he is not satisfied on these points, or if he has reason to believe that Regulations made by his Ministry are being neglected, he has powers to reduce or to withhold the grant until matters have been put right.

WORK OF THE DEPARTMENT

Sites and Buildings: Periodic surveys of the county are carried out under the direction of the County Education Officer in order to make sure that there are a sufficient number of primary and secondary schools of all types in every district of the administrative area. Officers engaged in this work must pay particular attention to the new Regulations governing the minimum acreage of school sites which have recently been revised; they must study population trends, so that any foreseeable increase in the number of children reaching school age in any one year, can so far as possible, be provided for in advance; and they must be ready to consult with the

officers of the Planning Department so that satisfactory sites may be set aside for school buildings in the new Development Plan. Temporary shortages of school accommodation may be met by obtaining by purchase or on lease vacant premises in the area and converting them to school use.

School buildings are inspected every year, and after consultation with the Managers, Governors and Divisional Executives, the County Achitect is required to prepare a schedule of recommened works. If the work proposed involves only minor improvements or is confined entirely to redecoration or repair, its execution may be arranged either by the Divisional Executives (if it is a County or Controlled School) or by the Managers or Governors (if it is a Special Agreement or Aided School). Any proposals involving additional sanitary or teaching accommodation are dealt with at headquarters; as are any proposals for work not provided for in the Annual Estimates.

School Supplies: The equipment of all primary and secondary schools is examined from time to time from the point of view of quality and quantity, and to see that complete records are kept of the stocks held by each school. In this connection, representations made by Managers or Governors must be carefully considered and passed on to Divisional Executives. As a rule, Divisional Executives may authorise supplies up to the quantities allowed for in the Annual Estimates; but if supplies demanded are in excess of this amount, central consent must be obtained.

General Organisation: Inspectors attached to the Department are responsible under the Chief Inspector for assisting and advising head teachers on the general organisation of the schools, and on questions of staffing, curricula, etc. Inspectors have no executive functions; that is to say, they have no powers to enforce any changes, however desirable they may seem, in any of the schools that they visit. They act, rather, as colleagues to the teachers; and it is their duty to make suggestions, from their wider experience, that might be of value both to head teachers and to the teaching staff. They may make arrangements for the head teachers of a number of schools to hold meetings, where matters of general interest may be discussed; and may suggest alterations in the curricula, if in their opinion such alterations would result in improved educational standards.

Inspectors are required to report regularly to the Chief Inspector, who will see that the County Education Officer and his senior assistants are in full possession of all relevant facts.

Teaching Staff: Decisions as to the number of teachers to be employed in each school and as to the qualifications each teacher should possess are generally made by the Education Committee on

the recommendation of the Divisional Executives and in consultation with the County Education Officer or his representatives. The head teachers are appointed by the Managers or Governors after consultations with the Divisional Executives and the Education Committee and with the assistance of the County Education Officer or the officer in charge of the Departmental Section which deals with the type of school concerned. The assistant staff receive their appointments direct from the Managers or Governors, who are required to consult the head teacher concerned before reaching their decision, and to await the confirmation of the Divisional Executive before considering it as final. All teachers are employed by the County Council, and are paid on fixed salary scales.

In order to encourage a steady flow of teachers to the schools and to ensure that the standard of teaching shall be as high as possible, teacher training schemes, Summer schools and lecture courses are arranged.

School Attendance: It is laid down by the law that all children between 6 and 15 must receive full-time education. Cases of persistent absence from school are reported by the head teachers to the appropriate officer, who, if no satisfaction from the parents can be obtained, will inform the Divisional Executive, so that legal pressure may be brought to bear.

Transport of Children: For children living at some distance from the school which they attend, arrangements may be made by the Divisional Executive for the provision of transport, either by means of travelling allowances, or, if no public transport is available, by private omnibus or car. The provision of transport must, of course, be sanctioned in general terms by the Education Committee.

Welfare in Schools: Every child in a County, Controlled or Aided school has the benefit of (a) the School Medical Service, and (b) the scheme of School Meals, for both of which the Education Committee is responsible to the Minister of Education.

The first of these two services is often organised in co-operation with the Health Department of the Council, for it is not always necessary to employ a duplicate medical, dental and nursing staff. It remains with the Department of Education, however, to make arrangements through the County Medical Service for medical inspections, and to secure medical and dental treatment for those requiring it, either from general practitioners or in the school clinic, or, if the disease or disability is a serious one, in the appropriate hospital in the area. Officers concerned with the Service may, if the Committee approves, organise more frequent medical inspections than are required by law; and may take any steps to increase the scope and standard of the treatment given, provided

that in doing so they do not raise Departmental costs above the Annual Estimates.

The organisation of the School Meals Service includes finding or building suitable kitchens and dining rooms and engaging cooks and other kitchen staff, as well as making arrangements for the food to be supplied and delivered. In a large county, the officer or officers in charge may have to make arrangements for the serving of well over 100,000 meals every day. In addition, they must supervise the arrangements made for supplying every child with the daily one-third of a pint of milk to which he is entitled under the State Scheme.

Officers whose work is connected with securing the general well-being of the children are required to give head teachers any assistance they may ask in connection with cleanliness, clothing and the employment of children out of school hours. Cases of children who are persistently dirty, ill-clothed, or employed in jobs which are illegal for children, must be reported to the Divisional Executives or to the County Education Officer, so that suitable remedial action can be taken. In the case of children wrongfully employed legal action may be instituted against parents and employers.

Further Education: The idea of providing educational facilities on a wide scale for people over the statutory school age is a comparatively new one, although most Local Education Authorities have for some time past taken steps to meet any actual or potential demand. It is not possible, at present, for Departments to do more than increase the facilities they already provide; but it is their duty to do this as quickly as possible; and, when they have carried out surveys to see exactly what the position is in various parts of the county, to draw up plans for further extensions.

Further Education establishments already include Technical Institutes, Art Schools and Colleges where day classes are held; Youth Centres; Adult Education Centres; and in certain counties with large rural populations, Farms and Horticultural Institutes run in conjunction with the Ministry of Agriculture. It is the duty of officers concerned with Further Education to inspect these establishments from the point of view of siting and construction, as well as from that of accommodation and equipment, and to make recommendations through the County Education Officer to the Committee as to how they can be modernised and improved. It is also the duty of these officers to consult with officers of the Planning Department so that provision is made in the Development Plan to build a number of new establishments, including the County Colleges which in due course will be attended by boys and girls up to 18 who are not taking other educational courses.

Opportunity is given to young people wishing to profit by further education, and for this reason a number of Committees authorise their officers to arrange for the medical inspection and treatment of pupils attending institutes and colleges, to organise the provision of meals and light refreshments for them, to grant travelling allowances where the cost of so doing is reasonable, and to deal with applications for admission free of charge or at reduced fees.

Special Schools for Handicapped Children: Children requiring a special education because of some physical or mental handicap are usually placed in suitable voluntary residential schools where their particular weakness is catered for and their natural development is encouraged in a way that would not be possible in an ordinary day school.

Some Councils are now providing their own boarding schools for this type of child; and many more intend to do so, when suitable premises can be found or constructed. The majority of such schools are however still run by voluntary organisations recognised by the Ministry of Education.

All boarding schools of this kind are visited and inspected by the officers of the Department, whose duty it is to see that every child placed there by the Committee is being well-cared for and educated as far as his capacity allows.

Aids and Grants to Pupils and Students: In order to make sure that no child capable of profiting by it is deprived of the opportunity of receiving the education he requires through lack of means grants are paid in suitable cases towards a number of extra expenses which parents, in the ordinary way, would not be likely to incur. Thus a child attending a school where school uniform is compulsory, may receive a grant towards its cost. A musical child may receive financial help in obtaining the musical instruction that he needs. A child who would clearly profit by a full-time further education may be granted a maintenance allowance to minimise his loss of earning power. A boy who wishes to go to sea may be granted an exhibition at some nautical establishment. Boarding fees may be paid; or partly paid, for children who would obviously benefit from attending a boarding school or whose home conditions are unsatisfactory; and exhibitions and other awards are granted to university students and students taking advanced courses at recognised institutions not of university standing.

Applications for this kind of financial help usually go through the Department of Education to a special committee established for the purpose of administering the scheme. The value of such grants is usually related to the parents' or applicant's income, and is fixed in some cases by the Education Committee and in other cases by the Ministry of Education. Recommendations may be made for additional assistance in special cases.

In the last few years, the Educational Service administered by County Councils has undergone considerable change. In the first place, it is much more closely supervised by the Minister of Education, who exercises greater powers of direction and control than were formerly exercised by the central government. There are now regulations prescribing the standards to which every Educational Service must conform; and there is therefore a greater degree of uniformity throughout the country. On the other hand, those in charge of the Service are anxious that it should provide not only good accommodation and instruction for the children and young people, but that it should give each individual a chance of developing his natural aptitude in whatever direction it may lie, and should help him to become a useful member of the community in which he must live and work.

These two aims: the overall raising of the material standard by providing better school buildings, better sites, better equipment and the like; and the broadening of the basis of education to include other things besides the usual school subjects—call for special qualities in the County Education Officer and his staff. In one way or another, they are in touch with the problem at first hand, and they should therefore be capable not only of keeping the service running as smoothly as possible as it is, but of infusing it as far as circumstances permit with new feelings and with new ideas.

THE HEALTH DEPARTMENT

County Councils have been partially responsible for the maintenance of public health in their administrative areas for more than fifty years, although their duties in this respect have been altered from time to time by the provisions of Public Health and Local Government Acts seeking to improve the scope and administrative framework of the services provided. From the beginning, environmental services have been largely administered by County Borough and County District Councils, and the powers exercised by County Councils have been mainly advisory and supervisory, though they have often given valuable assistance in the provision of piped water supplies and adequate main drainage, particularly in rural areas. Their duties as regards the personal health services were finally defined by the National Health Service Act, 1946, which removed the Hospital Service from their control; created them the sole authority for the personal health services in the county; and required them to prepare and submit for the Minister's approval plans for expanding and raising the standard of these services in every possible way.

As a result of this Act, the Maternity and Child Welfare Services previously established and run by the Borough and County District Councils have been added to those already controlled by the County Councils. The Midwifery Services have been similarly

transferred; while services for Home Nursing, Health Visiting, Domestic Help, Immunisation and Vaccination, the Prevention of Illness and Care and After-Care, Health Education and Mental Health have been established or re-established according to need. County Councils are also responsible for providing and maintaining ambulance services, and for providing, maintaining and equipping Health Centres for their administrative areas.

GENERAL ADMINISTRATION

The Health Committee: Every County Council must appoint a Health Committee to deal in the first instance with all matters relating to the health services for which it is responsible. The Committee must consist of at least a majority of Council members; and its minutes must be made available for inspection by any local government elector on payment of one shilling.

Every Health Committee may, and the majority do, appoint sub-committees both at the centre and in the districts or areas into which the County may be divided for the purpose. In one large county covering about 1,500 square miles and housing a population of some one-and-a-half million, there are three central Sub-Committees and seven Area Sub-Committees. The three central Sub-Committees are: A General Purposes Sub-Committee, which advises on housing, sewerage, water supply, river pollution and other miscellaneous health matters; a Health Services Sub-Committee which advises on the personal health services; and a Residential Services Sub-Committee which deals with the housing and care of the aged and infirm under the provisions of the National Assistance Act, 1948.

Area Sub-Committees: The establishment of Area-Sub-Committees is aimed at preserving local interest and at associating the Borough and County District Councils with the administration of the health services. Membership consists of representatives of the County Council and the Borough and County District Councils in a proportion of roughly 1, 3; in some areas, the smaller authorities being even more strongly represented.

The Area Sub-Committees are required to consider and report on all matters connected with the personal health services in their areas, through the Health Services Sub-Committee. They may also exercise certain delegated powers in connection with the appointment and dismissal of staff, the assessment of charges for services, the sanctioning of contracts for supplies, and the maintenance, management and inspection of clinics; provided that in so doing they act in conformity with the usual County procedure and with other general or specific instructions as may be given from time to time by the Health Committee.

THE COUNTY MEDICAL OFFICER

The County Medical Officer is responsible for advising the Health Committee on all matters affecting the health services in the county; and for directing the work of the Health Department in accordance with the policy which that Committee has laid down. In the main, he exercises the necessary control from headquarters where he is at all times available to his subordinate officers but, in order that he should be fully conversant with all that is being done to promote public health in all parts of the administrative area, he should be prepared to visit the outlying districts whenever his presence there becomes desirable. It is also part of his function to deal with officials of the Ministry of Health, for the Minister has considerable powers over the organisation and management of local health services, and consultation with the Ministry is frequently necessary when any kind of policy decision has to be taken.

The importance of the work undertaken by the County Medical Officer, and the many and varied services which he virtually controls, make it essential that he should be a man with considerable knowledge of, and experience in administration as well as in all kinds of medical work. In addition to his professional qualifications, which always include a Diploma in Public Health, and may include a Diploma in Child Health, the County Medical Officer should have had a clinical hospital background and a good deal of previous experience in local government affairs.

Every County Council is obliged by law to appoint a County Medical Officer, who, once he has received the appointment, cannot be dismissed without the prior consent of the Ministry of Health. The object of this provision is to give County Medical Officers a certain additional security of tenure and thereby to ensure a reasonable continuity of public health administration.

Staff: The Health Department is organised and staffed by the Health Committee in consultation with the County Medical Officer, according to the requirements of the county and the administrative pattern devised. In one county, the Department is organised on a sectional basis, each section being staffed by officers whose functions are confined to executive work on that aspect of public health which is the concern of the section to which they are attached.

The headquarters staff of this particular Department includes, in addition to the County Medical Officer, (who is also appointed as School Medical Officer by the Education Committee) a Deputy; and three Senior Assistant County Medical Officers, each of whom is concerned primarily with a particular branch of the work—i.e. one with the care of mothers and young children, one with the school health service, and one with the mental health side of the work.

Section I of the Department covers midwifery and home nursing, and is staffed by a Senior Midwifery and Nursing Officer and a

Deputy Midwifery and Nursing Officer on duty at headquarters together with four assistant officers, whose work lies mainly outside the office. Section II, which covers the care of mothers and young children, the Domestic Help Scheme and Health Visiting, is staffed by a Superintendent Health Visitor, two Deputies and a team of Health Visitors and School Nurses, a Supervisor of Nurseries and a Domestic Help Organiser each with a number of assistants in the field. Section III, which covers the School Health Service on behalf of the Department of Education, is in charge of the Deputy County and School Medical Officer and the Senior Assistant County Medical Officer concerned. Section IV, which deals with the acquisition of sites, or the hiring of premises for Health Centres, with Health Education and with the hire of ambulances, is looked after by an Administrative Assistant. Section V, which covers general public health matters, including water supplies, sewerage, care and after-care, immunisation and vaccination and welfare schemes for old or destitute people, is in charge of a Senior Administrative Officer with a special knowledge of the law concerning the aged and destitute, a Technical Officer and a Statistician. Section VI, which covers mental health, has a Senior Assistant Medical Officer and a large outside staff of visitors, who do a certain amount of the clerical work involved. The clerical staff proper is divided up among the sections according to need, each section having a Senior Clerk in charge There is also a pool of shorthand writers and typists which serves all the sections.

Outside headquarters are the Area Medical Officers, who act as advisers on the County Medical Officer's behalf to the seven Area Sub-Committees, and as liaison officers between them and the central Health Committee for all the services run by the Health Department, except for the School Health Service. They are employed for the major part of the time by the County Council for these duties, but also hold appointments as Medical Officers of Health to the District Councils. and thus form a valuable link in the chain of continuity between the different bodies concerned with the Public Health Service.

There are also a number of District Officers working in the areas, who are the authorised officers under the Lunacy and Mental Deficiency Acts. It is their main function to make all arrangements for the examination and certification (if necessary) of mentally defective people; but in addition, they render valuable general service to the headquarters' staff; for their duties take them into all parts of the county, and they are thus able to discover and report cases where some special service is required.

All senior medical and administrative staff are appointed by the Health Committee on the recommendation of the County Medical Officer. Junior administrative, technical and clerical officers receive their appointments directly from the County Medical Officer

or his representative, and a report is sent in afterwards to the Health Committee. All employees appointed by the Area Sub-Committees have the right of appeal against dismissal to the Health Services Sub-Committee, or to the Chairman or Vice-Chairman of the Public Health Committee. Since the passing of the National Health Service Act in 1946, the Minister of Health has acquired considerable control over officers employed in Health Departments, and he may, if he wishes, make regulations dealing with their pay, qualifications and conditions of service. The object of such Regulations is to ensure a common standard of staff efficiency throughout the whole county; and, as a general rule, the staff of County Council Health Departments would remain unaffected.

Finance: The Health Department works within the framework of its Annual Estimates as do all the other spending Departments. Half its total costs is met from local income, e.g. the rates and the charges that are made for some of the services, and half from Exchequer grant, which is paid out by the Minister of Health, provided that he is satisfied with all that the Department is doing and proposes to do in the future.

WORK DONE BY THE HEALTH DEPARTMENT

Services for the Care of Mothers and Young Children: The organisation of the services especially designed to help mothers and their young children is an important part of the Health Department's work, and in one Department at least, is carried on under direct supervision of the Senior Assistant County Medical Officer. The benefits provided consist mainly of free medical attention given by doctors and nurses employed by the County Council and working in clinics or welfare centres established for that particular purpose.

The exact number of clinics and centres varies from county to county according to the requirements of the locality concerned; but in at least one county there are nearly 400 of them, situated as far as possible where they are most accessible. Mothers can get expert advice and treatment both for themselves and for their babies at these establishments, and can also obtain supplies of dried milk and vitamin preparations, either free or at a reduced cost, depending on their means. Every encouragement is given to mothers to attend the clinics provided, for proper ante—and post-natal care can do much to minimise the risks of childbirth; and, once the child is born, the advice of doctors and nurses specially trained in child care usually proves invaluable.

A certain amount of practical assistance is also given as part of the service, and arrangements are made for looking after and supplying meals for small children (i.e. children under five years old), whose mothers are, for one reason or another, temporarily unable to take care of them themselves. Such children usually attend day

nurseries, but 24-hour nurseries and creches in clinics are also provided where the need for them exists; and in some places a system of daily guardians has been evolved.

Midwifery and Home Nursing: The midwifery and home nursing services are organised on behalf of those people who, although they do not require hospital treatment, are temporarily in need of expert nursing care. The County Council employs large numbers of midwives and nurses for this purpose (as many as 400 in one county); and the Health Department arranges and controls their work.

Detailed supervision is carried out by assistant midwifery and nursing officers, who spend their time travelling round the county on visits of inspection. It is part of their duty in this connection to see that the midwives and nurses have all the equipment that they need, and that such equipment is being properly looked after. They also check all records to see that they are being properly kept; and advise midwives and nurses when required on any practical aspect of their work. Wherever there is a shortage of personnel, arrangements are made by the officers to see that the midwives and nurses available are being used to the greatest advantage.

The senior officers at headquarters collate the information sent in by these assistants; examine all reports; answer all questions; and, on the basis of their overall knowledge, advise the Senior Assistant County Medical Officer, and through her the County Medical Officer, on the steps which could be taken to extend or improve the service. One of the most important improvements in recent years has been the training of midwives and nurse-midwives in the giving of gas and air analgesia in maternity cases. This training is given at hospitals and is effected by arrangement between the County Councils and the Regional Hospital Boards. In one county, at least, nearly all the midwives and midwife-nurses have completed the training.

Health Visiting Services: By means of the Health Visiting services, the mothers of babies born in the county are visited in their homes at least once in the first year, and thereafter at regular intervals as required, for a minimum period of five years. The main duty of Health Visitors is to advise mothers on infant feeding and care, and to help them in every possible way to bring up healthy children; but they also give help and advice in health matters to any other member of the household. In a large county, there may be as many as 300 Health Visitors, each with a case load of 500 families. A certain number of Health Visitors also act as school nurses, or nurses in charge of tubercular patients, who are not residents in sanatoria. In this way, they have the opportunity of getting to know the health history of the families that they visit from more points of view than one.

In organising their Health Visiting Schemes, Health Departments pay great attention to the fact that such schemes are the necessary counterparts of the other services for mothers and young children. Without the Health Visitor, those women, who are either unable or unwilling to visit the clinic or the welfare centre, would run the risk of missing many of the benefits that they receive at present; and the growing child might lack that continuity of care which is now provided for him.

Domestic Help Services: The area and district domestic help organisers attached to the Health Department are responsible for compiling lists of local women, who wish to be employed by the Council in helping other women to look after their homes. A complete list is kept at headquarters; and from this list women are chosen, as and when the need for their services arises.

Domestic help is provided by the Council for families where there is a large number of small children, or where there is illness in the house, or in any other circumstances where the housewife is finding it exceptionally difficult to manage without some outside assistance. Application is made in the first place to the area and district organisers, who refer the matter to the Domestic Help Organiser at headquarters. The decision as to whether help shall be provided rests largely with her, although she will, of course, take the recommendations of her assistants into account. A small charge is made, whenever possible, towards the cost of the domestic help service, although the Council is responsible for paying all wages.

Services for Immunisation and Vaccination: Parents are not compelled to have their children immunised against diphtheria of vaccinated against smallpox; but, in the interests of the children and of the community at large, every encouragement is given them to do so.

The responsibility for arranging facilities rests with the Health Department; and children can as a rule be immunised or vaccinated free of cost either at the welfare centres or by any medical practitioner who has joined the scheme. In some cases, special immunising clinics have been set up.

Administrative arrangements are made and records kept by a senior clerk of the Department.

Services for the Prevention of Illness; and Care and After Care: The Health Department, through its health visitors and in other ways, make all the necessary arrangements for preventing the spread of illness as far as possible, and for looking after people, who either are, or have been suffering from tuberculosis, mental illness, mental deficiency or any other socially significant disease. Arrangements made under this heading include the provision of nursing apparatus for patients in their own homes, and of

such equipment as outdoor shelters for tuberculosis patients, who can thus be kept in the open air and as far away as possible from the rest of their families. In some cases, extra food is provided for sick persons with special needs; and beds and bedding may be loaned. The prior consent of the Minister of Health is required for all measures taken to prevent the spread of illness, and where people can afford to contribute to their cost, they are expected to do so.

Health Education also plays its part in preventing illness and in care and after care, for a great deal can be done by giving detailed explanations both to the families of sick persons and to the public generally about what kind of precautions should be taken. In one county, a grant of approximately £300 a year is made towards the cost of lectures and film demonstrations etc., on various aspects of health, which are arranged by a member of the Departmental staff.

Mental Health Services: It is the responsibility of an assistant Medical Officer of the Health Department and the District Officers and their assistants to look after all mentally affected persons in the county, who, for one reason or another, are not being cared for in institutions.

These officers visit all mental patients regularly, and keep careful watch on their general condition, so that if it becomes necessary. arrangements can be made for their admission to hospital. Advice and instruction is given to the relations of the patient, if they are considered suitable guardians, and to any specially appointed guardians, so that undue trouble or suffering may be avoided. In one county, Occupation Centres have been established where mentally defective children and some adults are encouraged to play, or to carry out simple tasks under the supervision of trained mental workers, for six hours of the day. A meal is provided at these Occupation Centres, which are paid for and staffed by the Department.

Services for the Aged and Infirm: The Health Department is responsible for making arrangements for promoting the welfare of old people, and for those who are blind, deaf, dumb or in any other way substantially handicapped by illness, injury or congenital deformity.

Much of this part of the Department's work is done by a senior Administrative Officer in co-operation with the members of voluntary organisations, who have for many years run services for those deprived of proper home care of or the ability to compete on an equal footing with their fellows; and as a rule, a grant is made towards their expenses out of the Department's funds. At present, schemes are being prepared in the Department to co-ordinate all the services and to extend their scope, so that existing gaps may be closed, and specialised help become available to all. Certain of

these schemes include plans for obtaining suitable accommodation for old persons whose families are no longer able or willing to look after them. Others include plans for extending the training schools and institutions which have already been established to cater for the needs of handicapped persons.

Ambulance Services: The Health Department organises the county ambulance services, which are used for transporting patients from one hospital to another, or from their homes to hospitals. An Administrative Assistant is in charge; and the services are at present provided either by vehicles owned and maintained by the Council, or by vehicles operated and maintained by voluntary First-Aid organisations acting as the agents of the Council, or by private individuals who, in return for their expenses, offer to drive "sitting-cases" in their own cars.

Since the demand on the ambulance services is very considerable (in a large county there may be more than 10,000 calls upon them in a month) and will tend to grow, most Health Department are aiming to build up their own fleets of ambulances and cars as soon as time and money allows.

Health Centres: Steps are being taken by the Health Department to acquire sites or to hire suitable premises for the Health Centres, which County Councils must eventually establish under the provisions of the National Health Service Act, 1946.

These Centres, when they have been built, will be able to be used for the purpose of any of the Health Department's services; and will also be available for use by general practitioners, dentists and specialists. Responsibility for seeing that they are properly staffed and equipped will rest with the Health Department, and it is intended that they shall form the basis of a preventive health service, which will be more effective than anything hitherto known.

Housing: Since the County Council is not the housing Authority in the administrative area, the functions of the Health Department in regard to the provision of houses are confined, where they exist at all, to making loans or grants to owners to enable them to carry out improvements or conversions of dwellings or other buildings occupied or suitable for occupation by agricultural workers; to making loans to enable persons to acquire houses for their own occupations; and to providing houses for occupation by members of the County staff.

Water Supplies and Main Drainage: Technical officers of the Health Department are responsible for advising the County Medical Officer on the adequacy of water supplies and sewerage schemes in the administrative county. The provision of these amenities rests in the first place with the Borough and County District Councils, but most County Councils have for years rendered valuable advisory and financial assistance, particularly in rural areas.

Since it is recognised that adequate supplies of unpolluted, piped water and efficient drainage and sewerage schemes are, as a rule, more easily and cheaply provided on a large scale and over a wide area, there is a growing tendency for all the responsible authorities to combine when new plans are being proposed and drawn up.

The many and varied activities of a County Council Health Department no longer include that of hospital management, which used to be one of its principal functions; for this has now passed to the Regional Boards. There is, nevertheless, a strong natural link between hospitals and other public health services, which cannot be ignored. In every county, the County Medical Officer and his Assistant Medical Officers are in close and constant contact with the hospital authorities; and in some areas, supervisory boards have been set up, composed of members of the Health Committee and members of the Hospital Management Committees to report on matters of common interest. By and large, however, it may be said that the County Medical Officer and his Health Department are engaged in the promotion of positive health, while the hospitals are concerned with curing existing ills.

THE CHILDREN'S DEPARTMENT

In 1948, a Children's Act was passed, which changed in many important respects the basis upon which County Councils and County Borough Councils had hitherto discharged their duties towards healthy, normal children deprived of an ordinary home life.

Prior to that date, most County Councils had exercised their functions in regard to the welfare of these children through three separate Committees, viz: the Education Committee, the Public Assistance Committee and the Public Health Committee, according to the provisions of various Acts concerning child care and protection. The new Act consolidated and amended these previous Acts so that the scope of the Council's duties and powers in relation to children was considerably extended. Furthermore, it provided that a single Committee should be established, to which all matters relating to deprived children should be referred.

County Councils are now responsible for the welfare of three classes of children up to the age of eighteen, and, in some cases, over that age. In the first class are those children who have been abandoned by their parents; in the second, those children who have no parents; and in the third, those children whose parents are either unfit or unable to look after them. Councils are required to do all that is in their power to further the best interests of all these children; and to afford them every opportunity for the proper development of their characters and abilities.

GENERAL ADMINISTRATION

The Children's Committee: The Children's Committee is the Committee which all County Councils are required by law to establish to deal on their behalf with all children in the county, who, for one reason or another, are without the advantages of a normal family life. The size of the Committee depends on the size and requirements of the particular county, but it usually consists of about one-third of the Council members; and the Chairman is chosen, wherever possible, for his particular interest in, and knowledge of, the work.

In some of the larger counties, Children's Committees have established or are establishing Area Sub-Committees composed partly of Committee members, partly of members of County District Councils and partly of outside persons especially interested in, or knowledgeable about, the care of children. The establishment of these Sub-Committees is intended to encourage local interest in the well-being of the deprived child; and their members act as local supervisors for the main Committee in regard to children who have been boarded out with foster parents or who are living in Children's Homes in the area.

The Sub-Committees are subordinate to the main Committee and must exercise their functions according to the policy laid down.

The Children's Officer: Every County Council must appoint a Chief Officer, known as the Children's Officer, capable of advising the Children's Committee as required, and of directing the work of the Department engaged upon putting the policy of the Committee into practical effect.

Since the position of Children's Officer is a comparatively new one in most county departments, there are no hard and fast rules as to the qualifications that should be demanded. It is, however, recognised that special aptitude, training and experience are needed, for the duties attaching to the position have an importance not only for the present, but for the future good of the community. Candidates are therefore expected to have reached a high educational standard, and they may be required to hold a university degree. They should also hold a diploma or a certificate in Social Science; and should, ideally, have had experience in different kinds of welfare work, in hospital work (possibly as an almoner) or in the teaching world. In addition to technical qualifications and administrative ability, a Children's Officer should know and understand children and everything that makes for a happy and healthy childhood.

The appointment of Children's Officer is made by the County Council on the recommendation of the Children's Committee, and must be approved by the Home Secretary.

The Staff: Most Children's Departments are still being built up, and are not likely to reach their final form until the total number of children needing care and protection as specified in the Act, and the exact nature of the provisions to be made for them, are correctly known. At present, the service is still in its infancy, and Departments are staffed as far as possible to meet the existing need. In one county, the central office staff of the Children's Department consists of the Children's Officer; the Deputy Children's Officer; a Senior Boarding-out Officer who is in charge of all the Welfare Officers; a Supervisor of Childen's Homes; a Supervisor of Nurseries; an Assistant Welfare Officer, who collates all the information sent in for the use of the Children's Officer and the Children's Committee, and keeps all the records; and a number of senior clerical officers, who deal respectively with adoption matters, with Committee work, with the acquisition of buildings for children's homes, etc., and with the various costs which arise in connection with boarded-out children. There is also a clerical and typing staff, which numbers about 20, in charge of a senior clerk.

Work in the field is done mainly by a team of Welfare Officers, who visit all the children for whom the Council is responsible and report upon their condition and progress. Assistance in this matter is also given by the Health Visitors attached to the Health Department.

The Superintendents, Matrons, house-mothers, nurses and domestic staff in the Children's Homes maintained by the County Council are also attached to the Departmental staff.

Appointments to the senior staff, which includes the Matrons, are made by the Children's Committee; the intermediary staff is appointed direct by the Children's Officer; and the domestic staff is appointed by the Matron of the particular Home in which their services are required.

WORK DONE BY THE CHILDREN'S DEPARTMENT

Reception Centres: No child may be taken from its parents except at their request, however bad the home conditions, unless it has been proved in a court of law that the parents are unfit to have the charge of it or are unable to control it; children are therefore brought to the Council as being in need of care and protection, either by their parents; or by the police; or as a result of a case brought by the National Society for the Prevention of Cruelty to Children. The duties of the officers of the Children's Committee begin for the most part after the child has been handed over.

The exact method by which each Children's Department begins to make arrangements for the future well-being of the child varies from county to county according to the policy of the committee;

but in one county, at least, Reception Centres have been established into which every child who is likely to remain with the Committee for more than a few weeks, goes for a limited period of time. At these Centres, his physical condition and temperament and character are carefully studied; any medical attention required is given; and a decision is reached as to whether a child would settle down most happily with a group of other children or in a private home.

The establishment of these Reception Centres has gone a long way towards preventing a child from being placed in an unsuitable environment; if any child is found to be in need of special treatment of any kind, an attempt is made to find the right home, hostel or school where he can receive it.

Children's Homes: Most County Councils provide and maintain one or more residential nurseries for children under five years old, and Children's Homes for children between five and fifteen, and there are throughout the country a certain number of training homes for children over normal school-leaving age, where instruction is given to them in their chosen trade or profession. A number of similar establishments maintained by voluntary organisations, exist in every county, and children in the care of the County Council may be sent to these establishments, the Council paying for their maintenance.

It is the principal aim of all those who administer the nurseries and homes as well as of the Matrons and nurses who work in them, to provide a happy atmosphere for the children, and one that approximates as nearly as possible to that engendered by a normal family life. For this reason, any kind of regimentation is strictly avoided; and rules and regulations are kept to a minimum. For the same reason children are not obliged to wear any distinctive dress; and it is in fact one of the duties of the Welfare Officers to see that each child is provided with suilable and becoming clothes. Increasing attention is also being paid to the architectural aspect and interior decoration of the nurseries and Homes; and to their furniture and equipment.

Children who are resident in homes maintained either by the county or by voluntary organisations are visited by the Welfare Officers of the Children's Department or by members of the appropriate Area Sub-Committee. Those between the ages of five and fifteen attend the most suitable primary or secondary school in the neighbourhood according to their age and ability.

The need for individual attention felt by most normal children is met as regards children in nurseries and Homes as far as possible by schemes set on foot by the Children's Officer and her staff, whereby familiies in the neighbourhood are encouraged to act as relations to individual children. By this means, a child without a family of his own, recovers at least some part of what he has lost.

Boarded-Out Children: It is part of the duty of the Children's Officer to ascertain the number of households in the county, which would be ready to take in a deprived child; and give him a normal family life. As a general rule, householders make application to the County Councils, and their homes are then visited by the Welfare Officers to ensure that they are suitable, and that the conditions prevailing in them are such that a child would be likely to become a happy, healthy member of the family. The Welfare Officer also makes certain at this time that the potential foster-parents understand at this juncture exactly what their duties towards the boarded-out child would be.

Boarded-out children remain the responsibility of the Children's Department; and a weekly payment is made to approved foster-parents to cover the cost of extra food and lodging. An allowance for clothing is also made, and every child going to a private home is first fitted out with all that he needs, since it is an important part of the policy of the Children's Committee that deprived children should feel themselves as nearly as possible like those who have families of their own.

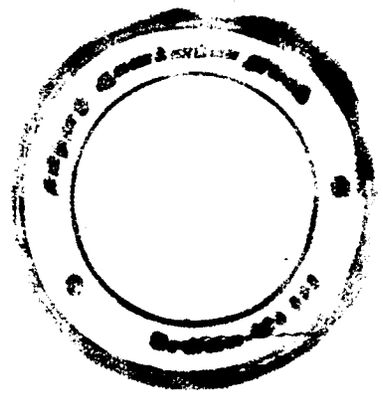
Regular visits are paid by the Welfare Officers to all boarded-out children so that their general condition and progress can be kept under review, and so that advice may be given to foster-parents, if at any time it is required.

If any of the children in their care are eligible for adoption, the Children's Committee is able to act as an Adoption Society; and the Committee must be represented at court, when decisions regarding the adoption order are being taken. If the presiding magistrate decides in favour of adoption, the Department is no longer responsible for that particular child, who becomes in all respects a charge on his adoptive parents.

Many children in every county area are boarded out privately by their own parents or guardians; it is the duty of foster-parents who receive children in this way to notify the Children's Officer, and it is her duty to arrange for these children to be visited regularly and to ensure that they are being well cared for. The Council is not, of course, in any way financially responsible for these children.

Remand Homes: In addition to their responsibilities in connection with normal children who have lost or are separated from their parents, the Children's Department in some counties is responsible for the Remand Homes and Approved Schools, to which juvenile delinquents are sent. By means of inspections and visits, the staff must ensure that any regulations laid down are being followed; and that in general, everything possible is being done for the child's physical and moral welfare.

The changes in the powers and duties of County Councils towards the children in their charge are possibly not yet complete; and time may show that there are yet gaps to be filled and administrative problems to be solved. An important beginning has however been made; and the public conscience has been awakened to what is due to deprived children. It is also more readily understood than in the past that the community by looking after its abandoned children is not only fulfilling its common duty, but is also doing something to ensure for itself the good citizens of the future.



Housing and City Development

BY

Shri S. N KINI*

"I shall now, speak to you a little about building construction as applied to Housing and City Development. My work as Consulting Civil Engineer during the past 15 years, brought me not only into close touch with the working of the Bombay Municipal Act of 1888, Bombay Rent Restriction Act of 1939, the City of Bombay Building Works Restriction Act of 1949 but also gave me some inklings in the Town Planning Act of 1915 and other incidental legislation and notifications. Though it would be difficult for me to go through each and every piece of legislation, whenever I make a study about any idea of housing I have always borne in my mind the sentence which I quoted in my paper† at the 25th Annual Session and which I give below:—

> "We now shape our buildings and afterwards the same buildings shape us. The Engineer and the Town Planner through his work becomes an educator and moulder of nation's thought. Buildings and towns are seen as books or speeches, political or philosophical dogmas, compelling forces which act deeply upon our lives. Houses and streets known in our childhood days leave their marks on much of our thinking, places where we work influence our moods and places of worship or fame several hundred years old carry still a message to our most secret emotions".

The above sentence must be always borne in mind when we think of any legislation on housing, or when we get on to the structural, architectural, utilitarian, economical or any other activity Hence let us aim at the correct objective and bring about such legislation as would give some definite and tangible results.

It is needless for me to point out here, that sections, 337, 342 and 354 of the Bombay Municipal Act are the most important sections as far as building construction in the City of Bombay is concerned. The construction of new buildings and the work of additions and alterations to the existing buildings come under the first two sections while all the buildings under ruinous conditions in the slum area or any other locality for demolition will come under section 354. The Bombay Municipality under these sections and section number 507 can improve the city and make it really worth

* Extracts from the speech of Shree S. M. Kini, Chairman, Bombay Centre of the Institute of Engineers, delivered on the 28th February 1951.

† "Town Planning Target for Tomorrow", a paper read by me at the 25th Annual Session of our Centre.

living. Chapter No. XIIA of the same Act gives vast powers to the Corporation to do away with the slums and implement improvement schemes in their stead. But the social and political forces and the vested interests always come in the way of the City's development while the Rent Restriction Act of 1939 has further hampered the city's healthy life. In the interest of the city the slums must be eradicated, bottlenecks in the roads removed even by taking recourse to section 507 compensating the landlords at the same time I will make bold to say that the Rent Act should not be applied to buildings that come under section 354 or buildings older than 30 to 35 years and to houses of a temporary nature or buildings that come under the category of U.H.H. The Act may be made applicable to all improvement scheme buildings and the permanent buildings built in the last 30 to 35 years. It is this Rent Act that has caused the break in the City's development and has caused the shortage in housing accommodation. Restore the 1947 Act giving power to the landlords and local authorities to demolish old buildings and buildings of a temporary nature and see the result. All the undeveloped land and blighted areas within the city will buzz with the building activity and more buildings and better buildings will result.

The problem of Housing and City development has been dealt by me in full details in my two papers* contributed to the Centre some years ago. I do not wish to repeat what I said there. I am sure you will agree with me when I say that the congestion in the City and the housing shortage is all due to the rapid and unplanned industrial growth, unrestricted centralization of the Industries and the limited storing accommodation for the heavy international trade and commerce of the City. In order to have the correct and balanced development of the city it would be necessary to go through the momentum of the past development, make a study of the suggestions made by the Housing and Traffic panels and zone of the city on the proper lines. Mr. Modak, the Special Engineer of the Bombay Municipal Corporation has already done some loud thinking by bringing out the Master Plan for the Bombay City. When all these ideas are finalised, we practising Engineers will be able to work on more precise lines and would be able to relieve considerably the situation of housing.

Our Institution has discussed on this housing problem *ad nauseum* and several engineers interested in this subject have contributed to the deliberations on that subject. Soon after the promulgation of the Bombay Act LVII of 1947, we had sent a printed memorial† to the Government of Bombay, wherein we had given

* "Housing in Greater Bombay" paper read at the 26th Annual Session of our Centre. "Town Planning Target for Tomorrow", a paper read by me at the 25th Annual Session of our Centre.

† This printed Memorial of the 16th March, 1948 bearing our No. G/47-48 was addressed to the Hon'ble Minister for Labour and Housing and consisted of 11 printed pages.

the full integral version of the problem of Housing. If we just study this problem and see how it was combated in the past, it will, I am sure, be pointed out that it was private enterprise that came to the rescue of the homeless. If the present legislation is so enacted as to ensure, secure an adequate return to the builders and the landlords, creating confidence in them about the security of capital, then it is but certain that the constructional activity can be stepped up. Cement position since has eased and there is not a heavy back log in the steel supply. The Rent Act of 1947 may be restored implementing changes on the above lines, giving powers to the landlords to evict the tenants whenever they wish to pull down the old dilapidated structures and build new ones in their stead. Here, I must say, that the optimum standards in housing as outlined in the Housing Panel, or the Bhore Committee Reports must be adopted and must be rigidly enforced. The Bombay Municipality have also laid down certain building rules and bye-laws for the single-room and double-room tenements giving optimum ventilation and lighting and it is by such concerted action that we will be able to achieve some substantial results. The Government too must give active help and co-operation, not only in sponsoring co-operative building societies but by giving them financial aid to the tune of 75 p.c. I would lay down the following procedure for the attainment of the above objectives:—

(1) Constructive legislation on the above lines will have to be enacted with a clear and definite objective.

(2) The Bombay Municipality may even exempt the builders and landlords the general taxes for a period of 10 years.

(3) The present system of giving financial aid to the Society to the extent of 75 p.c. of the cost of land and building be continued without the present rigid procedure.

(4) Whenever any new heavy industries or other industries are allowed in the City or in the Greater Bombay Region, the Government through their Co-operative Department should sponsor the Building Societies for the workers by finding for them land and finance. The Industries will not be burdened with additional capital outlay.

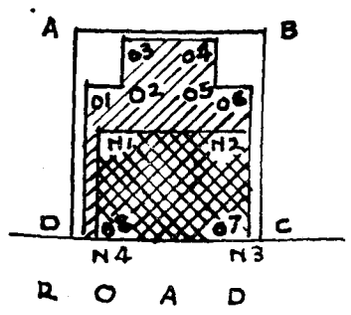
The Bombay Rent Restriction Act of 1939 with all its subsequent amendments has miserably failed in stimulating the production of new buildings. The conflicting and diverging interests of the landlords and the tenants, the lessors and the lessees, mortgagors and the mortgagee have created rifts in the social life and embittered the relations between these different groups. Even the most important and responsible persons and companies have taken shelter under the above Act and have backed out from their agreements

and contracts. Thus this Act has come in the way of the building class and has hampered the growth of the city. Then the Government rule that the vacant blocks cannot be let out by the landlords to their own relations and friends have created great hardships Also the utter confusion created by Government in transferring the Riot Tax from the landlord to the tenant on the carpet area basis is too well known. Now the last amendment* to the Rent Act passed at the Poona Session, permitting eviction of tenants for developing the estate is unrealistic and impractical as shown under in the foot note. It will create innumerable difficulties both for the landlords and the tenants landing them into heavy expenses. An example worked below will show how the results will be nugatory. I would personally say that the 1947 Act may be restored with changes suggested already. More powers must be given to builders and landlords while panel consisting of practising Architects, Engineers and Small Cause Court lawyers may be appointed to go through the eviction cases and give quick decisions, say within three months. The following are the suggestions which I would make:—

(a) The Rent Act be so amended as to protect the rights of the tenants, as long as they follow the terms of tenancy, and as long as they serve in the City of Bombay and continue to live within the City. The Act to be made applicable to buildings in the Trust Schemes and all new permanent buildings built during the last 30 to 35 years. The Municipal obligations of maintaining the sanitary conditions of premises must be

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* The area bounded by dark lines ABCD is the present area of the plot.
The single hatched area O1, O2, O3, O4, O5, O6, O7, O8, is the present built up area.
The double hatched area N1, N2, N3, N4, is the area that could be built under the new building rules and bye-laws.



The living area per floor of the existing building = x2.
Present living area for a two storeyed building = 2x2.
When the present building is pulled down and a new building under section 337 of the Bombay Municipal Act is put up, a side open space of 5′ will hav to be left open and a lighting angle of 63o will reduce the built up area by about 50%. Hence the new built up area floor = ½x2
The area for the new building required under the amendment to the Act = 6x2 being three times the original.
Hence the number of storeys to get the optimum accommodation shou'd be = 12 storeys.
This will be impractical under the present Bye-laws.
Since the rents for new buildings under the new Act is to be fixed at double the old rents, the owner of such buildings in the slum area has no incentive to pull down the buildings nor does he think of putting up a new structure at all. The cost of the building construction having gone up 4 times the pre-war costs, the return would be 1/4 the pre-war standard *i. e.* 1½%. The very idea is preposterous, impractical and unrealistic and a more rational view will have to be taken to achieve good results. Hence restore the 1947 Act with the suggestions made above.

passed on to the tenants and landlords should not be penalised for the mistakes of the tenant.

(b) Whenever any vacancy occurs, or whenever the tenant leaves the city for good, the Controller of Accommodation should not come in the way of either the builders or the landlords to rent out the premises to their own persons. The office of the Controller of Accommodation should be closed down..

(c) The Government had a scheme of making use of the services of the private Engineers and Architects for the construction of new building schemes. The scheme seems to have been kept in cold storage. This may be looked into and proper action taken on the same.

(d) The present activity of the Housing Board may be continued but the buildings so erected must be sold to willing buyers with vacant possession at prices to be fixed by Government.

At the 26th Annual Session inaugurated by the Hon. Mr. N. V. Gadgil, I had read a paper on "Housing in Greater Bombay" and had laid great stress on the development of buildings on the co-operative society basis. The Government started well by bringing out a circular and giving full information to the building societies; but now when the societies are coming out for financial help the Government have withdrawn their co-operation. You can just visualize the plight of the sponsors who have done so much in bringing the Co-operative Societies into existence, making certain promises to the shareholders on the strength of the Government promises; but now they are not able to do anything. The present procedure of the Government for the acquisition of the land and converting the same from the N. A. use for building purposes, several formalities involving considerable amount of time and energy ought to be shortened. Now that the societies registered a couple of years are on the move, the Government should give them active help and co-operation. Here I am giving below the difficulties of a Co-operative Society in the Mahim Woods Area:—

A band of enthusiastic workers with an energetic executive formed into a Co-operative Society on a co-partnership basis and purchased lands for constructional purposes. The land was in the hinterland of the Lower Parel Division not fully served by drainage, road, water supply, electricity and other public utilities. With these odds against them they commenced the work on two buildings and practically came to the third floor level when the B. W. R. Act was promulgated. Then permit under the City of Bombay (B. W. R.) Act had to be obtained before the work could be continued. These

buildings* since then were completed but could not be occupied for the lack of water and electric connections. Now they have completed and occupied and work for the next two buildings of 24 blocks is in progress. The Society had to spend their valuable time and money in evicting tenants from the U. H. H. tin hutments which were without any plinth. The Society had even to take recourse to police and Municipal aid for getting the plot vacated and commence building activity. The Government should simplify their enactments and ease the departmental procedure so that we can have quick results. The same Society is now trying for the adjoining agricultural land for the last 2 years but the Acquisition Officer is so slow that the promoters of the Society have begun to doubt if at all they are going to get the land.

Here a few words on the cost of construction and the advances the Government make will not be out of place. The foot note gives the actual cost of construction of the same Society's buildings without the cost of compound wall, pump house, etc. The Government instead of advancing loans at the full cost of Rs. 1-8-0 per c. ft. are advancing at Rs. 1-4-0 per c. ft. which increases the burden on the members of the Society. A practical and more rational view must be taken on the advance policy of the Government.

Since the Second World War there has been considerable Steel shortage in the country and a Committee was appointed, known as the "Steel Saving Committee" to suggest ways and means of saving steel. In this connection I had sent a letter to the Committee about the good work done by our Centre and the suggestions made by the Bombay Municipality to the Provincial Government to permit higher stresses in both Steel and Cement and bringing the same in tune with the L. C. C. Regulations of 1939. But the matters are *status quo* and nothing seems to have been done in the matter. The Indian Standards Institution and its *ad hoc* committees should look to quality control and see that proper stresses are permitted in the steel and cement. By a constant vigil, the Government will be able to maintain a certain standard in the indegenous steel.

Having thus given my experience in the subject of Housing, I mean now to tell you something about the use of land and estate development which takes us into the subject of Town Planning. At

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* The index of cost of these buildings are as under:—

		Rs.	as.	ps.	
(1)	Cost of construction for all items of building construction mentioned in the Tender of the General Contractors.	1	4	0	per cft.
(2)	Cost of construction of plumbing work of the above building	0	2	0	" "
(3)	Cost of providing electric installation for the buildings ...	0	1	0	" "
(4)	Remuneration for profellional services rendered by the architects, Engineers and Surveyors with clerk of the work	0	1	0	" "
	Total...	1	8	0	" "

the 25th Annual Session of our Centre when the Hon. Mr. B. G. Kher was our Chief Guest, I had already dwelt at full length about this subject* and had raised the problem of zoning, location of industries, engineering problems including water supply and drainage public utilities, City development including the size of towns and intensity of population. Section 3 of the Town Planning Act of 1915 mentions about such contents of the Town Planning Scheme and I am glad to inform you that our Centre has taken a lead by appointing a Sub-Committee to go into this old Town Planning Act of 1915 and suggest amendments to the same. The Committee met several times and has gone through the same critically and the report with the recommendation is being sent to the Government for their consideration. I do hope that our Government will go through the same and incorporate such changes as are necessary to make the Act more effective and sufficiently forceful to meet the modern trends in the subject of town planning. Here I must say that we should study the birth, growth and development of the past Palaeo technic, Eotechnic and Neotechnic cities before we plan for the ultra-modern Biotechnic Cities.

From my experience of city working, I would say that the Government should impose a condition on all the Municipalities, and Local Boards to have an Engineer-in-charge of all the Engineering works in the town. The services of such Engineers must be transferable from one Municipality to the other, so that the engineer may not be victimised for his boldness in his engineering policies. Usually these Local Bodies are governed by different Committees appointed by them, and consist of members who are not having even a smattering knowledge of engineering. The Municipal Engineer with his assistants will be able to give a Master Plan for his town so that all the Corporators and the Committee members can have a clear mental perspective of their future town and direct their energies and monies for attaining this perspective. They will also know from economical considerations, the number of stages that will have to be adopted for having this full development. Such a working will create great enthusiasm and zeal in the towns and yield good results.

These Master Plans and the development of towns and cities will consist of two aspects, firstly the improvement of the old city on the correct lines by the eradication of the slums, widening of the roads, implementation of the Improvement Schemes and taking obnoxious trades out of the city, secondly, the development of the suburban area on the preconceived plans and integrating the same with the old city. A peep into the Master Plan Report of the City of Bombay will show on what lines the other towns and cities may be developed. I would lay particular stress on the 10 points raised

* Town Planning Target for Tomorrow.

by me, appearing in my paper* on page 3 of the Annual Report for the year 1945-'46. It is only after such Master Plans of the towns are drawn that the difficult problems in the city could be tackled with boldness and precision. In the original stages it may appear that the proposed steps are imaginary but they will be found to be realistic as the city develops. The question of compensation can be solved in the usual way. Hence forward, I feel, we must pay more importance to housing on co-operative society basis since it will inculcate the spirit of co-operation, civic sense and the technic of Local Self-Government.

Along with the housing, land development, zoning and self-contained community centres, it would be necessary to have roads of adequate width to connect the different components of the city. Segregation of fast and slow moving traffic with proper arrangement for the parking of cars in busy localities, and the traffic control are all important points; I would stress on the findings of the Traffic Panel appointed by the Post-War Development Committee.

The greatest headache in the reconstruction of the whole city is the removal of the slums and the blighted areas. Bombay is having 86 slums which have got to be eradicated without further loss of time. The buildings in these slum areas are all old and the rents are all low practically, 3 to 4 rupees per room. By the rental method of valuation the value of the property will be found to be low and the entire slum areas could be acquired and sold out as plots again without involving the Municipality into any extra cost. Chapter XIIA, Sections 354B to 354Y can be applied to these areas. The Rent Act should not be made applicable to such areas, while the Municipality and the Landlords should be given free permission to evict the tenants. The Town and Country Planning Bill of 1947 promulgated in Briton would give the correct line of working and I would suggest the following:—

(1) No new proposal under section 337 or 342 of the Bombay Municipal Act be entertained in these 86 slum areas. The present occupants to continue for a period not greater than 2 to 4 years or till such time the building is vacated for demolition. This will lower the land values.

(2) Even if permission under Section 342 is granted to some deserving cases no increment in the rents be allowed and no additional compensation on this account be entertained. This will discourage the building activity.

(3) Whenever any essential work for public use is allowed under Section 337 or 342 the owner must be given the benefit of the increase in the land values.

* Town Planning for Tomorrow.

Thus it would be possible to bring about the natural death of these slums and new brighter spots will emerge.

The Bombay Centre of the Institution of Engineers had all the above ideas before they undertook the idea of the amendment of the Town Planning Act of 1915. But the work involved is so much that it was decided first to review the Act from the short range point of view.

In conclusion, I have to reiterate my statements made to the Rotary Club* of Bombay recently. The Engineer created the very foundation of the material progress in India and contributed largely to the amenities of civilization and the fullness of life. The ideal of Service "Service above self" which is manifested in all the four objects of the Rotary, is followed by every one of us. The Engineer is a true follower of the principal" कर्मण्येवाधिकारस्ते मा फलेषुकदाचन and a peep into the progress and development of our country will bear testimony to my statement and speak eloquently, about the engineer who has laboured a lot in the silent service of mankind. Mountains were pierced, rivers were bridged and the overwhelming forces of nature were conquered by damming rivers and stepping up food and power production. All the present life lines of the country e.g. Road, Railways, Canals, Tramways as well as the beehives of activities consisting of the Aerodromes, Harbours and Docks, Industries, etc. were the fruits of the hard labour of the Engineers. Is it not the tenth wonder that our popular Government have kept us out of the administration? Nevertheless

"Let us then be up and doing with a heart for any fate
"Still pursuing, still achieving learn to labour and to wait"

Now on behalf of our Centre I can assure our State Government that we, engineers have an infinite capacity to face hard work, time to devote to hard work, a knowledge of the intricacies of the design and with the intimate familiarity of the Indian conditions and practical experience we will be able to get any scheme executed with proper supervision. With tact and initiation we will be able to give better results than any outsider or a foreign expert. Hence I will request the Government to take us into confidence and give us opportunities to show our ability and skill and await results. To members, I will say, let us gird up our loins and put up beter performances for the Country that would step up the production of food and clothing, stimulate the industrial drive, house the homeless. Let us show a way to produce more of every commodity and step down the costs both in the field of industry and in the field of agriculture rather than waste our time in talks and discussions on improving the morality of the people and turning them into persons of sterling character.

* Talk to the Rotary Club of Bombay on 10-10-1950 "Retrospect and Prospect of Civil Engineering in India".

Panchayat Raj in Uttar Pradesh

BY

R. P. DHOKALIA, M.A., LL.B.

Real Democracy can be established on Truth and Ahimsa alone. Contented, Prosperous and Selfsupporting Villages and Village subjects are the outstanding features of it.—**Mahatma Gandhi.**

INTRODUCTORY

India is essentially a rural country. Throughout the greater part of India the village constitutes the primary territorial unit of Government, and it is from the villages that the larger administrative units like Tehsils, sub-divisions and districts are built up. Apart from this, the importance of the village in Indian administration has consisted in the fact that a vast majority of the Indian population, eighty five to ninety per cent still lives in the villages. Since very ancient times villages have played a very prominent role in our nation's history. Until a little more than a century ago village was the only real unit of local Self-Government in the country. Every village had a panchayat of its own to supply the villager with all community services and to organise the village defence against any external danger. The villagers rarely expected or secured any help from central or provincial governments. The Indian village community continued to exist in some form or other in nearly every part of India despite the world shaking and catastrophic political movements to which the Indian culture was frequently exposed, and ever since it has always served as the bed-rock and sheet-anchor of India's social and economic system. It was so deep rooted that even the vicissitudes in India's fortunes caused by the numerous political and religious upheavals to which this country was subjected from time to time, left it not only undisturbed but full of municipal vigour. Sir Charles Metcalfe commenting upon the superior Tenacity of ancient Indian Village Communities remarked:—"They seem to last where nothing else lasts. Dynasty after dynasty tumbles down, revolution succeeds revolution.....but the village community remains the same. This union of village communities each one forming a separate little state in itself has I conceive, contributed more than any other cause to the preservation of the peoples of India, through all the revolutions and changes which they have suffered and is in a high degree conducive to their happiness and to the enjoyment of a great position of freedom and independence".*

The fundamental characteristic of the village of the past of which Sir Charles Metcalfe and Sir Henery Maine have spoken so highly, was its self-sufficiency. All its economic needs were supplied by the efforts of its own cultivators and artisans. The village Council or Panchayat was the most characteristic feature of the

* Sir Charles Metcalfe in the Report of the Select Committee and the House of Commons, 1832, Vol. III.

government of a village community. Originally the number of those who formed the council was five but the number was not necessarily adhered to with any regularity. The Panchayats commanded a traditional sanctity and they were entrusted with administrative and judicial work. To promote the comfort and conveniences of the people they organised all the collective effort, provided watch and ward, constructed and maintained irrigation works, arranged for the celebration of local festivals, maintained peace and order and looked after the essential needs of the local community. The Panchayats owed their power and influence to custom and tradition which for ages have been the sanctions behind the whole fabric of Indian Society. The principal functionaries of the village were the headman, the Patwari, the watchman or chowkidar, the school master and a number of artisans and traders like astrologer, smith, carpenter, potter, barber, washerman, vaidya and its band of musicians and other artists to satisfy the higher wants of life. All these village functionaries were public servants and they served each and every member of the village community. They were not remunerated in cash, but were given a grant of land free of rent or were given definite shares out of common heap of grain or from the individual harvest of every cultivator. In course of time payment in cash became increasingly common and each of these professions crystallised into a caste on account of the hereditary monopoly of customary duties.

These village communities continued to exist in some form or other even throughout the period of muslim rule, but muhammaden invasion and rule had a considerable weakening effect on them on account of the transfer of their certain functions into the hands of the officers of the state or of the local landowners. Later on, the establishment of the British rule gave the final deathblow to the ancient village autonomy. During the last one hundred and fifty years the growth of individualism, the development of means of communication, and the establishment of civil and criminal courts and the present revenue and police organization, all these factors combined adversely affected the community-tie and the autonomy of the Indian villages. This process was further taken ahead by the administrative policies pursued by the British Rulers who preferred all functions of the government being in the hands of their own officials. In course of time due to these obvious reasons, the Panchayats in their old form completely disappeared by the middle of the 19th century. But even after their extinction their memory and tradition continued to linger with the inhabitants of the villages. Inspite of this deploring decadence brought about by the breakdown of the community spirit there can be no denying the fact that village still continued to remain the primary and basic unit of administration.

After the lapse of some time the British rulers discovered that too much centralisation had made the administration much expensive and the financial burdens intolereable. With a view to initiate the policy of decentralisation the Government appointed the Royal Commission of Decentralisation (1906) to study the situation and to make its recommendations to the Government. The Commission strongly recommended for the resurrection and development of the ancient institution of panchayats in the village. It was only subsequent to 1909 when the Royal Commission of Decentralisation issued its report that the importance of the village came to be recognised. It was only about the year 1920 that a real start was made in every province to resuscitate village Panchayats in accordance with the instructions and general principles enunciated in the Government of India's Resolution of 1915 which contained cautions to Provincial Governments to create Panchayats in selected villages where conditions were favourable and which were to be placed under the supervision of collectors. As a result of this Resolution various village self-government Acts were passed and several thousand village authorities were established in different provinces, principally in Bombay, Madras, Bengal, Central Province, Punjab and United Provinces.

PANCHAYATS IN UTTAR PRADESH

In Uttar Pradesh it was in the year 1920 that the village Panchayat Act made a real start to introduce self-government in the villages. Under the Village Panchayat Act of 1920 over 4,000 panchayats were created thereby affecting the population amounting to 97,95,853. But the number of Panchayats which were really active was comparatively small though earnest efforts seem to have been made to infuse life into them. Taking into account the rural population of Uttar Pradesh amounting to 44,806,927, these Panchayats touched the life of only one out of every five persons living in rural areas. They had a total membership of 26,656 which means that each Panchayat had 5 to 7 panchas who were nominated by the collector. They had no powers of taxation, and although they were charged with the duty of arranging for the improvement of education, public health, water supply, roads and other works of public utility within the Panchayat circle, their village fund was derived only from judicial fees and fines and grants that may be made by the government or the local bodies or private persons. The Judicial powers of Panchayats related to the trial of civil suits of a value up to Rs. 25 and of petty criminal cases wherein they may inflict fines up to Rs. 10. Some of the Panchayats could be given the status of special panchayats by the government and as such they were entitled to hear civil suits involving a value up to Rs. 50 and award penalty up to Rs. 20 in respect of cases under the I.P.C.

The Panchayats established under the Act of 1920 were merely a pale shadow of the glorious institution that once flourished in our villages. The Panchas were not at all the representatives of the

people, since they were nominated by the Collector. Their powers were very limited and their function was mainly judicial. And above all the finances of the Panchayats were meagre and fluctuating, and there was no provision for regular and systematic grants-in-aid from the Government. Apart from these drawbacks the greatest flaw of the system under the Act of 1920 was that Panchayats were set up only in select villages, and in a large number of villages and over vast areas they were altogether unknown. It is obvious that self-government in villages could not become a reality despite this ineffectual and half-hearted attempt made by the Act of 1920. The necessity of rural reconstruction required the problem of village self-government to be dealt with as a whole.

On August 15, 1947, the British rule in India came to an end. The institutions of local self-government set up by an alien government lacked the dynamism required for building up a progressive and democratic state with equal rights and opportunities to all. Free India was required to refashion her institutions to bring them in accordance with her destiny. The first steps the various Provincial Governments took after the Swaraj were in the direction of recasting the machinery of the local self-government. And the inauguration of Panchayat Raj as well as important reforms in the municipal and District Boards and Town Area Committees has put the Uttar Pradesh far ahead of other states.

The Uttar Pradesh Panchayat Raj Act of 1947 is a great experiment of organising our village life on a co-operative basis. Under the enactment power has been decentralised to self-governing village communities on a comprehensive scale to cover the entire rural population of the state. It is an unprecedented measure in the history of democracy and local self-government in India. It has resulted in the establishment of nearly 35,000 Gaon Sabhas (Village Assemblies) and 8,225 Adalti Panchayats (Village Courts) covering all the 1,10,000 villages of the Uttar Pradesh. The Act aims to establish and develop local self-government in the rural areas of the state and to make better provision for village administration and development. On the occasion of the advent of Gram Panchayat Raj in Uttar Pradesh in August 1949, Dr. Pattabhisitaramaiya remarked:—"The strength of a building, however stately, is no better than the strength of its foundations. The Indian Union is the pyramidal mansion built on the foundations of three lakhs of Panchayats which are really the village republics. If these are rock-bottomed the superstructure they bear on them becomes equally firm and unshakable". He further added that "The U. P. Government have laid the foundations of Provincial autonomy in U. P. at such depths that the popular government which will be erected thereon may well be depended not merely to endure long, but to house the democracy of the future in a spacious and serviceable mansion".

The introduction of Panchayat Raj and the abolition of landlordism (zamindari) a remnant of feudal order—are the two most radical and far-reaching reforms undertaken by the U. P. Government to ameliorate the conditions of living for the rural masses. The establishment of 35,000 panchayats, representing fifty four million rural population has transferred effective powers of local government to a hundred thousand villages of the Uttar Pradesh thus ending the dark era of serfdom and servitude which had for centuries remained the lot of our rural masses. Under the new Act, Gaon Sabha, Panchayat and Adalti Panchayat are the only functioning bodies which are provided "to establish and develop local self-government in the rural areas of United Provinces and to make better provision for village administration and development".

GAON SABHA (Village Assembly)

According to the provisions of the Act Gaon Sabha is established in every village or group of neighbouring villages whose population is ordinarily 1,000. The villages having lesser population and not being more than three miles from one another are conveniently grouped together to form one Gaon Sabha. Every adult member whether male or female permanently residing within the area for which the Gaon Sabha is established, is entitled to the life membership of the Gaon Sabha unless one suffers from any of the disabilities mentioned in the Act.* A register is maintained of adult persons residing within the jurisdiction of a Gaon Sabha and it is revised at least once a year. This register has two parts. Part one contains particulars such as names, date of birth, age and occupation and also whether the person is literate or illiterate, and whether one is eligible to be the member of the Sabha or not. The second part of the register contains only a list of the persons who are eligible to be members of the Sabha. This register is prepared in Hindi and it remains in custody of the Gaon Sabha.

The Act gives corporate status to each Gaon Sabha and as such each Gaon Sabha is a corporate body having perpetual succession and a common seal with a power to acquire, hold, administer and transfer property both moveable and immoveable, to enter into a contract and to sue and be sued.†

The Gaon Sabha holds two general meetings in each year—one is Kharif meeting soon after harvesting of the Kharif crop, and the another is Rabi meeting soon after harvesting of the Rabi Crop. In the Kharif meeting the Sabha passes the budget prepared by the Goan Panchayat (village Council) for the following year, and in the Rabi Meeting it examines the accounts of the preceding year and

* Sect. 5. U. P. Panchayat Raj Act, 1947.
Sect. 4. Ibid.

the biennial report of the working of Panchayat, and suggests imposition of taxes. The Gaon Sabha elects from among its members a Pradhan (President) and a Uppradhan (Vice-President) for the term of three years. They can be removed by it by a majority of two third votes of those present at ordinary meeting, and fill the vacancy by electing new ones. The Pradhan has the authority of calling an extraordinary meeting of the Gaon Sabha if necessary at any time or upon a requisition in writing of not less than one fifth of the members. Thus through Gaon Sabha every adult villager has a voice in the administration of his village. This is the best example of direct democracy the world has ever seen, since there is no delegation of powers here. Every adult villager whether man or woman directly controls the affairs of the village in which he or she permanently lives.

GAON PANCHAYAT (Executive Committee of the Gaon Sabha)

Every Gaon Sabha elects from among its members an Executive Committee called Gaon Panchayat. Elections to Panchayats are held on the basis of joint electorate and adult franchise, and with reservation of seats for the minorities and scheduled castes in proportion to their population. The first elections to the 34,755 Gaon Panchayats and the 8225 Adalti Panchayats were held early last year on the basis of joint electorate and adult franchise. Before holding elections a statewide publicity compaign was launched amidst the rural population in order to explain to them the importance of the various provisions of the Panchayat Raj Act. In December, 1948 and January, 1949 Panchayat Conferences were held in every Tehsil and important officials and non-officials addressed the villagers emphasizing their duties and responsibilities in the new setting. According to the report of the Government—"the villagers' response was splendid and particularly remarkable were the signs of a new civic consciousness among women who took a prominent part in the elections and about a thousand of whom were elected to the various offices. Absence of communalism and the old prejudices against the so-called untouchables was a special feature of these elections. In several cases Harijans defeated caste Hindus at many places and secured votes from Brahmins, Kshattriyas and other higher castes. Muslims also did not lag behind and as many as 1,37,367 of them were elected. The number of scheduled caste candidates returned to the Gaon and Adalti Panchayat was 2,60,800."*

The number of the members of the Panchayat varies from thirty to fifty one (excluding the President and the Vice-President) according to the population of the village.† The Pradhan and Uppradhan

* Report of activities of Local Self-Govt. in Uttar Pradesh 1950.

† Minimum 30 members for a village of 1000 population.
" 35 " " having a population exceeding 1000.
" 39 " " 2000 but not exceeding 3000
" 45 " " 3000 do 4000
Maximum 51 " " 4000
Rule no. 8- U. P. Village Panchayat Rules.

of the Gaon Sabha are also the President and vice-president respectively of the Gaon Panchayat. The term of office of the members of a Gaon Panchayat or a member chosen to fill a casual vacancy, is three years, and one third of the members retire annually. The Panchayats meet‡ at least once a month and one third of the total number of members of the Panchayat including the President and Vice-President form the quorum of a meeting. The meetings are presided over by the Pradhan or the up-Pradhan or in their absence by a member of the Panchayat nominated by the Pradhan. In addition of his duties as presiding officer of the Gaon Sabha and the Gaon Panchayat the Pradhan has the duty of superintending the executive and the financial administration of the Panchayat, controlling its establishment, and arranging for the execution of various works. He is responsible for the assessment and collection of taxes and fees imposed by the Panchayat. The whole of the Panchayat Property remains in the custody of the President.

Moreover, it is the responsibility of the Pradhan to carry out the resolutions of the Panchayat, and it is he who files suits and launches prosecutions on behalf of the Panchayat. In cases of special emergency the Pradhan has power to do any work without obtaining the sanction of the Panchayat.

The new Act has given extensive powers to the Panchayats. For our convenience we may classify them under two headings—obligatory and discretionary powers. The Act distinguishes between them by the use of the words "Shall" and "may" respectively. The obligatory powers must be exercised by the Panchayats subject to rules as may be prescribed, but the discretionary ones may or may not be exercised according to their convenience and financial resources.

OBLIGATORY POWERS

The Panchayats are required by the Act to make "reasonable provision" for constructing, repairing, maintaining, cleaning and lighting of public streets; arranging medical relief and taking curative and preventive measures in order to remove and stop the spread of epidemic diseases; abating of nuisances; maintaining and supervising any building or property belonging or entrusted to the Gaon Sabha, registering births, deaths and marriages, removal of encroachments on public streets, public places and property vested in the Gaon Sabha; maintenance and regulation of crematoria, burning ghats and places for the disposal of the dead bodies, of human beings and animals; establishing and maintaining schools for primary education of boys and girls; regulation of hats, markets and melas within their areas; construction and maintenance of public wells, tanks and ponds for the supply of water for drinking.

‡. Gaon Sabhas as well as Panchayats are required to keep in Hindi a brief record of their meetings and proceedings in a book. They should also send a copy of the proceedings to the prescribed authority within 7 days of the meeting- Rule 36-Panch, Raj Rules

washing and bathing purposes of the villagers; rendering assistance in the development of agriculture, commerce and industry; the administration of civil and criminal justice and electing the Panchas for panel of Panchayati Adalats in accordance with the provisions of the Act; maintaining such records relating to cattle census, population census and other statistical information as may be prescribed; maternity and child welfare; maintenance and improvement of schools and hospitals and fulfilling other obligations imposed by any other law on a Gaon Sabha.

DISCRETIONARY FUNCTIONS

If the funds at the disposal of a Gaon Panchayat allow, it may make provision within its jurisdiction for planting of trees at the sides of public streets and other public places; making arrangements for the improved breeding and medical treatment of cattles and prevention of diseases in them; organising a village volunteer force for watch and ward inorder to assist Gaon Panchayat and Adalti Panchayat in the discharge of their functions, rendering advice and assistance to cultivators in obtaining and distributing among them of Government loans and their repayment in the liquidation of their old debts as well as in the establishment of sound credit system according to law; making arrangements relating to relief against famine or other calamities; establishing and maintaining libraries; reading rooms, clubs or other places for games and recreation of the villagers; setting up public radio sets, gramophones and other such organizations which may promote co-operation, good will and special harmony between different communities; and taking any other measures of public utility which shall promote the moral and material well-being or convenience of the villages.

The aforesaid description of compulsory and discretionary functions gives us in a broad way an idea of the principal subjects relating to which the village Panchayats have been given powers under the new Act. Their extensive powers and duties enumerated above make it obvious that the Panchayats are vested with municipal, social, economic and judicial functions. Besides, they are entrusted with legislative and administrative function also. They are authorised to frame bye-laws* for various purposes. They are empowered to enquire and to make report against the misconduct of certain officials e.g. Vaccinator, Patwari and Constable, etc., and to make recommendations regarding their appointment, transfer and dismissal. They may also enter into a contract with the State Government to collect any taxes or dues payable to it, within their jurisdiction and will be allowed certain collection charges therefor.

A Gaon Panchayat can form as many committees as may be deemed convenient by it for the discharge of its administrative functions or any specified duties and may delegate to such committees such of its powers as may be considered necessary. Every committee so appointed is comprised of not less than five and more than seven members. In addition of Panchas outsiders may also be co-opted in a committee and there is no bar to a person becoming a member of one or more of the committees. The term of the members of the committee is one year but those who cease to be member of the Panchayat must vacate their office from the committee. The Chairman of a committee is appointed by the Panchayat from amongst the members of the committee. Any member or chairman of a committee can be suspended or removed by a resolution passed by two third majority of the members of the Panchayat. But before taking such action Panchayat shall give an opportunity to the person concerned to submit an explanation relating to the charges levelled against him.*

* Section 112. U. P. Panchayat Raj Act.

There is also a provision in the new Act that two or more Gaon Sabhas can combine by means of written instrument to appoint a joint committee consisting of their representatives for the transaction of such business in which they are jointly interested.†

In addition of the committees, the Gaon Panchayat has at its disposal the services of the permanent whole time or part-time staff and a secretary. The secretary is appointed by the Panchayat but for other additional staff it is required to make proposal to "the prescribed authority" pertaining to the staff-wholetime or part-time as may be needed by it, and the salaries and allowances to be paid to those employees and the duties to be assigned to them. The Government may approve modify or reject the Panchayats proposal and the latter then executes the schemes accordingly. In cases of emergency a Panchayat can appoint a servant without the approval of the 'prescribed authority', but only for a period not exceeding three months.

ADALTI PANCHAYAT

Adalti Panchayat is the next functioning body under the Panchayat Raj Scheme—which calls for examination. If Gaon Panchayats inaugurate a new era in local self-government, Adalti Panchayats herald a new dawn in judicial administration. For the establishment of Panchayati Adalats each Tehsil of a district is so divided by the District Magistrate into circles, that each circle includes areas of three to five Gaon Sabhas. Every Gaon Sabha in a circle elects five literate Panchas—(each for a term of three years from the date of his election) for the panel of Adalti Panchayat of the circle concerned. All the Panchas so elected from each Gaon Sabha of a circle, elect from among themselves "a person who is able to record proceedings to act as Sarpanch" ‡ of the Adalti Panchayat. The Sarpanch is empowered to form different benches for the

* Rule 59 of Rules under U. P Panchayat Raj Act
† Section 30 U. P. Panchayat Raj Act
‡ Section 44, U. P. Panch. Raj Act 1947,

hearing of cases and suits, except in those in which he himself is a party or is directly interested. In the latter case some higher authority is required to constitute the bench. For the hearing of any case or proceeding the Sarpanch forms a bench of five Panchas out of the whole panel comprised of all panchas of the circle. This bench of five Panchas is so constituted by the sarpanch that it essentially includes at least one panch, "who is able to record evidence and proceedings", one another Panch who is resident of that area of Gaon Sabha in which the plaintiff or the complainant of the case resides, and in the similar way one Panch from that area of the Gaon Sabha in which the defendant or the accused resides. The remaining three Panchas to be included are such who reside in the area of the Gaon Sabha in which neither of the parties in the case resides. In police cases the bench includes one panch from that area of the Gaon Sabha where the offence was committed, and another from the area where the accused resides. Apart from this the Government can also appoint special benches for hearing of such cases in which the parties residing in different circles are involved. Such special bench consists of certain panchas of the Adalats of circles concerned and its Sarpanch is appointed by the Government.‡

Every Adalti Panchayat holds its sittings at such time and place and in such central village as are fixed by the Government. As regards the duration of an Adalat's sitting it has been provided by the Act that it "Shall sit for as many days in a month as may be compatible for the speedy disposal of work". The Adalats are required to notify the dates—on which they shall ordinarily sit in a month as well as the weekly list of cases with names of parties and the dates on which they are to be heard.

JURISDICTION

The Adalti Panchayats have threefold jurisdiction over Criminal, Civil and Revenue matters arising within their respective areas. The Criminal suits under the Act are instituted in the Adalti Panchayat of the Circle in which the offence is committed. As regards civil suits, they are instituted in the Adalats of the circle in which the defendent ordinarily resides or carries on his business at the time of institution of the case. Every suit relating to revenue matters is instituted before that Panchayat Adalat within the area of which the land concerned or the part thereof is situated.

The criminal jurisdiction of these Adalats extends to offences under about thirty eight sections of the Indian Penal Code;* under

‡ Section 49, U P. Panch. Raj Act, 1947.

* Sections: 140, 160, 172, 174, 179, 277, 279, 283, 285, 286, 289, 290, 294, 323, 334, 336, 341, 352 356, 357, 358, 374, 379, 403, 411 (the value of property involved under 379, 403, 411 not exceeding fifty rupees) 426, 428, 430, 447, 448, 504, 506, 509, 510 of the I P Code, and any case under sections 143, 145, 151, 153, of the Indian Penal Code pending before any court may be transferred for trial to the Panchayati Adalats (Sect. 52 of U. P. Panch. Raj Act. 1947.)

sections 20 to 24 of the Cattle Trespass Act 1871; Section 10 of the U. P. District Board Primary Education Act, 1926; and to offences under Sections 3, 4 and 7 of the Public Gambling Act of 1857. The offences triable by Adalti Panchayats under the prescribed sections of the I.P.C. are of trivial nature viz., fighting in a public place or committing an affray; absconding to avoid services of summons or other proceeding, rash driving, playing obscene acts or songs in or near public place; assaulting or voluntarily causing hurt, committing theft involving property of the value not exceeding fifty rupees insulting the modesty of a woman, and committing criminal trespasses or house trespass etc. Under the cattle trespass Act they have jurisdiction where the seizure of cattle has been forcibly opposed or the cattle have been rescued; while under Section 10 of the District Board Primary Education Act 1926, they can take cognisance of disobedience of orders and breaches of certain byelaws passed by a District Board.

As regards their jurisdiction in Civil matters, all suits whose value does not exceed one hundred rupees are within the competence of Panchayati Adalats. And the Government has been authorised by the Act to empower any Adalti Panchayat to try suits relating to civil matters involving the value upto the extent of five hundred rupees. The period of limitation prescribed for the institution of suits for damages caused by cattle trespass is six months from the time of such damage, while in other civil matters the period of limitation prescribed is three years. Any suit instituted before the Adalti Panchayat after the expiry of the prescribed period of limitations is dismissed. It is to be noted here that civil suits relating to immovable property are beyond the competency of Panchayati Adalats. Their jurisdiction extends to only those civil suits (of the value not exceeding hundred rupees) which relate to the money due on contract in respect of moveable property or the value or the recovery of moveable property, or which relate to the damages caused by cattle trespass. It has been explicitly provided that no Panchayati Adalat can take cognizance of suits in respect of a balance of partnership account, or of a share under an intestancy or of a legacy under a will. Nor can it take cognizance of suit by or against Government Servants for acts done in their official capacity or by or against a minor or a person of unsound mind. Certain persons are also excluded from its jurisdiction e.g. persons previously convicted for gambling, theft or an offence with imprisonment of a term of three years or more, or persons who are registered members of a criminal tribe, or have been bound to be of good behaviour.

In revenue matters, Panchayati Adalats are not given original jurisdiction. All revenue suits* which relate to mutation or correction of records and boundary disputes, or in which land involves the

* Which fall under sections, 33, 34, 35, 39, 40, and 41 of U. P. Land Revenue Act, 1901

land revenue not exceeding two hundred rupees or in which the whole property involved lies within the jurisdiction of the Panchayati Adalat, shall be transferred by Tehsildar to the Panchayati Adalat.

Besides, Panchayati Adalats have been given special jurisdiction on matters compromised. If parties to a suit by a written agreement refer any civil or revenue dispute irrespective of its valuation to a Panchayat Adalat it shall be lawful for it to decide that dispute arising in its area and not pending in any court, in accordance with any compromise or setttlement agreed upon by the parties. Thus civil or revenue suits irrespective of their valuation may be decided by a Panchayati Adalat provided that the parties in dispute by agreement refer them to it for decision and also that the cause of action in a dispute has arisen within the local area of that Panchayati Adalat. Institution of suits before an Adalati Panchayat is made by making an application, orally or in writing to the Sarpanch of the Adalat. Before entertaining any suit or proceeding fees in cash from annas four to rupee one are charged by the Adalat according to the value of the suit filed.* But no fee can be charged from a party or witness for their enquirying about the date fixed for the hearing of his case. In case of oral application the Sarpanch or Panch receiving the application records without delay the prescribed particulars and takes the signature or the thumb-impression of the applicant thereon. The substance of every case so instituted orally or in writing is entered into a register for the purpose, and thereafter it is referred for disposal by the Sarpanch to a Bench of the Panchayati Adalat which is constituted by him in the prescribed way. Summons or notices are issued to the defendant or the accused, as well as to the witnesses † and it is the business of the Sarpanch of the Adalat to take action to secure their appearance before the Adalat. If any person willfully disobeys such summons or notice, the Adalat is authorised to issue a bailable warrant against him for a sum not exceeding twenty five rupees. It can also com-

* Rule 105 - Panchayat Raj Rules.

Civil Suits	Four Annas:	For disputes where the value of the subject matter, or the amount does not exceed Rs 10/-
	Eight do:	when it exceeds Rs 10/- but does not exceed Rs. 25/-
	Rupee One:	when it exceeds Rs 25/- but does not exceed Rs. 50/-. Thus annas four for every ten Rupees or part thereof upto the extent of 200 and when it exceeds Rs. 200/- six annas for every 10 Rupees or part thereof.
Criminal Complaints:	Eight Annas. (Adalat has discretion of waiving to payment of a fee in a criminal case).	
Miscellaneous Applications in a suit, case or proceeding.	One Anna.	

† When a witness is summoned by any Adalat on its own motion and he resides beyond its jurisdiction he shall be paid diet money by the Adalat which shall consist of a daily allowance and travelling expenses.

plain to the magistrate having jurisdiction who can punish the person failing to appear before the Panchayat Adalat with a fine upto the extent of twenty five rupees. But no woman can be made to appear as a witness against her will, and in case a woman as a party or a witness wishes to be examined by the Adalat, she is examined by the Sarpanch or a Panch nominated by him, at her residence in the same manner as if she were appearing before the Adalat.

The bench of the Adalat, after recording the statements of both the parties and their witnesses, and after making local investigation and ascertaining the facts, conducive to the proper disposal of a case, gives its decision by the majority vote. The Act prohibits the appearance of legal practitioners on behalf of any party in any suit or proceeding before a Panchayati Adalat.

The Adalat has the power of dismissing suits and cases in the absence of the parties concerned if they fail to appear after having been informed of the time and place fixed for hearing. It can also dismiss any suit or proceeding if after examining the plaintiff or the applicant, it is satisfied that the proceeding is "frivolous, vexatious or untrue". The decision of the Adalat is final since there lies no appeal to the higher courts against its decisions, nor can the Adalat itself revise or alter its decision. But whenever there is any apprehension or actual miscarriage of justice the sub-Divisional Magistrate, the Munsif or the S.D.O., as the case may be, may call for the record of the case within sixty days from the date of the decree or order and may either cancel the jurisdiction of the Adalat with regard to the particular case or also quash any decree or order passed by the Adalat.*

The maximum penalty the Panchayati Adalats can award is a fine not exceeding hundred rupees, and in no case can they inflict a sentence of imprisonment whether substantive or in default of payment of fine. If an Adalat so desires it can order for reimbursement of complainant's expenses (incurred in the case) or any mateial damage or loss caused by the offence committed. While imposing any fine on the respondent the Adalat may order any portion or the whole of the fine recovered to be applied for the same. And when a Adalat is convinced that a case brought before it is false, frivolous or vexacious it can order the complainant to pay compensation to the accused which shall not exceed five rupees.

Under Section 4 of the U. P. First Offenders Probation Act the Panchayati Adalat has an authority of releasing offenders of probation. Besides whenever the Sarpanch of a Panchayati Adalat apprehends that any person is likely to commit a breach of peace or disturb public tranquility he may require such person to execute a

* Section 84. U. P. Panchayat Raj Act.

security bond for an amount not exceeding Rs. 100 for keeping the peace for a period not exceeding 15 days.* If any decree or order of a Panchayati Adalat remains unexecuted and any difficulty is felt by the Adalat in executing it, the munsif within whose jurisdiction that Adalat lies may be requested to execute it. In the similar way the munsif can be approached for the realisation of a fine or a penalty imposed by the Adalat in case the latter is unable to realise it.

THE VILLAGE FUND

The functions assigned to the Panchayats under the new enactment provide them with a sufficient scope for collective enterprise, as henceforward they are to be something more than mere agencies of administration and justice. And since they are to concern themselves with all aspects of community life, their duties involve the outlay of very large resources which the Panchayats must be provided with.

In order to meet charges in connection with their duties the Gaon Sabhas have at their disposal their Gaon Funds. As a matter of fact the maintenance and transaction of Gaon Fund is in the hands of the Panchayat of every Gaon Sabha, which arranges for the realisation of taxes, dues, and custody of its funds and keeps the accounts of all income and expenditure. The various sources of income which contribute to the Gaon Fund are fees; fines or penalties; taxes; gifts or donations; grants; contributions and loans. Apart from the license fees charged by the Panchayat for issuing licenses to palledars, weighmen,† grain and cloth merchants,‡ and owners of vehicle,§ fees and fines are realised by Panchayati Adalats in connection with their judicial work. In addition of the fees for institution of suits and cases and the service of summons, fees are also realised on applications for a copy of the records of the Adalat or Panchayat, as well as for issuing a copy of Adalat's order. All sums received by a Panchayati Adalat by way of court fees or by way of fines or penalties, are handed over by the Government in equal proportions to the Gaon Sabhas situated within the circle of Adalat concerned. It is to be noted that the expenses of a Panchayati Adalat are borne by each Gaon Sabha of the circle in equal proportion.

As regards taxes a Gaon Sabha is authorised to impose following taxes within its jurisdictions:—**

1. A tax not exceeding one anna on a rupee on the rent payable by those in cultivatory possession of a land or in receipt of sayar income from such land.

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* Section 53 (1) U. P Panch. Raj Act. 1947.

† Rs. 3/- per annum
‡ Rs. 8/- " "
§ Rs. 3/- " "
} Rule 221 (i) Panchayat Raj Rules.

** Section 37.

2. A tax not exceeding six pies in a rupee upon rent received by proprietors or underproprietors on account of land under their possession.

3. A tax not exceeding one anna in a rupee on the assumed rental value of sir and Khudkasht.

4. A tax not exceeding the prescribed rate upon trade, callings and profession.†

5. A tax on buildings owned by persons who do not pay any of the aforesaid taxes.

However this should be borne in mind that no tax will be imposed without the approval of the Gaon Sabha and all money that will be raised as taxes or fees from villagers shall be spent on the development of their own villages. It cannot be spent even on any other Tehsil, to say nothing of the district.

Apart from such taxes a Panchayat can enter into an agreement with Government or any proprietor to collect on their respective behalf any taxes, dues or rents payable to them, on being allowed to retain with it such collection charges as may be settled.*

Besides the income from fees, penalties and taxes, the Panchayats have at their disposal all sums received by way of donation or gift, or by way of contributions from private persons, district board or other local bodies. All public property situated within the jurisdiction of a sabha belongs to the Gaon Sabha and all markets and fairs held upon public land are managed and regulated by the Gaon Panchayat. All dues imposed in respect of such markets and fairs go to the credit of the Gaon Fund. Moreover, a Sabha is also authorised to borrow money from the Government to carry out any of the purposes authorised by the Act. Though there is no provision for any regular or systematic grants in aid to the Panchayats, either from the Government or any other source, still occasionally grants may be made by the Government to carry out some specific work.

The cash balance of Gaon fund is kept in the nearest post office savings bank or a neighbouring co-operative bank, but the President of the Gaon Sabha is allowed an imprest up to the extent of Rs. 25 to meet current expenditure.

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† Rule 221 (ii) Panchayat Raj Rules :-

No. income below Rs. 500/- per annum can be taxed and the rate of taxation should not exceed:-

3 pies per rupee on an annual income below Rs. 600/-
6 " " " for every Rs. 100/- or part thereof above Rs. 600/- upto 1200/-
1 anna per rupee for every Rs. 100/-or part thereof above Rs. 1200/-

* Section 24.

As has already been pointed out before, every panchayat prepares a budget† estimate of its income and expenditure for the year and lays it before the Kharif meeting of the Gaon Sabha.‡ Similarly it submits its report as well as the account of its actual and expected receipts and expenditure for the year in the Rabi meeting of the Gaon Sabha.§ Each Panchayat is required to keep in actual cash balance an amount of not less than one tenth of its normal annual income, though in exceptional circumstances exemption from such rule may be made.* Every panchayat earmarks its funds for expenditure on education, public health, water supply, roads and other works of public utility within the Panchayat circle. As regards auditing, periodical audit of the accounts of the Gaon Sabha is arranged by the "prescribed authority" according to the orders of the Government and embezzelement cases may be reported to the District Magistrate for necessary action.

GOVERNMENT CONTROL

Though self-government is granted to the villages in Uttar Pradesh, the whole village administration conducted by Gaon Sabhas, Gaon Panchayats and Panchayati Adalats is subjected to the control and supervision of the State Government. But this is nothing new as municipalities and other local bodies as well are in some way or other controlled and supervised by the State Government. As far as such external control over our local authorities is concerned, really speaking, it is absolutely indispensable in the present circumstances. No one can deny that liberty without efficiency can hardly be a boon to the people. And we cannot afford to forget that a very huge percentage of the electorate of our country is illiterate and ignorant. Particularly the history of the past 1000 years of village life in India is of astounding illiteracy, poverty and all sorts of social evils. During the beurocratic rule the villagers developed a fatalistic outlook and philosophical apathy to their social obligations as a result of which they lost all initiative and enthusiasm. Obviously it would have been very risky and unwise to entrust the ignorant rural masses with the very heavy responsibilities of local self-administration unaccompanied by any kind of external or governmental control or supervision. Hence the main purpose of governmental control is the maintenance and enforcement of the minimum standard of efficiency in the working of the local bodies and such control cannot be dispensed with till our people are awakened to a true sense of social responsibility and regain the lost sense of community-spirit without which democracy, whether political of economic, cannot blossom fully. There is no doubt that the villagers have begun to feel their importance and a slow realisation is dawning upon them that they are no longer forgotten beings. It is hoped that gradually as education and consciousness amongst our people will spread they will be able not only to solve their problems themselves but be the architects of their own destiny.

† A budget cannot take effect until it is approved by the prescribed authority – Section 219-Panchayat-Raj Act. 1947.

‡ Section 41 (i) Ibid.

§ Section 41 (ii) Ibid.

Rule 217, Panchayat Raj Rules.

However, like all local bodies village Panchayats are subject to the guidance, supervision and control of the state Government from which they derive all the authority they possess. The village local self-administration is subject to the same kinds and extent of state control as the municipalities and the District Boards. The Government has the same wide power to make rules;* to remove or suspend any member and to dissolve any Gaon Panchayat, Joint Committee or Panchayati Adalat;† control borrowing‡ taxation§ and finance generally; of prohibiting the execution of a resolution or order passed by a Gaon Sabha or Panchayat;** and the right to settle disputes and hear appeals‡‡ regarding specified matters to the exclusion of jurisdiction of the courts. The most important of these powers relate to the inspection of property works in progress and institutions maintained by Panchayats; the scrutiny of their budgets; taking action in default and reviewing their administration reports. Any officer authorised by the Government or any member or officer of the District Board can inspect any work and office of a Panchayat. The President of the Panchayat must submit before such officer all registers, accounts or other documents belonging to it. The Government can also hold any enquiry in connection with the administration of a Panchayat. The Panchayats are required to submit to the "prescribed authority" an annual report of their working during the Financial year before the first June of every year.§§ Besides, there are number of matters in which sanction of the Government is required to give legal validity to the actions of the Panchayats.

PANCHAYATS' ACTIVITIES IN THE STATE

It was on August 15, 1949 that Panchayat Raj was inaugurated in Uttar Pradesh and Panchayats—the executive organs of all adult villagers, assumed responsibility for local self-administration. Prior to that a Panchayat Raj Department was established in the U. P. Civil Secretariat in February 1948, which took a census of the entire rural area of the state consisting of 5,40,00,714 souls. The total number of voters was 2,70,20,790, and in all 34,755 Gaon Sabhas were established in 1,14,215 villages. These Sabhas were divided into

* Section 110 Panchayat Raj Rules.
† „ 95 Ibid
‡ „ 86 „
§ „ 87 „
** „ 96 „
‡‡ „ 102 „
§§ Rule 68 „

70,292 constituencies for the purpose of holding elections. For the establishment of Panchayati Adalats; the fifty one districts of the state were divided into 8,190 circles and for each circle one Panchayati Adalat has been elected. These Adalati circles are comprised of as many areas under the Gaon Sabhas as found expedient and special care has been taken to ensure as far as possible, the contiguity of the areas under the Gaon Sabhas.†

The elections to Gaon Panchayats and Panchayati Adalats were held in February, 1949, by the simple method of show of hands. As has been mentioned before, an adequate publicity compaign was started prior to the elections, explaining to the villagers the implications of Panchayat Raj. There was tremendous enthusiasm among the men as well as women on the eve of elections. In all 34,755 Presidents, an equal number of Vice-Presidents and 14,05,548 Panchas of Gaon Panchayats and Panchayati Adalats were elected. Many women also contested various seats and were elected.* Since most of the members of Gaon Panchayats were uneducated and inexperienced it would have been irrational to expect them to carry out the work entrusted to them successfully. The work of Panchayats needed proper guidance in the initial stages at least, and therefore Government appointed 500 Panchayat Raj Inspectors who were extensively trained for the purpose of guiding, supervising and inspecting the working of Panchayats. It is the task of these inspectors to supervise closely the working of the Panchayats and Panchayati Adalats and to ensure that they worked in accordance with the rules. Besides Panchayat Inspectors more than 8,000 Secretaries (one for every group of Gaon Sabhas under the jurisdiction of a Panchayati Adalat) were appointed and given training at District Head Quarters. The Sarpanchas of Panchayati Adalats were also properly trained. Apart from this, the Government has also appointed in every district a deputy Collector to act as District Panchayat Raj Officer—entrusted with sufficient powers to supervise and guide the working of the Inspectors, Secretaries and the various Panchayat Organisations and Officials. The Government has given a grant of Rs. 52,13,550 to the Gaon Sabhas so that they may meet the initial expenses till they raise their own funds by levying taxes and fees as provided in the Panchayat Raj Act. It has also sanctioned another grant of Rs. 28,78,750 to meet the cost of Secretaries' pay for seven months.

Another useful step taken by the Government was regarding the establishment of one model Panchayat in every Tahsil of the state, which serves as a model for other panchayats in the areas concerned. Two hundred and seven such model panchayats have

† According to the latest information available the number of Gaon Sabhas and panchayati Adalats at present is 35919 and 8494 respectively.

* 31 women elected as Presidents, 15 as vice-Presidents of Gaon Sabhas, 1,010 as members of Gaon Panchayats and 38 as Panchas of Panchayati Adalats.

been developed and a committee of officials and non-officials has been formed in each district to guide the working of these model panchayats. The district committees have selected one village in every tahsil where preliminary arrangements have been made for organizing the work with the co-operation of the district staff of all the nation building departments. A sixteen point programme covering various phases of nation building activities has been drawn up and it has been circulated to all the panchayats in the state asking them to do their work in accordance with the programme.

According to the report received from the districts, it is very satisfactory to note that Panchayats are making all out efforts to improve the village life. Number of Panchayats are reported to have set an example of self-help by constructing a large number, of roads and canals. It is creditable that in some of the villages the villagers themselves have done the construction work without costing any money to their Panchayat. Similarly useful work is being done by the Panchayats in the field of education, sanitation and medical relief. Primary and adult schools, reading rooms, libraries and dispensaries have been opened. Apart from their drive against illeteracy the Panchayats are working enthusiastically to adopt sanitary measures and to provide medical relief to the villagers. Many of them have collected funds for the purchase of preventive and curative medicines in order to fight against epidemic diseases. Thus, valuable work so far done by panchayats, in building village roads, tanks, wells, in fighting epidemics and in providing medical relief and educational facilities to the rural population, indicates that panchayats have striven to improve life in the villages and that they are becoming increasingly conscious of their responsibilities. Moreover, they have also been very helpful to the Government in their several campaigns notably the "Grow more food campaign" and the "Zamindari Abolition Fund drive".

Similarly reports regarding Panchayati Adalats indicate that they have become very popular. They have certainly had some effect on crime as the incidence of crimes in the villages is on decrease. The practice of settling most of the cases by compromise outside the courts, is gradually growing, and that old tendency of the villagers going in for litigation on every petty issue is being discouraged.

CONCLUSION

No one can deny the fact that democracy in India cannot be successful unless the rural population is allowed to acquire strength to support that form of Government. In an agricultural country like India cultivators form the backbone of the Society. It will not be out of place to quote here a Chinese philosopher who said—"The wellbeing of a people is like a tree, agriculture is its root, manufacture and commerce are its branches and its life; if the root is in-

jured the leaves fall, the branches break away and the tree dies" Unfortunately, the administrative system evolved during the last several centuries dealt a mortal blow to the "root" of our society. Under a centralised power the cultivators of the soil of India were sunk into subhuman conditions due to feudalism and poverty. Ignorance and illhealth no less than poverty and economic insecurity have been responsible for their mental outlook—compounded of apathy, lethargy, resignation and lack of ambition. And since the real idea of "Swaraj" consists in the creation of a rural civilization we are faced with the task of remarking the vast multitude of humanity inhabiting the rural areas. The abolition of land-lordism and the introduction of Panchayat Raj in Uttar Pradesh are undoubtedly the two bold measures undertaken by the Congress Government to ameliorate the conditions of living for our rural population. The former is intended not only to free the cultivators from the bondage in which they are held at present but also to improve the economic condition of our vast agricultural population. The Panchayat Raj enactment is a new Scheme for decentralisation of state power as an essential step to achieve democracy. It aims at revitalisation of rural community of the state. It not only restores his lost right to the villager awakening him to social responsibilities but is also a great experiment of organizing our rural life of a co-operative basis. In addition to restoring the Panch to his old position of hoary past, the Panchayat Raj Scheme aims for all round decentralization of power to the villagers who will themselves be responsible for village administration. The establishment of Gaon Sabhas and Panchayat on a mass-scale is really the largest experiment in democracy heralding a new era of truly democratised power shared by all and sundry. If villagers take up the whole work in their hands strictly in accordance with the principles of co-operation and the letter and spirit of the Panchayat Raj enactment, they will certainly become self-reliant, happy and prosperous. Now they have been given an opportunity to have direct hand in the administration of their villages and to remove by mutual co-operation their illiteracy, poverty, ill-health, intrigues and other social evils by making their villages highly sanitary and centres of trade industry and education. They can utilise the Panchayats as *nuclei* of all development work providing facilities which are not available to them at present. As a matter of fact panchayats should be made to serve as light houses, radiating culture, knowledge and happiness, so that the light from them may penetrate the remotest nooks and corners of the villages banishing ignorance and superstition.

In the Panchayati Adalats they have their village courts which will dispense cheap, expeditious and real justice in deciding petty cases that in the past entailed waste of thousands of rupees on unnecessary litigation. These village courts ensure quick disposal of cases as they are manned by the local people fully acquainted with

the facts and necessary information pertaining to the cases before them. Thus the establishment of Panchayati Adalats aims to bring about the extinction of litigation—the only industry hitherto flourishing in the villages. So far all the traffic in the district towns led to the district courts. Litigation had been the only amusement left for the villagers. The poor tillers of the soil were deprived of their hard earned money by the vakils, mukhtars petition writers and dishonest court peons and ahalmads. But now most of the village disputes can be settled by the Panchayat Adalats by mutual compromise, arbitration and otherwise. The lawyers are forbidden to take direct or indirect part in the proceedings before Panchayati Adalats. Thus by settling the disputes in their Adalats harmony and peace can be brought in village life.

But this task of working out the Panchayat Raj Scheme is in no way easy. The entailing duties and responsibilities, simple as they are, call for not only great labour and sacrifice but constant vigilance and guidance. Further, the Panchayats will also need financial aid from the State Government as they will be required to incur capital and recurring charges for the introduction of improvements in the villages. As far as the recurring expenditure is concerned Panchayats will be now in a position to meet it largely from their annual revenue, but to finance the capital cost of schemes of village improvements they will undoubtedly be needing grants in aid. Nevertheless charity alone, either from Government or from private persons, cannot serve any useful purpose in solving permanently, their problem of financial inadequacy. Moreover, the large scale extension of grants-in-aid tends to reduce the real scope of liberty accorded to local authority. What is desirable here is that aid from Government should be supplemented by self-help. Even in capital expenditures at least one half of the cost should be met by the villagers in cash, kind or both and to meet the cost of remaining half the Government should give grants-in-aid. It is gratifying to note that many of the village panchayats in the state have set an example of self-help by building roads, canals etc. The villagers there have shown a great enthusiasm by doing the entire manual work themselves thereby saving the cost of construction. It will be more desirable if every family in the village is made to contribute in some shape of form, in cash, kind or labour for developmental or cultural functions of the Panchayat. But this can hardly be possible unless every resident of the village—man, woman and child,—considers the Panchayat not only a living monument and symbol of village unity and organisation but also as an embodiment of their corporate life.

Notwithstanding the optimistic description of the Panchayat activities in Uttar Pradesh, there can be no denying the fact that the reports were also not lacking against some of the "panchas" and "sar panchas" as also against the Panchayats and Panchayati Adalats complaining about bribery, self-interest, village intrigues,

autocratic behaviour and misuse of powers etc. But taking into account that Power has been handed over to the uneducated, untutored and uncultured people, one should not feel exasperated and pessimistic about the success of the Panchayat Raj simply because of a few stray cases of corruption or misuse of powers. History reveals that at the accrual of political power to the people whenever democracy was established in the place of the arbitrary rule, there have always been examples of high proportion of corruption and atrocities. Hence granting all shortcomings there does not seem to be the least doubt that the Panchayats are trying to do their work with great zest even though heavy responsibilities have fallen on their shoulders all of a sudden. It can be seen that a dead society has been revivified. The grant of self-government has brought about a great upheaval in the rural community creating an enthusiasm hitherto unknown.

In the end, let it be clear that even the best of schemes is doomed to failure unless the authorities entrusted with the execution of the scheme work with a sort of religious zeal. In other words what is however more important than schemes is the spirit with which the schemes are worked. Without a new spirit and new determination, without a vision and faith in the future, little or nothing can be achieved. It remains to be seen whether Uttar Pradesh succeeds in establishing an order of society in which the untapped energy of millions of country—people is so canalised for developing the rural side, that they draw their own developmental programme according to their needs and execute them instead of looking like helpless orphans towards the Government.

A BRIEF SUMMARY

OF THE

RECOMMENDATIONS OF

The Local Finance Enquiry Committee

(Prepared by the *office* of the All-India Institute of Local Self-Government.)

The Report of the Local Finance Enquiry Committee appointed by the Government of India in April 1949 (Government of *India*. Ministry of *Health* Letter No. 13-7-48-63 LGS, dated the 2nd April 1949) was released to the public on Monday the 16th April 1951.

The report covers full 617 royal octavo size pages, with the main report occupying 354 pages and the minutes of dissent 132 and the statistics and summary etc. taking up the remaining pages.

The personnel of the Committee comprised the following:-

Shri P. K. Wattal	Chairman
Shri R. K. Sidhwa	Member
Shri C. D. Barfivala	"
Shri R. N. Agrawal	"
Shri P. B. Gole	"
Shri R. D. Kapila	"
Shri K. N. A. Gownder	"
Shri M. B. L. Dar	"
Shri S. K. Gupta	"
Shri B. D. Mirchandani	"
Shri S. N. Sapru	
Shri Dayaldas Sobhraj	Secretary

Out of the ten members of the Committee, only eight actually signed the report and six of them subject to a minute of dissent.

The subjoined is a brief summary of the recommendations made in the main Report and in the minutes of dissent.

RECOMMENDATIONS MADE IN THE MAIN REPORT

Finance & Functions

The desperate financial plight of local bodies should not be made a ground for reducing them to practical impotence and consequently

* Copies of the Report are available at The Office of the Local Self-Government Institute, 11 Elphinstone Circle, Fort, Bombay for Rs. 4-2-0 plus packing and forwarding charges and sales tax.

the wholesale transfer of functions to the State Governments should be avoided as a retrograde step. Further there should be a steady enlargement of the functions of local bodies so that they may, in the new set up, be used more and more as instruments of national policy.

Demarcation of Resources

A convention be established by which the net proceeds of the following 13 sources shall be exclusively available to the local bodies:-

1. Terminal taxes on goods and passengers carried by railway sea or air.
2. Taxes on lands and buildings.
3. Taxes on mineral rights.
4. Taxes on the entry of goods for consumption, use or sale.
5. Taxes on consumption or sale of electricity.
6. Taxes on advertisements other than those in newspapers.
7. Taxes on goods and passengers carried by road or inland waters.
8. Taxes on vehicles other than mechanically propelled.
9. Taxes on animals and boats.
10. Tolls.
11. Taxes on professions, trades, callings and employments.
12. Capitation Taxes.
13. Taxes on entertainments.

ADDITIONAL SOURCES

Tax on railway passengers in important centres of trade and industry and a hotel tax.

Local taxation of mines and quarries on output basis appropriate.

Exemption enjoyed by Railway collieries to cease.

Tax on bullock carts in rural areas.

Tax on rickshaws, where not existing.

Surcharge on transport fares by road or inland waters at 3 to 12 pies per passenger. State Government to levy it and share proceeds with local bodies, retaining one-third for its own use.

The question of raising rate of property tax from 16½ to17½% in the case of properties with the annual valuation of Rs. 500 and below in the City of Madras, should be revived and the rate of tax on timber raised to Rs.20/ .

Bombay Corporation should consider the desirability of introducing equivalent additional tax, in the event of the State Government deciding to withdraw from the Urban Immovable Property tax.

The machinery of valuation and collection of taxes in Bombay should be tightened.

Improvement Trusts

Following sources should be reserved for Improvement Trusts and Development Boards:—

1. Annual contribution of 2% of the rateable value from municipal funds.
2. Share from the proceeds of (1) entertainment tax and (2) terminal tax on passengers.

(Note:—The existing arrangement under which the Madras Corporation gets practically the whole of the entertainment tax and the Calcutta Corporation the entire income from terminal tax on passengers should not be disturbed).

3. Betterment tax.
4. Government grants.

Borrowings of Trusts should be entirely centred in the Government and the rate of interest should not exceed 1/4% over that paid by Government.

Compensation for acquisition for slum clearance should be limited to market value of land with no paymnt for structures or on account of 15% solatium.

Village Panchayats

Every Village Panchayat should levy the following two taxes compulsorily:-

(1) House tax or chulla tax or circumstances and property tax; and

(2) General sanitary cess.

There should be no compulsion in the matter of Labour tax.

Unconditional allotment of 15% land revenue raised in the Panchayat area.

Surcharge on transfers of immoveable property within the area.

State Government should bear—

(i) two-thirds of the salaries and allowances of the Panchayat executives: and

(ii) the entire cost of the village watch and ward establishment if entertained at Government's instance.

Panchayats to be allowed free use of State lands and entrusted with the collection of land revenue on behalf of Government on commission basis and encouraged to undertake as many remunerative enterprises as possible.

Taxation-General

Local bodies not utilising their existing powers of taxation have no claim on the financial resources of the State.

Subject to prescribed maximum limits, local bodies should have independent powers of taxation. But where a local body is unwilling to tax itself, the State Government should have the power to impose or raise a tax.

Property Taxes

Existing system of local taxation of poperties should continue and the hardship to owner-occupiers may be alleviated by introducing flexibility in valuation.

State Governments should withdraw from the field of property taxes on condition that an equivalent local tax is introduced by the local body concerned.

Levy of property tax should be compulsory.

Maximum and minimum rates should be statutorily prescribed and progressive scales of taxation introduced.

State Governments should re-imburse local bodies for exemptions granted at their instance.

Exemptions should be periodically reviewed and an uptodate list maintained. No exemption should be allowed where a service is actually rendered.

No remissions should be granted for vacancies of less than 90 consecutive days.

Where 'actual' rent is lower than the 'reasonable' rent, the latter should be adopted as basis of assessment.

Machinery should be subject to property tax, as in the U.K. but not furniture.

Rental value basis preferable to capital value basis though not opposed to the latter where already in vogue. Alternative basis at the option of the owner should not be permissible.

Concession in rate of tax in the case of buildings the cost of which exceeds certain figure granted under certain Acts should be abrogated.

Revision of valuation lists in Calcutta should be simultaneous in all wards.

Valuation of properties, the tax for which is payable by the chief executives of the local body, should be determined by independent agency, as in Madras.

Recording grounds for reduction in valuation or assessment should be statutorily obligatory.

Local body should have the right of appeal against decisions of the Revising Authority.

Detailed work regarding the preparation of valuation lists should be entrusted to a central organisation of trained valuers to be created by each State Government.

Cost-of-service principle not capable of practical application.

Present classification of 'services' into 'general' and 'special' illogical.

Local Fund Cess

Collection charges should be remitted.

Rates in West Bengal, Punjab, Orissa, Madhya Pradesh, Assam, Ajmer and Coorg require to be upgraded.

Existing rate in Bihar should be earmarked for general purposes and separate education cess levied.

Interests of district boards should not be allowed to be prejudicially affected by the abolition of zamindaries.

Proceeds of local cess in municipal areas should be handed over to the municipalities.

Terminal Tax & Octroi

Entry regarding Terminal tax should be transferred from the Union to the State list or else proposals for its levy should be favourably considered by the Central Government; otherwise there is no alternative to octroi, as the largest single source of revenue from indirect taxation.

Model schedules of octroi in each state should be prescribed by the State Governments and the rates on necessaries of life kept as low as possible.

Octroi should be levied, as far as possible, on ad valorem basis

State commercial undertakings should be subject to local taxation.

Levy of octroi on postal parcels should be facilitated by Government.

Profession Tax

Taxation schedules should be revised to correspond with the up

per limit of Rs. 250, permitted by the Constitution. The latter limit should however be raised to Rs.1,000/-.

Levy of profession tax should be compulsory where either house tax, or octroi or terminal tax only is being levied.

Choice of basis of assessment may be at the discretion of the local body concerned.

Assessment and collection of profession tax in municipal and Panchayat areas should lie with the local body concerned but elsewhere it must be attended to by the Revenue Department.

License Fees

Markets and slaughter houses should be self-supporting.

Madras State move to vest monopolies to run markets in local bodies and prohibit private markets by legislative action, may be adopted by other State Governments.

Periodical reveiw of scales of license fees desirable.

Rates should be adequate to cover the cost of regulation.

Periodical scrutiny to see whether any of the licensed trades could be subjected to profession tax.

Railway Properties

Present stress on payment-for-services-rendered, as a criterion, for payment of local taxes on railway properties, unjustified. An Act of Parliament should prescribe the principles of valuation, taxation and apportionment. Local bodies must be conceded adequate representation on Assessment Authority, if set up, and have the right of appeal against awards of arbitrators, appointed under the Railways Act.

Government Property

State Government property should be subject to local taxation. While Union Government should make contribution in lieu of such taxes including the Betterment tax.

Privileged treatment accorded to official residences, in the matter of valuation, should be withdrawn.

Port Trust Properties

Agreements entered into by the Madras and Calcutta Corporations with their respective Port Trusts in the matter of valuation and assessment of properties should be continued and where assessment on profit basis is agreed upon, the form of maintaining accounts should be determined by an independent authority.

Tribunals comprising a qualified Accountant and an experienced Engineer presided over by a High Court Judge should be constituted to deal with disputes relating to rateable valuation.

Collections

State Governments should prescribe a standard percentage of collections to demand and audit should see that it is duly observed and mention its non-observance in their reports.

Penal interest at 6¼% should be levied on all arrears of taxes.

Free use of coercive measures in the collection of taxes advocated.

Distress warrants may be used for recovery of taxes and fees only but not for rents of lands, which may be recovered through the collector, as an arrear of land revenue. Both moveable and immoveable properties may be proceeded against for recovery of taxes and fees.

Persons in arrears of taxes to be disqualified from offering for election.

There should be provincial cadre for higher financial personnel. The head of financial administration in bigger municipalities should be a highly qualified and specially seletced person. No financial liability may be incurred without examination by and report from such officer.

State Assistance

State should assist local bodies with adequate grants where they are unable to achieve the minimum national standard of efficiency from their own resources.

In investing local bodies with wider responsibilities, the State Government must place at their disposal adequate funds to discharge them.

Care should be taken to ensure that grants do not have the effect of encouraging in local bodies unwilligness to develop their own resources.

Assignments of revenue preferrable to grants-in-aid. The latter should be used only as a last resort as complementary, to remedy inequalities.

Fifteen per cent of the net proceeds of land revenue, not already assigned to the village Panchayats, should be assigned to district boards.

State Governments should share with local bodies the receipts from the motor vehicles tax but not those of the Sales tax.

Payment of grants should be systematised and brought on some definite understandable principles.

State budgets should include particulars regarding all kinds of Government assistance to local bodies.

OTHER AMELIORATIVES

Education

Local bodies should be entirely relieved of liability regarding secondary, technical and collegiate education.

Governments of Bombay, Uttar Pradesh and Punjab should consider seriously whether an education cess, as in Madras, may be levied by local bodies within their jurisdiction.

Municipalities in West Bengal should levy education cess at rates prescribed in the Bengal Primary Education Act, 1919.

Rate of education cess in Bihar may be raised, if the revenue at present rates is inadequate to meet expediture on education.

In Madras, the contribution from general funds of local bodies for educational purposes should not exceed the proportion such contribution now bears to the local income (excluding Government grants) and the balance must be borne by the State Government.

Medical & Public Health

Local bodies should be relieved of responsibility to spend on the following services and the entire expediture on them should be provided by the State Governments:—

1. Public vaccination.
2. Prevention and suppression of infectious and dangerous diseases.
3. Establishing and maintaining public hospitals and dispensaries and carrying out other measures necessary for public medical relief.

Communications

State Governments should prescribe standards of road maintenance and make grants on the basis of road mileage.

Public Utility undertakings

Motor transport can be successfully undertaken only by the bigger Municipalities. In rural areas, the State should manage it and share proceeds with the local bodies over whose roads the service runs.

Local bodies engaged in the business of generation and distribution of electricity should continue to do so and allowed a free hand in the appropriation of profits. In regard to new schemes, local bodies competent to run them should have the first preference.

REMAINING SUGGESTIONS

Audit

There should be internal audit staff in addition to the Accountant and local bodies relieved of the liability to contribute towards the cost of Government audit, wherever levied.

Examiner Local Fund Accounts should regard himself not only as an auditor but as a financial adviser of local bodies.

Borrowings

Proceedings in regard to loan applications should be simplified and final orders on them should issue within four months of the date of their presentation.

Since State can borrow more cheaply, it is desirable to have a co-ordinated loan policy in which interests of the Union Government, the State Governments and the local bodies are considered together.

Madras and Bombay Corporations should be allowed the facility to receive ways and means advances, repayable within the year from their respective banks and similar facilities may be extended to other local bodies.

Rate of interest should not exceed one-quarter over that paid by the State Government.

Local bodies should be encouraged to repay loans earlier than the due date.

Section 20 of the Indian Trusts Act may be amended to include loans to local bodies in bigger cities.

Establishment of Municipal banks by bodies other than the city municipal corporations not practical.

Budgets

Subject to the maintenance of the prescribed closing balances, the power to sanction budgets should vest entirely in the local bodies with full powers to make reappropriations and supplementary allotments.

Practice of requiring local bodies to earmark percentages of their resources for particular objects must cease.

Present restrictions on power to sanction works expenditure should be relaxed.

Restrictions on the investment of spare funds require revision.

Where Government decide to control a local service, they should entirely pay for it from their own revenues.

MINUTES OF DISSENT

I. Shri S. N. Sapru

(i) An additional stamp duty at 2% on transfers of immovable property should be allowed to all Improvement Trusts/ Developments Boards; and

(ii) the Madras Improvement Trust should also have a share of the entertainment tax, as recommended by the Committee for other Trusts, even if it has to be given by the Municipal Corporation having to reduce its own share.

II. Shri M. B. L. Dar

(i) Each State should have an independent centralised machinery on the lines of the State Public Service Commissions for the recruitment of personnel of local bodies on the basis of prescribed minimum qualifications and standard rates of pay.

(ii) Lack of restrictions on the powers of local authorities to transfer amounts from one head to another or to increase provision under a budget head when budgets are first presented to them leads to waste and should be discouraged.

(iii) Supervisory guidance by an efficient Inspectorate, as in Madras, necessary to give expert guidance and advice to local bodies, to ensure that fullest use is made of the money proposed to be spent.

III. Shri C. D. Barfivala

He starts his note by referring to the fundamental differences among the members on many important issues on which they found themselves "almost divided into two sections." One section "made almost a fetish of 'efficiency' and evinced little faith in the working of representative institutions", as it appeared to be convinced that the only reform needed was " in the direction of bureaucratising the local administration, glorifying Audit and provincialising several local functions and that the level of local taxation in India was very low and that it should be raised to as high a pitch as possible."

On the other hand, while conceding the many shortcomings of local bodies, Shri Barfiivala remains "an ardent advocate of de-officialised decentralisation", believes that "in a vast and abjectly poor country like ours, functional and financial decentralisation was the only workable, suitable and economical policy" and consequently pleads that "the fear of local maladministration is unnecessarily exaggerated." His solution accordingly is that "the Provincial Governments must divest themselves of many of their responsibilities by devolving them on local bodies or associations of local bodies."

In view of this fundamental difference in outlook, the views embodied in the note of dissent are easily distinguishable into two separate parts - the one exposing the unworkability of some of the suggestions made in the main report and the other making recommendations under the remaining heads.

Pitch of Local Taxation

For instance, Shri Barfivala does not subscribe to the view that the level of local taxation in India is very low and that it should be raised and proceeds to show by authoritative statistical and other data that the incidence of local taxation in this country is not very low as is commonly supposed and illustrates his view point by comparing the rates obtaining in England. For a valid appraisement, he emphasises that relevant factors must be considered and weighed properly.

Shri. Barfiwala tries to remove the popular fallacy that local taxation in India is very low by comparing the per capita income in India with that in the United Kingdom. He points out also the danger of omitting to notice the relative strength of the rural and urban population in the two countries and of their respective price indices. He further points out that "local taxation" elsewhere includes even land revenue whereas it is excluded in the percentages of local taxation, arrived at in India.

Dangers of Progressive rates

He is similarly opposed to local taxation at progressive rates and points to the dangers of such a step, as it would never reflect true ability to pay. The inequalities of wealth distribution should not be the aim of taxation at the local level. Though he would have no objection to progressive rates in the case of "tax on trades, professions and callings" nor to a surcharge on income tax in lieu of progressive local property tax.

Floating Population

He finds it difficult to support the proposal for the taxation of "floating population" in the shape of a tax on railway passengers in important centres of trade and industry or a tax on road transport in the shape of a surcharge on fares.

Machinery

He is definitely opposed to the taxation of machinery for property taxes and considers that the introduction of any such foreign innovation in our system of local taxation at the present stage of our country will only result in warping the growth of our infant industries and introduce complexity in local taxation and must therefore be ruled out.

So called Service taxes

He exposes the futility of insistance on the pursuit of theory of equating cost and expenditure in respect of essential services which must be rendered equally to the rich as well as the poor irrespective of their tax-paying capacities.

Exemptions

He is opposed to the suggested abolition of property tax exemptions and favours their retention in deserving cases.

Outside Valuers

Nor does he favour the introduction of "outside agency" for the valuation of properties but suggests that before such agency is invoked some superior officer of Government should visit the municipal area, scrutinize valuation and assessment of one-two percent of properties and if the report of such officer reveals the necessity then general revision may be undertaken. This, according to him, will retain local freedom and make for efficiency and impartiality.

Taxation-last resort

For stepping up local finances Shri Barfiwala's suggestion is that "our guiding policy should be on the lines of the principal canon laid down in the Prussian Law of 1893, that taxation should not be resorted to till all other methods of procuring finance have been tried and found insufficient." He accordingly recommends that "local bodies will have to be encouraged to increase their non-tax revenues by entrusting public utility concerns to their management," assisted by substantial loan facilities guaranteed by Government or at cheap rates of interest from Government and in suitable cases "may be asked to conduct some industries". "Municipalisation will have to be resorted to on a large scale." Where nationalisation or provincialisation is undertaken local bodies concerned will have to be made sharers in the profits.

All public lands should be transferred to local bodies.

The State Governments should withdraw unconditionally from the field of "Taxes on houses and lands" in favour of local bodies.

Union Government should avoid resort to policies likely to deprive local bodies of taxes or contributions in lieu and Federal grants due from the centre e.g. in the matter of taxation of railway and other Union Government properties. Local authorities should be relieved of all financial responsibility in the matter of primary education.

Assignment of further resources

Under "assignment and sharing of sources of revenue" Shri Barfivala recommends that the demarcation of resources between the

Union, States and local bodies should preferably rest on statutory basis, and "the localisation of a progressively increasing share in the following sources as the overall target which the State Governments must set before themselves as the ultimate goal for attainment by stages:-

1. Land revenue (Entry 45 - List II)
2. Taxes on Agricultural income (Entry 46 - List II)
3. Succession and Estate duty on agricultural income (Entry 47 - List II)
4. Succession and Estate duty on other than agricultural land (Entry 87 - List I)
5. Taxes on sale of goods other than newspapers (Entry 54 - List II)
6. Non-Judicial stamps other than those levied by the Union (Entry 44 - List III)

Port Trust Properties

In the matter of local taxation of Port Trust properties, Shri Barfivala advocates extension to Bombay and Calcutta of the Madras system which is based on a percentage of gross earnings subject to the modification that percentage figure be raised to correspond with the rise in the level of property taxation and be subject to periodical revision and not static for a long time.

Terminal Tax and Octroi

The recommendations under "Terminal tax, octroi and Sales tax" are as under:

1. That the financial position of local bodies and conditions in India are such that the levy of indirect taxes by local bodies cannot be dispensed with.
2. That fresh levy of terminal taxes being banned by the Constitution of India, the levy of octroi becomes inevitable unless the alternatives proposed below are pressed into service.
3. That the system of refunds in octroi gives rise to many evils. The Punjab method of octroi "without refunds" appears to eliminate those and should therefore be investigated further and adopted, if found suitable.
4. That octroi on *ad valorem* basis may bring in larger income but is highly objectionable as it gives rise to greater corruption and has definite adverse effect on trade.
5. That the abolition of terminal taxes and octroi and the introduction of a system of sharing proceeds of sales tax between the States and local bodies offers the best remedy.

6. That as an alternative to sharing sales tax, a surcharge on sales tax may be tried—

(i) Where terminal tax and octroi are not levied;

(ii) Where terminal tax and/or octroi are levied but their composite burden is not too heavy.

Government Grants

Under "Government grants", Shri Barfivala observes that "separation of some definite sources of income and sharing of others should be adopted to the extent of fulfilling the normal requirements of local finance. The grants should come in only as supplementary to these methods of financial adjustment." In order to mitigate the present discontent against the system, the payment of grants "should be reduced to some definite and easily comprehensible formulae by laying down, by statute, the extent to which the executive Government could use the system as a weapon of control over local bodies individually or collectively e.g.

(i) That departments should be entitled to see that grants made for specific purposes are not used for a different purpose;

(ii) that in the case of percentage grants extravagance is not encouraged; and

(iii) that in the case of block grants the case for "need" is not exaggerated.

Provincialisation deplored

He deplores the present day tendency in favour of provincialisation and explains how in the long run it will prove costly and stunt the growth of local executives as useful public servants and ultimately detract from their all-round efficiency. He is definitely of the view that "if local bodies are to collaborate effectively in the task of national reconstruction and if every rupee of the tax-payer is to yield an equivalent return or a better value than it yields today, let us transfer as many functions as possible to local bodies and endow them with all possible funds, which the State can spare, for carrying out their functions."

Greater Bombay

Under "Greater Bombay" he deplores that the Shroff Committee did not feel called upon to go into wider questions of assignment or separation of sources of revenue but contented itself by devoting attention to mere temporary adjustment of financial situation viz by raising the annual Government grant from Rs.9½ to Rs.25 lakhs. He accordingly recommends that in view of the great financial responsibility devolved on the Corporation by the absorption within its limits of suburban areas both urban and rural, the Government

of Bombay should make adequate contribution for a number of years. But the immediate need, according to him, is to assign entire proceeds of the entertainment tax and an appreciable share of the betting tax, petrol duty and tobacco duty while the Government's share towards expenditure on primary education should be very substantially increased. Further the question of permitting surcharges on certain provincial taxes should be investigated and the Corporation empowered to levy them, wherever feasible. Consequently he advises the appointment of a competent Committee to go into the question of the Corporation's finances before the position deteriorates further.

Improvement Trust and other Ad hoc bodies

According to Shri Barfivala the creation of *ad hoc* bodies like Improvement Trusts only results in the deprivation of local self-governing bodies of some of their fundamental statutory functions by transferring them to the nominated bodies "and accordingly constitutes a fraud on the electorate" in as far as it prevents them from "exercising the right of controlling services through their duly elected representives." His advice therefore is that "Government should avoid creation of such *ad hoc* nominated bodies and wind up the existing ones". "Funds and resources placed at their disposal should be transferred to the local bodies concerned". If it is considered absolutely necessary in any very exceptional case, the only body that should be entrusted with the duty should be a special Committee of the Municipal body or bodies within whose jurisdiction such a scheme is to be carried out and all financial help which the State Government can give should be given to such a Committee. As a final resort, if necessary, a town planning scheme may be drawn up incorporating all the necessary provisions including slum clearance or housing to be carried out by the local body concerned, with Government materially financing it.

Village Panchayats

For toning up the finances of Village Panchayats his recommendations are as follows:

(1) A substantial share of land revenue not less than 25% to be assigned immediately to be increased progressively by 5% every year to 50%.

(2) A labour tax at rate of so many hours per year with all safeguards against abuses. The present arrangement in some Acts giving option to pay in labour should be reversed and the tax should be primarily leviable in labour with option to pay in cash or kind.

(3) Tax on agricultural products either as an independent levy or as a substitute for any of the present should be considered.

(4) Surcharge on a number of taxes should be permitted at the option of the Panchayats.

(5) Absolute relief from financial responsibility regarding education.

(6) Salary and allowances of the chief executive to be borne by State at least to the extent of 3/4ths as in Bombay. As far as possible, the executive work should be done in an honorary capacity by the members, as in the Punjab.

(7) State Governments should transfer as much land as possible to the Panchayats.

(8) Panchayats should be encouraged to undertake as many enterprises as possible including cooperative farming and dairies.

(9) They must be made agents for all State and District work.

(10) A sort of relationship between Panchayats and Cooperative department should be established to enable them to work on the basis of multipurpose societies.

(11) The functions of law and order should be decentralised as in the West Bengal and the State made responsible for the salaries and allowances of the chaukidars.

(12) The connotation of the term Village Panchayats should be made uniform in all State legislative measures as the term has found place in the Constitution of India.

Audit Raj

He characterises the recommendations under the chapter on "Auidt" as an effort "to modify somewhere, intensify elsewhere and in the end to glorify "auditocracy" with a view to instal it side by side with vitalised bureaucracy." This, he observes "is typical of all conclusions set forth in this chapter and particularly glaring in the case of the recommendation that the Examiner, L.F.A. should regard himself not only as an auditor but also as a financial adviser of local bodies". He doubts the practicability of this suggestion because "an auditor is not an administrator but an accountant. By his very training and equipment an accountant is the least qualified to advise in administrative matters. The officers of the Accounts and Audit Deptt. can only judge figures but not facts. Whether in the particular given circumstances, a local body official or member could have acted otherwise than he did can only be judged by an administrator. Not familiar with the actual problems of administration, the auditors are unable to view matters in their proper perspective."

Having thus discounted the ability of audit to assist in administrative matters, he dismisses the recommendation regarding subjecting the Bombay Corporation accounts to audit through the

Examiner's agency, as unnecessary. Since th absence of any provision to that effect in the Bombay Municipal Act did not necessarily imply that the audit by the Corporation's auditors was by any standards defective or less effective than the Examiner's. The recommendation besides overlooked the provisions of Sec. 54 providing for the appointment of the Municipal Commissioner by Provincial Government.

He condemns the recommendation regarding "internal audit" as seeking "to superimpose on local bodies a replica of the costly state machinery without conferring any tangible benefit" and adds that in the anxiety to test its workability, sight has been lost of "the chronic want of funds at the disposal of local bodies". "The crux of the problem however is whether in their present state of finances, the local bodies can afford this extra luxury recommended in the main report or will they afford to do so at any forseeable future. If not the innovation cannot merit any serious consideration." On the other hand "the proposed new system would be moreover cumbrous and costly" and one "likely to facilitate, evasion, red-tapism and result in enormous delay in making up the final accounts". "The very suggestion regarding transmission of vouchers to the district head-quarters is replete with the risk of loss of vouchers themselves and the consequent confusion. It is imperative that the vouchers should never leave the office of the local body. The recommendation savours of unnecessary suspicion of local bodies."

Surcharge dangerous

He points out that the power of "surcharge" was "a dangerous weapon in the hands of individuals, which in its actual working only tends to damp the enthusiasm of laymen out to serve the community." The doctrine of "Ultra-Vires" on which the system of surcharges is worked "confronts the local authority at every turn and acts as a great handicap on the initiative of local self-Government." "Auditors are neither lawyers nor economists so their order regarding so called "surcharges" are more of a mechanical type and uniformly of mathematical value."

CONCLUSION

Shri Barfivala is conscious of the fact that the probable effect of his recommendations may be to strengthen local finance at the cost of the States. This, however, he considers unavoidable. In his analysis of the relative claims of the three layers of Government, he recognises that "the demand of the Centre that its financial position must be strong will have to be conceded willy nilly." "But as between the States and local bodies", he considers "the financial weakness of the States is not such a great calamity as the perennial bankruptcy of the local bodies."

IV—Shri P. B. Gole

States that he has carefully read Mr. Barfivala's note of dissent and that it correctly represents his views. He therefore contents himself with expressing his full concurrence with what is stated in Mr. Barfivala's note and concludes:—

"Without wishing to cast the slightest reflection on other esteemed members of the Committee" Mr. Gole says that it is his duty to add, "that the main report owes much to Mr. Barfivala's great ability, extensive study and long and varied experience. and above all to his reasoned advocacy of the cause of Local Self-Government. The Ministry of Health did extremely well in appointing him on the Committee and local bodies will always feel grateful to the Ministry for his appointment."

V—Shri R. K. Sidhwa

Agress with the majority view, subject to the following modifications:—

(i) That a Local Bodies Board may be established at the Centre, under the control of the Central Government. to look after the work of all local bodies and to nominate persons to carry on the administration of local bodies in the event of supersession.

(ii) That exemption from property tax should be in favour of the following categories of persons:

(a) Widows solely dependent for maintenance on rent or

(b) When the rent realised is under Rs. 50/- per anum.

Subject in both the instances to the general condition that the number of buildings owned in each case shall be one.

(iii) That in addition to Nazul lands, Government wastelands in municipal areas should also be handed over to the local bodies.

(iv) That there should be no exemption to any private individual.

(v) That the upper limit of Profession tax should not be raised beyond Rs.250/.

(vi) That the disqualification for non-payment of taxes should be for a period from 3 to 5 years according to the amount of arrears involved.

(vii) That portion of the motor vehicle tax should be granted to local bodies, particularly the municipalities.

(viii) That Improvements Trusts must cease, after the area is improved.

(ix) That octroi be replaced by terminal tax and abolished forthwith. Until the Constitution is amended, Government of India must permit levy of terminal tax and increase in rates on certain items.

(x) That sales tax should be levied and developed in all States subject to Central regulation and the receipts distributed among local authorities. The tax is likely to be more readily acceptable to the tax-payers if its receipts are earmarked for local bodies.

(xi) Shares the general view expressed in the report regarding the Village Panchayats but considers separate types of grants will be necessary for these bodies and consequently suggests that the State Governments should formulate a policy different from that applied in the case of other bodies to meet the special conditions prevailing in the villages.

VI—Shri R. D. Kapila

Finds fault with the policy and procedure adopted by the Committee in making enquiries and drafting proposals and accordingly disagrees with most of recommendations made in the report, (he enumerates about 30 of them) which he concludes will not solve the financial worries of the local bodies. Some of the objections urged by him are:—

That Government was taken to be always in the right and non-official local bodies to be always in the wrong.

Differences in Approach

That the dominating idea of the chairman and the official members appeared to be to vest the Government with all powers relating to the raising of revenue for the purposes of local bodies and to suggest safeguards against misuse of whatever nominal powers may have been left over with the local bodies on the assumption that local bodies were highly corrupt and unfit for the exercise of real powers of administration and that the officials of Government invariably acted in the best interests of the people.

That the Committee had to move in narrow grooves devised by the British authorities and the only scope left was to suggest increments in the incomes of local bodies in a manner not likely to conflict seriously with the policies and wishes of the State Governments, whose officials practically dominated the proceedings and carried their propositions mostly in the teeth of opposition from the non-official members who invariably were in a minority on account of the inability of some to attend.

That the Committee ignored some of the most important aspects

of the problems e.g.

1. Requirements of planned development.
2. Inelasticity of local revenues.
3. Constitutional drawbacks.
4. Ideal of democracy.
5. Economy in expenditure.
6. Burden on the poor.
7. Suitability to the Indian conditions of life.

Differences enumerated

He summarises his differences of opinion with the Committee as under:

1. That the real problem of local finance had not been touched and the report did not show the financial position of local bodies as it is and will be after the recommendations are implemented.
2. That the devices for improving the financial position of local bodies need not have been restricted to the raising of more income only but should have included economies in administration by changes in structure and redistribution of functons.
3. That a clear-cut separation of responsibilities and resources of local bodies from those of Government should also have been suggested as a preliminary requirement of dealing with the problem since the present arrangement is most confusing and misleading.
4. That the root cause of the financial difficulties of local bodies lay in the restrictions Government places directly or indirectly on the levy of taxes by local bodies as also in the encroachment upon their resources by levying new taxes under different names.
5. That instead of engaging in a vain search for new taxes to rope in poor and lower middle classes for purposes of local taxation and for exacting more money from Government, the Committee should have concentrated attention upon a thorough examination of the sphere already allotted to local bodies and should have endeavoured to discover scope for exploiting the same.

Government. Assistance

On the subject of Government assistance, his views are:-

1. That there should be a clear cut division of functions and financial resources between the Government and the local bodies so that the latter may develop a sense of responsibility in administration and Government may not exercise powers of control and interference in local affairs and at the same time hold the local bodies responsible for efficiency in local administration. This division should be made by an independent commission to be set up by the Central Government.
2. Grants should not be given except in rare cases due to some extraordinary circumstances and should on no account be a normal source of income of any local body recurring every year.
3. For the purpose of performing certain functions of the Government by local bodies for reasons of administrative efficiency and convenience, the local bodies should function as mere agents of Government and the Government should pay for the expenditure incurred by local bodies for the performance of such functions and also exercise such powers of supervision and control relating to them as may be dicided upon in each case.

Other Local Authorities

Regarding the finances of district boards, village panchayats and Improvement trusts, he argues that as the future of these bodies is in the melting pot, the consideration of recommendations on this subject should be postponed until after a decision regarding their future structure is taken.

DON'T BUY ANY FIRE FIGHTER UNLESS YOU KNOW ALL ABOUT

President Model



Visited the Fire Equipment Stall of Messrs. Kooverji Devshi & Co., Ltd., and am very glad to know that this Indian firm has taken up manufacturing fire equipments. I have checked some of the spare parts and I find that they are more or less upto the standard. The "FIRE-MASTER" is really a heavy unit and if water supply is available it is powerful pump to operate and can give at least 4 good jets. I hope their designs will improve and come up to the standards of other countries.

S. C. Chatterjee
B.A. Grad. I. Fire E (Lond.)
Dy. Fire Officer,
West Bengal Fire Service.

6-3-51.

I have inspected the "FIRE MASTER" Model Fire Fighter manufactured by Messrs. Kooverji Devshi & Co. Ltd., Bombay, and I am much pleased to state that this heavy fire fighting unit possesses the ability and capacity to stand and fight against any sort of huge fires. The double arrangement of one trailer pump and one centrifugal pump both working independently shows best engineering workmanship and ensures efficiency and smooth running in case of emergency. I have seen the demonstration of the engine and I am entirely satisfied. I congratulate the above firm for their best efforts in the line and wish them every success.

Kartar Singh,
Fire Supdt., Central Secretariat.
C. P. W. D., New Delhi.

2-3-51.

The "FIRE FIGHTER" machine built up by you on "Dodge" chassis was thoroughly tested at the Fire Brigade Headquarters, Byculla, on the 9th February, 1951 and was found to be in excellent working order.

The arrangement for the power-take-off from the main engine of the chassis for running the centrifugal pump has been constructed very satisfactorily, giving sufficient margin for adjustment of lag on account of stretching of the 'V' belts and there has been good spacing for adjustments on the lantern rings of the Pump.

The metal foot-valve is a good improvement for quick priming and suction, and the road sprinkler device is a useful addition.

M. G. Pradhan,
Chief Officer
Bombay Fire Brigade.

Bombay Municipality.
Date 14-2-1951.

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Proceedings of the Conference of the Presidents of the District Local Boards and Engineers.*

The Speech by the Hon'ble Minister for Local Self-Government.

It gives me great pleasure to welcome you to this small Conference which has been called to discuss certain matters like the distribution of communication grants and allotment of grants in respect of Village Approach Roads, Village Water Supply Works, etc. which are entrusted to the District Local Boards for execution. When I saw that the Education Department had called a Conference of all the Presidents of the District Local Boards in our State in Poona, I thought our Department might as well take advantage of your presence in Poona and invite you to a Conference so that the difficulties experienced by you in regard to the execution of Village Water Supply and Village Approach Road Programmes might be discussed with you at first hand. I am glad you have so splendidly responded to our invitation.

You are aware that the difficulties experienced by the District Local Boards in the past related mainly to their poor finances above every thing else. But, after the assumption of power, this Government lost no time in realising this and came to your rescue immediately by sanctioning to you 50 p.c. D.A. grant. Later on, 15 p.c. L.R. grant and 2 p.c. Forest Revenue grant were assigned to the District Local Boards in due course of time to relieve their financial worries. Other voluntary grants were also very considerably liberalised with the same end in view. I do hope you appreciate the timely and substantial aid Government has given you at the most difficult and trying period of the District Local Boards' existence. I also hope you appreciate the implications, on a long-term view, of the statutory and other grants Government has placed at your disposal. In respect of Primary Education, Government has given a great relief to the District Local Boards by accepting to shoulder the main portion of expenditure on Primary Education. I am fully conscious that your difficulties in regard to various matters including the financial one are not yet fully over, but, I dare say the financial aid Government has given you has gone a long way in relieving you very considerably of your financial worries and troubles. If there are still any difficulties we have got to face them boldly and patiently. Let us realise the times we are passing through. No

*This Conference of Presidents of District Local Boards and Engineers was held at Poona on 6th October 1950.

individual, and no institution including Government, speaking generally is free at present from these worries. And if all is not as it should be, the blame does not so much lie either on you or on Government, but it lies somewhere else and is directly traceable to the peculiar circumstances that confront us all at the present moment. It would be a grievous mistake therefore to suppose and expect that things should change overnight but if very probably they don't so change and you get disillusioned you will have to blame yourself for supposing that things could be changed at our will and as you desire without reckoning the all-important factor of present day difficulties which many of them are outside our control. In pointing out these difficulties my idea is not to discourage you but to impress upon you to recognise the difficulties inherent in the present situation. In this context whatever we do we will have to do it in a restricted sphere so to say. I say this only because if you meet with any trying situation, you may not develop a sense of frustration. I hope you will agree, my words are well meant and they will not go amiss.

And having said all this, I must not keep you in doubt as to what you should expect of Government and Government of you. Consistent with our other financial obligations and responsibilities I must say Government has gone all the way in going to your help financially. I want to be frank in telling you that in their present financial stringency, Government will not be in a position to undertake any other extra financial responsibilities in regard to local bodies. Our main concern should be as it seems to me, to retain what we have obtained despite the present day odds of Government. Government is making an all round reduction in expenditure in various directions and we have to endeavour to see that the axe does not fall upon us. In other words, we have to pull on, at best, with what we have got and to make the best of what we have. This can only be done by mutual co-operation between the Government and the District Local Boards. Having seen the limits set to our financial aspirations by forces outside our control, we should try to see what we could do with our limited means. If you see the point I am making and agree with that, I assure you of the full sympathy and consideration that you would legitimately expect from Government. It has come readily in full measure in the past and it will continue to come forth in future also. But this gesture would be one-sided if you do not respond to my call and do not see the Government point of view. What I request of you is to give your full co-operation and try to solve our problems by mutual understanding. Given this, I do not think there would be any difficulties that would deter us in the long end from achieving the goal, we have in view. Our aim is to build up a welfare state to the building of which our local bodies like District Local Boards can contribute magnificently. I am confident I am not merely expressing a pious hope in this and I very much hope the response from your side will be as great as our desire to help you in all possible ways.

And now to come down to the business before this Conference I have received representations that the procedure prescribed in the matter of execution of our Village Approach Roads and Village Water Supply Programmes has tended to hamper their expeditious execution by the District Local Boards. At the beginning when Government first laid down the procedure in this respect, it was not possible for Government to envisage the difficulties the District Local Boards would be confronted with in the matter, since programmes of such magnitudes and on such scales were being undertaken for the first time. As the programmes started going, procedural difficulties began to crop up and they were removed from time to time. The procedure that is now in practice, has been settled, let me tell you after consulting some District Local Boards' representatives and discussing it with them. With all this care, it is possible that there may be some defects and the procedure might be tending to be cumbrous. If this is really the case, let me assure you Government is anxious to set the matter right. I therefore request you to discuss frankly not only the procedural difficulties but also any other difficulties that may be hampering the speedy execution of our Village Water Supply and Village Approach Road programmes. The discussion however will be kept and I think I need not add this within the limits I have indicated in my opening remarks. I would hasten to add that Government will endeavour to solve your legitimate difficulties with all the sympathy that they deserve. We are not much interested in what machinery we adopt in solving our rural problems but in seeing how the machinery that we adopt in solving our rural problems but in seeing how the machinery that we adopt works in practice and helps us to add to the happiness of rural bretheren. This is a task in which I am sure, everybody present here is immensely interested. I hope the proceedings of this Conference will be carried on against this background and in the spirit of mutual understanding and co-operation.

It is really our good fortune to have amongst us to-day the Hon'ble Dr. Gilder and the Hon'ble Dr. Jivaraj Mehta. It is my desire that the proceedings of this Conference should begin with brief speeches from these Hon'ble Ministers. I would now therefore request on your behalf the Hon'ble Dr. Gilder to address the Conference.

The Speech by the Hon'ble Minister for Health.

He said he had very little to add to what was said by H.M. L. S. G., who had considerable experience of matters and difficulties confronting local bodies. So far as village water supply works were concerned, it was not possible to spend the whole amount allotted

for the purpose during 1947-48, in the second year i.e. 1948-'49, the whole amount was spent in the third year i.e. 1949-'50 the amount allotted was exceeded by 36 lakhs. The result was that, out of the total amount that was set aside for this purpose, very little now remained, and Government had thus to cut its coat according to its cloth. The procedural rules were changed two or three times in consultation with some of the members present. If there were any defects still left he expected the conference to bring them to the notice of Government, and steps would be taken to remedy them He did not have much time to study the resolutions passed at the meeting of the Presidents of District Local Boards in the Bombay State held on 5th October 1950 in Poona as a copy of these resolutions came to his hand only in the morning.

With regard to Government grant for health and epidemic works, he suggested a grant in proportion to the amount spent by the Boards themselves. The more they spent, the more they got, or in the alternative he suggested that Local Boards should take over medical relief and transfer epidemic side to Government.

Dr. Jivraj Mehta.—He said that Public Works Department came in contact with Local Boards in connection with public works and village approach roads. He appreciated the suggestion in the resolutions that the unspent balance of the grant should be carried over to next year, but he was not sure whether the Finance Department would agree to it. With regard to village approach roads, wherever the local bodies were prepared to make contribution, that work was given priority. A. G. R. has been issued to this effect. It will thus be seen that more the local bodies tax themselves, the more they get from Government. He suggested that it would be better to work out the figure of Government contribution on the basis of local contribution, and hoped that the village approach roads would, in course of time, be better than what they were before.

VILLAGE APPROACH ROADS

President, District Local Board, Belgaum:—He said that Local Boards were prepared to co-operate with Government and to place their real difficulties before Government. Their real difficulties were the result of high prices of commodities due to war.

He said that grants for communications were inadequate, and there were no definite principles on which these communication grants were made. The Commissioners distributed the amounts according to their own discretion, e.g., on the basis of length of mileage and the financial position of the various local bodies. In fact, the Commissioners who were really very busy persons, could not pay personal attention to this work, which was attended to mainly by their Head Clerks, who allotted this amount to the place from which may come.

He suggested that Government should give amounts equal to those spent by the Boards. Besides, the amount budgetted should be spent throughout the district so that the benefit should go to every village. It was not, therefore, desirable to leave the choice of the selection of a particular road to the District Local Authorities. Local bodies knew which particular road required greater attention, and the powers given to the District Local Authorities in this respect should be taken away.

President, Surat District Local Board.—He said that the grant given to Surat District Local Board last year was inadequate because as a result of addition of some parts of the old States, the area and population of the Board had now enlarged. He also stated that the basis of allotment of grants for road works was not proper. The Revenue Officers were busy with many other things and were not particularly interested in roads, while the Local Bodies concentrated their attention on this very question, and they were, therefore, in a better position to decide the priority for works which deserved immediate attention. He also complained that Government did not guarantee the grants. He also said that once the District Local Authorities had decided upon the priority list it was not possible to make any alterations in them without the prior consent of the D. L. A. He deprecated the system of fixing a time-table which was rather inconvenient for the Boards. This rather hampered the progress of the work instead of accelerating it. He admitted that in some instance Government gave grants which local bodies could not spend, but the insecurity of the grants was deplorable. He suggested, firstly, that assurance from Government was needed that local bodies would be getting certain definite grants, so that the Boards could fix up their definite programmes and secondly, lump grant should be given to the Boards for being spent as the Board desired.

President, Ahmedabad D.L.B.—

Resources of the Boards are not drastic. The Local Boards have trebled their taxation from one anna to three annas, and have thus tried to implement their resources. As the traffic has increased to a great extent, the receipts from the tolls also increased. Local Boards are legitimately entitled to get increased contribution in proportion to increase in toll tax.

With regard to communications grants the Local Boards had no idea of the grants they would receive under this head. He suggested (1) that Local Boards would like to know from Government the definite principles on which the distribution of this grant is based and also to know why different Local Boards get grants differently, (2) Commissioners earmark grants for particular roads. Government should give lump sum which could be spent by Local Boards

according to their own discretion on roads selected by themselves.

President, D.L.B., Kolaba.—

Grants should depend on the land revenue and the income which the district yields to Government. Incidence of taxation is not equal in all districts and varied from district to district.

Banas Kantha.—

There are no local bodies at all in his district and only twenty miles of road to be maintained. His district, therefore, deserved special attention of Government, and merely because the income is less, the case of his district should not go by default. In his district there are no roads, drinking water facilities. In the absence of good roads, it was not possible even to transport crops to another place.

Shri B. A. Bambawala, I.C.S., Secy. L.S.G. & P.H.D.—

Demand is made, on the one hand, for the cancellation of the G. R. of May 1949, while on the other hand, the conference pressed that no principles have been laid down. Para 2 of the G. R. dealt with principles on which grants should be distributed by Commissioners and the factors to be taken into consideration therefor. Certain principles have already been laid down, Government would be prepared to modify the procedure if necessary. The basis of land revenue has been suggested, but this suggestion was promptly opposed by some members. It is stated that Surat did not get the grant it deserved, but we have statistics to show that, at least in C. D. the distribution was done according to principles, and it is precisely for this sort of work that Government had appointed Directors of Local Authorities. It should be possible to remedy defects, if any with the help of Local Boards, e.g., alteration of dates etc., according to the convenience of Boards, Directors of Local Authorities will now be able to give more time for this work.

Shri D. R. Pradhan, I.C.S., D.L.A. Poona.—

He stated that the allegation that there were no principles for the distribution of grants was incorrect. He felt there were too many principles, and thought there would be some difficulty in working them out. With regard to the question whether land revenue or income of the local board should be taken as the criteria in fixing the grants, he felt that it was reasonable to take into consideration the income of the Boards. He thought it would be better to have few principles, and laid more stress on flexibility. It was not possible to fix standard rules for Boards differing in character from each other like Ahmedabad and Banas Kantha. Distribution will largely be a matter of local consideration depending on mutual consultation between revenue officers and Local Boards. The impression in the minds of Local Boards was that Government servants were a sort of hostile element. This was a wrong psychological approach. Collectors and Prant Officers were touring officers who had personal knowledge of the conditions in the district, they had no local attachments, and were not interested in one part of the district or another, and were, therefore, in a position to give disinterested advice without any outside pressure, and hence consultation with revenue officers was provided. Government provided the money, and it is not unnatural that they should feel that it should be spent in a manner acceptable to them. In private life when people give donations, they impose certain conditions, and Government was, therefore, doing nothing which was out of the ordinary.

With regard to fixation of dates, it was necessary to observe them as Government themselves would not be able to frame their budget until the overall picture was clear.

With regard to payment of grants for three years, he stated that this experiment was tried in Hyderabad State during the time of Sir Akbar Hydari, but it was found that it had certain disadvantages. With regard to the inspection of work by the P.W.D., he stated that Boards had engineering staff which executed certain works. Government themselves had a system of checks and balances, and it was helpful if the works executed by Boards were also checked. Such checks should be really welcomed, as it helped Boards to discover their defects.

Hon'ble Minister for Local Self-Government assured the house that he would bear the various suggestions made at the conference in mind.

VILLAGE WATER SUPPLY

Dharwan D.L.B.—(1) Actual grants sanctioned for all the works should be communicated to the Board in the month of April, (2) Boards should be empowered to sanction deviations in the sanctioned estimates; previous sanction of the Commissioner should not be made essential; (3) surrender of unspent balance of grant at the end of the year be not enforced; (4) the estimates of the work should be sanctioned by the Board and not by the Commissioner or Collector. This should be confirmed.

Baroda.—Step-motherly treatment meted out to D.L.Bs., P.W.D. is reluctant to give materials etc., because they have their own works to do and, therefore, cannot spare material. Government should bring pressure on the P.W.D. to give materials to Boards, so that the funds of the Boards will not lapse for want of material.

D. L. B. Belgaum.—Villagers are willing to pay for the construction of roads and to give their manual labour, but once the roads are constructed they are reluctant to pay for its maintenance. Obli-

gation on villagers to maintain roads in good condition may be waived. Even the standard laid down by the Chief Engineer for the construction of roads is not practicable.

Dr. Gilder: gave an account of the works carried on from year to year. Because of shortage of funds Government had decided to effect economy by diminishing the diameter of wells etc. He said that the procedure for grants etc., was laid down in consultation with Engineers of various Boards in 1946-47, and this was later modified. It was open to the conference to suggest procedural modifications.

Satara (North)—Shri Desai.—He said that want of materials hampers the work undertaken by the Board. He gave an instance of cement which, he said, the Boards had to indent through the Ex-Engineer. Though a number of bags were lying idle in Government store, they were not made available to the Boards for want of sanction from the higher authorities. He urged that the facilities given to Public Works Department should also be made available to the Boards, which is, in fact, the other agency recognised by Government for carrying on public works. Instead of making the District Local Boards approach through Executive Engineer, they should be permitted to indent independently, so that they may be able to complete works quickly and at a lesser cost. With regard to suggested cancellation of some of the Government Resolutions he said he was not in favour of their cancellation altogether, but of reconsideration. Instead of helping the execution these Government Resolutions hamper the progress of the work. He was also in favour of mutual consultation between Revenue Officers and District Local Boards. He said that if Government could trust the District Local Boards for "Deposit Works", there was no reason why the same trust could not be extended in case of "village water supply works". The District Local Boards were certainly prepared to accept suggestions from Government officers, but later on the matter should be left entirely in the hands of the Boards without any interference from Government. He urged that financial cut, if any should be applied to any other item, but not to village water supply works, as that problem was very acute. Guinea-worm is common in many villages, hence the necessity of adequate water supply. He said that comparison should not be made between Public Works Department works and works of Boards. In the absence of similar facilities to both, the comparison would be odious. The two Government Resolutions of 1950 asked Boards to stop work all of a sudden. Though Government later agreed to Boards proceeding with their work, the work was meanwhile held up. This caused considerable damage to the wells. He reiterated that works once taken in hand should be completed and funds made available for the purpose.

Dr. Gilder.—We have our financial difficulties and we do not wish to go bankrupt. We admit that for merged areas we have not been able to do much. As regards cement, the position is easier now. Government is reviewing the whole position and we will let you know how things are going about. In some villages Boards have dug wells where already there were wells. That should not be done. Government will pay for digging of wells for only those villages where there were no wells at all.

Surat.—Priorities are fixed on academic basis. Practical considerations are lacking.

District Local Board Engineer, Satara.—It has been said by Government that the procedure was evolved as a result of conference with District Local Boards. There were representatives of Satara, Thana, Dharwar and Kaira. All representatives of the Boards were of the opinion that the procedure suggested by the Chief Engineer, Mr. Kale, was not likely to be helpful in solving the difficulties of the Boards. We placed our difficulties before the Chief Engineer. Instead of solving the difficulties, the new procedure has increased them. Even the Chief Engineer has admitted that the Local Boards were against the introduction of the new procedure. The Government Resolution should be altogether withdrawn, and the amounts allotted for the works should be left in the hands of the Local Boards as "Deposit Works". With regard to payment, accounts cannot be closed after cement is received, because rates are settled by the Accountant General and we cannot make payments to the contractors without knowing the rates fixed by Government. The Public Works Department is permitted to make payments upto Rs. 500/-, but the Boards cannot make payments beyond 10 rupees. This sort of thing is retarding our progress. Public Works Department allots contracts by groups while Local Boards have to use local contractors.

District Local Board, Ahmedabad.—Boards should be permitted to spend a greater percentage in a work than the estimated cost of the work and should be free to adjust amounts between various works in the matter of expenditure on a particular work the cost of digging a well may be less, in another more, and the free choice for adjustment given to the Board would speed the progress of the work. He also invited attention to the floods in Gujarat, and enquired if it would be permissible to frame programmes, since some wells have been considerably damaged as a result of floods.

District Local Board, Bijapur.—He referred to the difficulty of getting explosives and iron bars which were essential for the progress of the works. He urged that in view of the fact that villagers were affected by guinea-worm, it would be desirable speedily to convert step-wells into fraw wells.

Kolhapur.—Villagers were prepared to provide manual labour for constructing wells. Contractors, however, had to be paid promptly, hence the necessity of receiving adequate grants from Government.

District Local Board Engineer, Belgaum:—He pressed that grants may be made available to finish the incomplete works, as half-finished works were a source of danger to the public. It was not possible to dig up wells only half, and leave at that, as the money already spent is wasted. Besides the Boards had no funds to pay their liabilities.

Dr. Gilder.—Thanked them for their suggestions and said he would see what can be done.

Item No. 3. Satara North.—

Administration.—It was suggested that Government should cancell the Government Resolution regarding payment of grants by District Local Boards to Municipalities for their dispensaries based on per capita of the patients, and suggested that the matter be dealt with entirely by the Local Bodies between themselves.

Health and Epidemics.—It was suggested that Local Boards should be freed of the responsibility in regard to health and epidemic measures, which should be taken over entirely by Government who should attend to this duty at their own cost. He deprecated the dual control existing at present, but suggested that so long as the present system continued, a grant equal to 50 per cent of the expenditure incurred by the Board should be given by Government.

Veterinary Dispensaries:—They requested Government to give up the idea of taking over Veterinary dispensaries, which should be retained by the Boards, Government giving adequate grant for this purpose to the Boards.

Subsidised Medical Practitioner Centres.—They suggested that the Subsidised Medical Practitioner Centres should be conducted entirely by the Board, Government merely giving 4/5th of the expenditure to the Board. Dual control was deprecated.

Dr. Gilder intervened to say that so far as hospital fee rules are concerned, Government is shortly going to appoint a new Committee. The last committee appointed was in 1925. Government Resolution will however issue in a few days, and any concrete suggestions made will be considered by that Committee.

Compensation for tolls.—The basis of these grants should be revised in proportion to the increase in tolls received as a result of increase in traffic and road mileage.

Provincial Works.—It was suggested to Government to transfer all works, except irrigation works, to the management of the Boards and that Government should sanction allotments at Public Works Department rates as was done in the case of District Local Board, Ahmednagar.

Establishment.—Powers of Presidents regarding appointment of servants should be raised from Rs. 100/- to Rs. 250/- in view of revision of pay-scales.

Contracts.—Powers of President for sanctioning contracts should be raised from Rs. 500/- to Rs. 2,500/- and those of the Standing Committee from Rs. 5,000/- to Rs. 10,000/-.

State Transport.—When buses run at 28 miles an hour they damage the roads, because the top of the body is heavy. They should use smaller tyres and lower the speed. Big buses should not be made to ply on kuchcha roads. For the purpose of maintaining the Local Board roads used by the State Transport Department, adequate grants should be given to the Board from the profits of the State Transport Department.

Check Measurements.—The power of the District Local Board Engineer to check measure works costing over Rs. 500/- should be changed to Rs. 1,500/- owing to increase in pre-war prices.

Dr. Jivraj Mehta asked whether in the circumstances it would not be better to apply the Madras Act and take over all roads by Government. He requested that if a note were sent to Government about the damage caused by State Transport buses, it would be carefully considered. With regard to fluctuating grants he said the Department itself was not aware of the amount that it would receive, and it was not, therefore, possible to communicate the exact amount to local bodies, because that depended mainly on the Finance Department and subsequent sanction of the Legislature.

In conclusion H.M., Local Self Government thanked the members for attending the Conference and for helping in its deliberations in a spirit of mutual understanding.

One of the members.—Thanked the H. M. Local Self Government for convening the conference and giving them an opportunity of putting their grievances before the Board and for giving an assurance that their grievances will be sympathetically considered. He said that whatever was said at the conference should not be lost sight of, and the Boards should not be given the stereotyped reply that the matters are "under consideration", but Government should give prompt attention to their grievances. He also thanked the H. M., Health and H. M., Public Works Department for their kindly assurances.

Proceedings of the Conference

Presidents and Engineers of the District Local Board and Chairman of the District School Board*

The conference was inaugurated by the Honourable Shri B.G. Kher, Chief Minister and Minister for Education, who in his inaugural remarks stressed the importance of education in the present democratic set-up and of adult franchise provided in the Constitution of India. He remarked that Government had launched the scheme of free, universal and compulsory primary education providing for a modicum of education for children of the school-going age to be implemented within the period of ten to fifteen years and that the provision of school houses was an essential feature of this programme. Apart from the requirements of compulsirio, the influx of refugees and the increase in the population had accentuated the difficulties in regard to school buildings, and the problem was further complicated by the high cost of building materials and the limited resources which were available. A solution of this problem was, therefore, of the highest importance, and the conference had been called with a view to pooling the collective advice and experience of the persons intimately connected with primary education. The Honourable the Chief Minister then briefly reviewed the work of the District Building Committee since 1938 and explained, how as a result of a similar conference held about two years back, Government had appointed the Special Superintending Engineer for village school buildings to provide sound technical guidance, who had done much spade work and had cleared certain bottle-necks. He then referred to the re-organization of the District Building Committee recently sanctioned by Government and explained the objects underlying this step, and he concluded with an appeal to the members of the conference to render the maximum possible assistance in the solution of this problem which was one of the knottiest questions facing primary education.

After his inaugural address, the Honourable the Chief Minister retired, and the Chair was taken by Shrimati Indumati Chimanlal Parliamentary Secretary for Education. Shri Mahida, then briefly reviewed the position and said that the main bottle-necks were:—

1. lack of popular contribution or the inadequacy of such contribution

and

*This Conference held on 5th October 1950, at Council Hall, Poona to discuss problems relating to School Buildings in the Districts.

2. difficulty in acquiring suitable sites.

He also stressed the need for the District Building Committees to draw up a comprehensive programme and to leave the detailed execution of the programme to the Executive Committee.

After the conclusion of ramarks by Shri Mahida, there was a general discussion in which, among others, the Presidents of the District Boards, Surat, Mehsana, Belgaum, Kanara, Thana, and Satara-North participated. Some of the points made in the discussion were:—

(a) The reconstituted District Building Committees were unwiedly.

(b) The nomination of members on the Committees in certain cases had been unduly delayed.

(c) The omission of the District Local Board Engineer from the District Building Committees should be made good. It was explained that this question was already under consideration.

(d) The estimates prepared by the District Local Board Engineer should not be subject to the approval of the Executive Engineer of the District.

(e) The appointment of the Educational Inspector as Chairman of Advisory Committees appointed in the new districts was not conducive to efficiency.

(f) The reconstituted Committees had not even been functioning in some districts and the Educational Inspector who was the Chairman of the old Committees had not even handed over charge to the new Chairman in some cases.

(g) The procedure regarding payments was lengthy.

Shri Mahida explained that the District Local Board Engineer was competent to approve plans and estimates within the framework of the approved type plans and subject to the financial limits laid down. As regards payment, he explained that the works were treated as "Deposit contribution works" entrusted for execution to the District Local Board Engineer and that the Administrative Officer need not be approched for payments every now and then.

(h) There was delay in communicating allocations to the various District Building Committees of as much as 4 to 5 months, although the State Budget is sanctioned early in April.

(i) The possibility of utilizing pension and provident fund

amounts towards building programme should be examined.

(j) In the Mehsana District the allocation sanctioned for 1949-50 was not even drawn by the Deputy Educational Inspector-cum-Administrative Officer and the money had lapsed.

Note:— It was explained by the Secretary, Education Department, that if it would be established that the money had lapsed through a misunderstanding of the rules on the part of the Deputy Educational Inspector cum Administrative Officer the case would be considered by Government on its merits.

(k) Programme should be prepared generally on the basis of the popular contributions received and the sites acquired.

(l) It was complained in some cases that large amounts of popular contributions had been received years ago and were lying unutilized, as they were not covered by the necessary Government grants. In the Surat District the deposits amounted to Rs. 3,30,000/-. In the Kanara Distrtict the deposits were about Rs. 2,72,000/-, and in view of the delay in putting up buildings, a portion of the deposits had to be refunded. In the Mehsana District the old Baroda State had made commitments in about 113 cases to put up buildings and the contribution amounted to about Rs. 5,50,000/-.

It was explained by the Secretary, Education Department, that the total amount available in the Budget had to be distributed by Government among the various districts, more or less on an equitable basis, and after taking into consideration the balance available with the District Building Committees, and that, although it was possible to make slight variations it would be difficult for Government to pay unduly large grants in particular cases, merely because the district concerned had been able to collect large contributions from the public. Such a measure could only be adopted at the cost of other districts and would not be justifiable.

Item (4) on the agenda

Problems connected with the selection of sites:—

(a) Importance of properly selected and extensive sites with special reference to the need for play-grounds and other amenities.

(b) Donated sites.

(c) Transfer of Government lands-Measures to avoid delays in transfers of sites.

Shri Mahida explained that difficulty was experienced in some districts to acquire extensive sites and that there were special problems in Districts like Khandesh. He stressed the need for adequate sites, as the school house was intended not merely to provide class room for teaching purposes, but also accommodation for craft teaching, community life and play grounds. He said that the rules had been simplified and that it was not necessary that the sites was due to the order of Government not having been properly understood by the Secretaries of the Committees. The Secretary, Education Department pointed out that Government would shortly bring out a pamphlet containing the up-to-date orders etc. relating to District Building Committees and that this would facilitate the work of the Committees.

The President, District Local Board, Ahmedabad, pleaded that there should be only one agency which should be competent to approve sites instead of the present procedure. It was also urged that the Survey Officers delayed proceedings in connection with measurement etc.

It was pointed out that the rules provided that if the Public Health Authorities failed to report on the site within two months it was permissible to assume that Department had no objection to the site concerned and that the rules had been made elastic so as to avoid delay as far as possible at the various stages.

Item (5) on the agenda.

Sanitary conveniences:—

Types-Government orders-funds.

It was explained that the question in regard to the provision of sanitary convenience was already under the consideration of Government and that it need not be gone into in detail. It was urged in the discussion, however, that "type plans" should also provide for sanitary arrangements.

Item (6) on the agenda.

Standard plans:Their adoption or adaptation to special conditions, with special reference to the need of implementating the scheme in newly merged areas.

Shri Vartak, President, District Local Board, Thana, said that his experience was that the rates tendered by the contrators were higher than the standard rates and that this was one of the main difficulties in the implementation of the building projects. He also said that the schedule of Public Works Department rates in each district was higher than the rates provided in the type plans and he pleaded for an equalization of the rates.

It was also urged by the President, District Local Board, Satara-South, that the minimum floor space per pupil should be reduced from 10 sq. ft. to 8 sq. ft. and that this would tend to reduce the building cost.

Item (7) on the agenda.

(i) Item rate tenders

(ii) Village Panchayat or similar agencies

(iii) Advances

(iv) Cash contributions V/s contribution in kind.

Shri. Vartak, President, District Local Board, Thana, pointed out that the tendered rates were higher to the extent of 25 to 35 per cent.

The President, District Local Board, Ahmedabad, particularly stressed the difficulties in regard to one room tenements. He said that one room school buildings in the interior villages were difficult to construct within the fianacial limits laid down and that it was desirable that there should be some latitude to meet such cases.

Shri Mahida explained that the financial limits laid down were the maximum and that the rates fixed were by no means unworkably low generally. As regards single room tenements, it was true that the rates were to some extent unsuitable, and that as a matter of fact that the rates had been devised for 3 room tenements. He suggested that there would be no objection if the District Building Committees pooled their resources and diverted savings from bigger buildings to meet the extra requirements of single room buildings. He made it clear that the District Building Committees should call for item rate tenders only and that no latitude could be allowed in regard to item rate tenders. He added that the rates were generally falling and that conditions would be stabilised fairly soon. Much of the difficulty would be solved if the Committees planned in advance and purchased materials in bulk. As regards the difference in the schedule of Public Works Department rates and the rates provided in the type plans, he explained that facilities in regard to the supply of timber. asbestos sheets etc. were available to the District Building Committees, which accounted for standard rates being lower. He also stressed the need for economy in putting up school buildings.

Item (8) on the agenda.

Problem relating to special areas.

(i) The Dangs

(ii) The Adivasi areas in Thana (Type plan)

(iii) Backward Class areas in general.

The Deputy Educational Inspector, Dangs, raised the question about school buildings in that district and he was told that the question was already under consideration. Shri Kalyanji Mehta pleaded for the extension of the same facilities for the Adiwasi areas of the Surat and Dangs Districts as those for the similar areas in the Thana District. He also pointed out that suitable buildings were lying vacant in merged areas, that there was inordinate delay in the release of these buildings for the educational purposes, although he had approached several times the various authorities and that Government should take steps for the early release of such buildings for educational purposes.

Another point made was that the requirement relating to contributions in materials or labour, which was applicable to backward areas, should not be insisted upon. It was also pointed out that this was the real bottle-neck, and if any progress was to be made in backward areas, it would have to be cleared and a solution found It was suggested that the possibility of the cost of type plans being proportionately reduced for backward areas should be considered, so that it should be possible for buildings to be put up in such areas within the amounts of the contributions by the District Building Committees.

Item (9) on the agenda.

Securing of materials of construction.

(i) Need for timely arrangement for the supply of cement etc

(ii) Steel requirement.

(iii) Timber-Circular orders.

(iv) Asbestos sheets.

Item (10) on the agenda.

(a) (i) Present orders and their justification

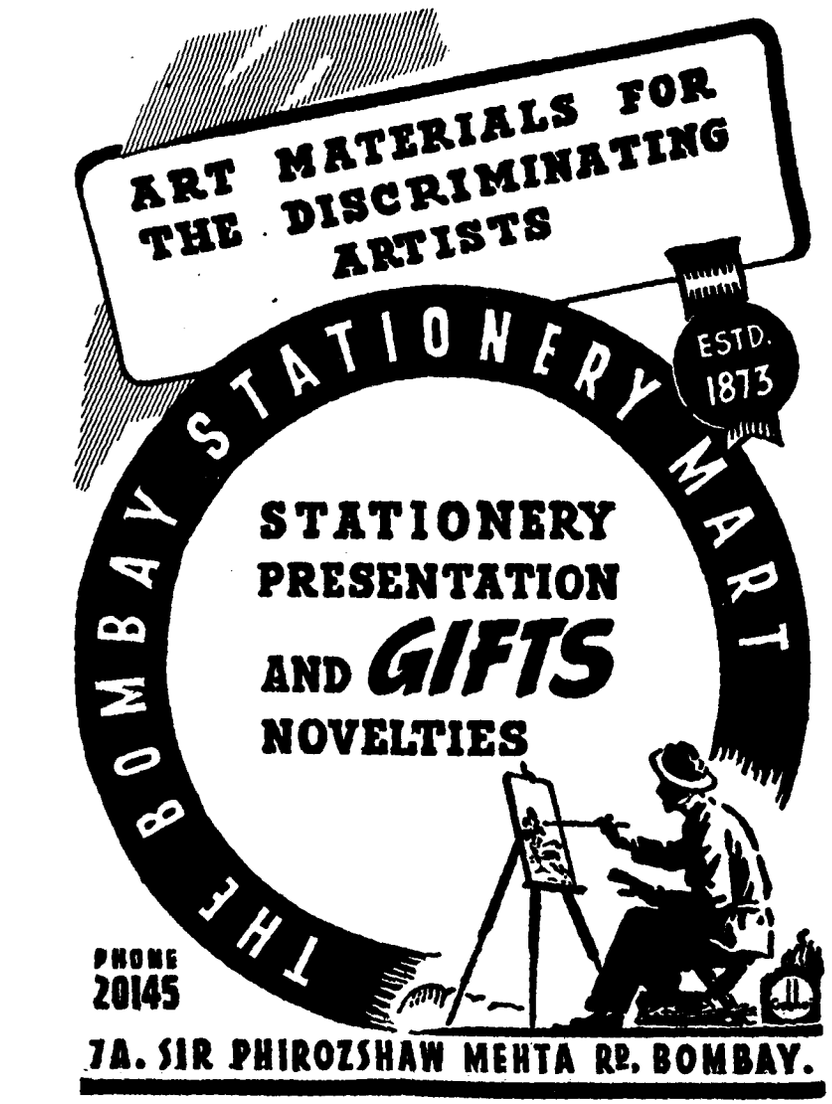
(ii) Latest orders of Government, in cases of a comparabe nature

(b) Alternative methods of construction employing other agencies.

These two items were taken together.

It was urged that the District Local Board Engineer should be allowed to indent directly for building materials and not through the the Educational Inspector or the Executive Engineer.

In regard to centage charges, the general sense of the meeting was that there was no need to raise the percentage already fixed and that it should be possible for the District Local Boards to execute the building works within the limit laid down, as had already been done in several districts.



Recognition of All-India Institute of Local Self-Government

No.F. 21-35(38)/50 LSG.
Government of India, Ministry of Health
New Delhi 2-Dated the 12th July 1951.

From

Shri A. V. Venkatasubban, M. A.,
Under-Secretary to the Government of India,

To

The Governments of all Part, 'A', 'B' and 'C' States.

Sir,

I am directed to say that an All-India Institute of Local Self-Government sponsored by Shri C. D. Barfivala, Director, Local Self-Government Institute, Bombay, and with the Hon'ble Shri G. V. Mavalankar, Speaker, Parliament of India, as President, has been established with its headquarters at Bombay with a view to undertaking and promoting study and research in the field of Local Self-Government. The Institute will also function as a clearing House of authentic information on different phases of Local Self-Government. The Director-General of the Institute has approached the Government of India for official recognition of the Institute.

2. In appreciation of the aims and objects of the scheme, the Government of India have already sanctioned a token grant of Rs. 1,000/- to the Institute and the Hon'ble Minister for Health. Government of India, has also consented to function as one of its Vice-Presidents. I am to commend the Institute to the Government of Madras etc. and to express the hope that the State Governments will find it possible to afford the necessary facilities to enable it to serve the cause of Local Self-Government. If there is no objection, necessary instructions to the local bodies in the State of Madras etc. may also be issued.

Yours faithfully.
Sd/- A.V. Venkatasubban,
Under-Secretary

No F 21-35 (38)/50-LSG.

Copy forwarded to Shri C. D. Barfivala. Director-General. All-India Institute of Local Self-Government. 11.Elphinstone Circle, Fort. Bombay. for information in continuation of this Ministry's letter No. 21-35/50-LSG dated the 21st June. 1951.

By order.
Sd/- A.V. Venkatasubban,
Under-Secretary

THE ADMINISTRATION
OF THE
DISTRICT BOARDS
IN THE
MADRAS PRESIDENCY

By

Dr. V. Venkata Rao, M. A., M. LITT., PH. D.,
Lecturer in Politics, Gauhatic University.

PART II

PERSONNEL ADMINISTRATION.

CHAPTER IV.

PROBLEMS STATED

Introduction:— Personnel administration is concerned with the classification of positions, fixing of qualifications, standardization of scales of pay, recruitment and examination of candidates, training particularly of in-service training, probation, promotion, discipline and finally with the retirement of personnel.[1] All these major questions will be dealt with in some detail in this and the following chapters.

In recent times, personnel administration has come to occupy an important place. For, in a world made of technology, technically competent men and women are required to handle "the enormously complicated social life of a giagantic ministrant state".[2] Their assistance and co-operation are sought both by statesmen and politicians to frame broad policies. It is the civil servant that furnishes the expert knowledge without which politicians cannot in any adequate measure create and enact policies. On the basis of information thus furnished by experts, politicians conceive plans and secure the sanction of the legislature for their execution. But it is the function of the civil servant to find working

1 White. Introduction to the Study of Public Administration, p. 277.
2 Finer. British Civil Service.

clothes for them. Thus while statesmen and politicians create philosophy and programmes, define the destination and tell the people why and how they should travel towards it, it is the function of the civil servant to organise the will and direct the forces so that the end in view may be reached. Thus in the ultimate analysis, wise political philosophy and sound leadership would be of no avail without a body of officials permanently and specially employed to carry on the programmes of statesmen.

Further, a comparative study of the functions which the civil service performed fifty years ago and which it is performing at present should clearly indicate its enormous importance. In 1885, the boards undertook to provide few services such as the construction and maintenance of main lines of communication, provision of medical relief and elementary education. Even these services were organized in a perfunctory manner. Whereas in 1945, the boards had undertakan the responsibility for a greater number of services such as maternity and child-welfare, preventive medicine, town planning and water supply.

This increased activity of the boards was owing to the fact that new social values had come into being. In the police state, protection of property and the maintenance of order were the two things with which the state was concerned. Social services like education were left to private enterprise. Pestilence, disease and infantile mortality were considered as expressions of the wrath of Providence and the individual sufferer was asked to settle the matter with his Maker. But in the present century, the whole conception of the state has changed. The State is no longer the mere dispenser of justice or maintainer of order. It is a positive agency to promote the development of individual personality. The change in the conception of the state has, therefore, opened new vistas and therefore the necessity for a new type of civil servant has arisen. In a positive state the role of the civil servant is decisive. For, the administrative personnel should not only be efficient but must also have a constructive outlook. The absence of such a qualification is an immense handicap specially in dealing with such problems as education, town planning and public health. The presence of it is an incalculable advantage.

The importance of the service can also be looked at from the amount of revenue it collects and the expenditure it incurs. In 1885-1886, the total revenue of all the boards was Rs. 80 lakhs and the total expenditure was Rs. 77 lakhs. In 1945-46, the total receipts were Rs. 692 lakhs and the total expenditure was Rs. 674 lakhs. The size of their operations has multiplied nearly ninefold.

As regards the variety of employment a look at the schedule of establishment of any board would give a picture of its range and complexity. On the administrative side, we find the Secretary, the superintendents of several sections, clerks—upper and lower division—and an army of peons. On the technical side, we find the District Board Engineer, the District Health Officer, Medical Officers, Overseers, supervisors, health inspectors, vaccinators and Birth and death registrars. In the field of education, we find the District Board Educational Officer, the head masters of secondary and middle schools and an army of teachers of all grades. The range and variety of the personnel clearly indicate the important role which it plays.

If the personnel is to be efficient, personnel administration should be based upon the merit system. The merit system should be applied to all aspects, both to the selection of candidates and to the promotion of employees. The absence of the merit system implies the presence of spoils system, a system which degrades political life. Elections would be contested merely to secure power to exercise patronage. That would increase corruption and slackness. There would be frequent displacements of personnel, favouritism in promotional administration and advancements. Anything like 'espirit de Corps' and the feeling of responsibility cannot be developed under such conditions. The employees themselves would become parttime politicians. The merit system, on the other hand, prevents these perversions and secures a contended career service. And the foundations of a career service, are, tenure of office during good behaviour and satisfactory work; full recognition of the doctrine of equality of opportunity for all citizens, selection of candidates by a process of examination and finally, the road from the bottom to the top should be open to talent. Thus in a social state the civil servant should be administratively competent, politically neutral and imbued with a spirit of service to the community.[3]

The position of a civil servant[4] is different from that of a wage earner. For, the legal status of a wage earner in contract is one of equality with the employer. They can discuss terms freely. But in public employment there is no such equality with the employer. The terms of employment are fixed by the employer and can be altered without the consent of the employee. Under contract system the terms of employment can be modified only by common consent of the employer and employee.[5]

3 Gladden, The Higher Civil Service, p. 16.

4 White: Op. cit. p. 215-16 Who is a civil servant? According to Dr. White, an individual who combines in himself the following qualifications is a civil servant. Membership of a public service and holding a permanent position. It matters little whether the post is higher or lower. A simple messenger has just a complete right to the title of civil servant as a Permanent Secretary of a Ministry. See also I. L. R. 21, M. 28.

5 White. Civil Service in the Modern State. pp. 223-24.

Essentials of Personnel Administration:—In a satisfactory personnel system all the positions should be systematically classified and standardised. This is essential because the scope of Governmental operations has so expanded that they demand increasingly systematic classification. "Such a classification and standardization of public employment constitute, indeed the starting point or the basis upon which the whole personnel structure must rest".[6] Recruitment of personnel without classification of positions is like the construction and furnishing of a building without a plan. "The general objective of the classification system is to lay the foundation for equitable treatment of public employees by accurate definition, orderly arrangement, and fair evaluation of positions in the public service."[7] Personnel classification is not only the means for the proper selection of personnel but also indispensable for securing efficiency and economy. Without a proper classification of positions, there would be confusion.

It should, however, be remembered that classification is concerned with positions and not with persons. A position is a civilian office with definite duties and responsibilities. It is permanent in nature. Each position demands the minimum educational qualification, experience, knowledge and ability, appropriate pay and lines of promotion. Each class of positions constitutes a distinct unit with distinct responsibilities and duties.

We may consider how the services are organized in district boards. A perusal of the establishment schedules of some of the boards clearly demonstrates the fact that there was no regular organization prior to 1935, particularly in some departments. We shall, therefore, note how the positions were classified in several departments during the period under review. But before we do that we may note that throughout the period, the services were classified into two, inferior and superior. The distinguishing feature between the two was that the latter was not entitled to the benefits of the Provident Fund Scheme or to pension after retirement. The inferior service included peons, attenders, [8] librarians in secondary schools, laboratory attenders and duffadars. The superior service included all others from the lower division clerk to the District Board Engineer.

As regards the administrative section, a perusal of the establishment schedules of some of the boards clearly establishes the fact that positions were not properly classified and designated. The designations given did not clearly indicate the functions they performed. For instance, the

6 Willoughby. Principles of Public Administration p. 223–24.

7 White. op. cit. pp. 279.

8 G. O. No. 735. Edn. 12-5-1944.

chief ministerial post of the district board office was variously designated as 'Secretary' in Madura, 'Manager' in Chittoor, 'Head Clerk' in Trichinopoly and Chief 'Ministerial Officer' in Kurnool. Similarly the chief ministerial officer in the District Board Engineers Office was variously designated as 'manager,' 'head clerk' and 'head accountant'. The clerks also were designated, 'Senior clerks,' 'Junior clerks', 'First Clerk, 'Second Clerk' and so on. The assistants employed under the District Panchayat Officer were designated in some places as 'Rural Reconstruction Officer', in others, as 'Panchayat Supervisors,' 'Panchayat Overseers' and 'Assistant Panchayat Officers'[9] It is, therefore, evident that there was utter confusion in the classification and designation of positions in the administrative section. It was in 1934, that the Government in virtue of the powers vested in them classified all the positions and fixed proper designations for all of them. The chief ministerial officer of the board was designated Secretary and this post was divided into two classes. The chief ministerial officer of the District Board Engineer's office was designated Manager.[10] The head of each section was designated Superintendent, and the clerical class was divided into two, the upper and lower division [11]

In the education department, the positions were not classified until 1898. In that year the Director of Public Instructions suggested the classification of positions. But the proposal was turned down by Government [12] Another attempt was made in 1891, only to meet with a similar fate. [13] It was in 1901, that some sort of classification was made. The teachers were classified into two categories, trained and untrained. Trained teachers were further classified into higher elementary, lower elementary, secondary grade and collegiate grade. In 1937, the lower elementary grade was eliminated. Thus at the end of the period there were only four classes of teachers. From the above, it is evident that though the position in the

9. G. O. No. 2216, L. M. 16-6-1935.

10 G. O. No 3933. L. M. 22-6-1934.

11 Salaries Committee Report. Madras 1920 p. 140. The idea of having two classes of clerks was first suggested by Mr. F. J. Wilson, Chief Engineer, P. W. D. In 1910, this classification was introduced by that eminent administrator, Sir William Meyer in the Secretariat He wrote: "The upper division clerks will be men required for duties involving for real brain work; the lower division will consist of clerks whose work will be more mechanical and routine character. For the clerkships in the upper division I should insist ordinarily a first class degree with preference of course to Honours men in the case of Brahmins; in the case of a sudra a second class B. A might be admitted. For Muhammadans and Eurasins, I would ordinarily require a F.A. degree of some sort. For the lower division the test should be the matriculation." Till 1913, the recruitment for both the classes was separate. In that year separate recruitment was abolished. In 1920, the Salaries Committee recommended the abolition of this classification but the Government did not accept it. This classification was introduced in the boards in 1935.

12 G. O No. 424, L. 16-2-1889.

13 G. O. No 1260. L. 23-5-1891.

THE MAKING OF THE NEW STRUCTURE.

Local authorities in the Madras Presidency may be grouped into three categories: (i) the City Corporation of the Provincial capital, (ii) the District Municipalities of the various provincial towns,[1] and (iii) the Rural Boards.[2] Of these three, the City Corporation was the earliest to be established; much later appeared the District Municipalities and last of all came the Rural Boards. Till 1871 these Rural Boards were known as "Local Fund Boards", each of which had jurisdiction over a District Circle.[3] By the Act of 18844 the Local Fund Boards were supplanted by District Boards coterminous with Revenue Districts. Below the District Boards were organised the Taluk Boards,[5] corresponding to the Sub-District Boards in other parts of India, and at the lowest rung of the ladder were the Union Boards. A Union Board, or Union Panchayat, as it was called, consisted of either a single large village or a group of two or more small contiguous villages.[6]

If a comparison with English local organisation were to be made, the Rural District Councils of England would correspond to the Madras Taluk Boards, the County Councils to the District Boards, the Borough Councils to the District Municipalities, and lastly, the Government of the Metropolis (London) to the Presidency Corporation. The parish in England corresponds very roughly to the Indian village; but there is no organisation parallel to the Union Boards.[7]

1. They are commonly spoken of as 'Mofussil Municipalities' as distinguished from the Metropolitan or City Corporation of Madras.

2. The term 'Rural Boards' employed by the Royal Commission on Decentralization (1908) is self-explanatory, and hence, is adopted here in preference to the term "Local Boards" used by the Madras Government. The latter usage is misleading.

3. Each Revenue District was organised into one, or, in certain cases, two Circles.

4. See infra Pages 159 of Chapter III.

5. The Madras Sub-District Boards were styled 'taluk boards'; but the appellation was misleading, as their jurisdictional area was not in the taluk but in the district subdivision, which usually covered two or more taluks. See Royal Commission on Decentralization (1908) Vol. I. p. 248, Footnote.

6. A 'Union' is defined as "any revenue village or villages or any portion thereof which may be declared to be a Union by the Governor-in-Council"

7. Since 1920, when the "Village Panchayat Act" of Madras was passed, the 'Union Boards' have gradually given place to Village Panchayats, which comprise single villages,

cover such matters as education, experience and technical skill and knowledge. Personal qualifications are honesty, truthfulness, energy, resourcefulness, tact, persistence, reliability, executive ability, personality and manner. It should, however, be remembered that it is exeedingly difficult to discover these qualifications for we do not have any mechanical means by which we can assess them. But the popularity of the officer and his ability to manage an organization of considerable size, depend on the possession of these qualities. The other qualifications are so well known that they require little comment.

Till the year 1871, no qualifications were fixed for any position under the boards. In that year, the Government laid down that persons appointed to any office under the circle boards should posess the qualifications for prescribed similar positions under the Madras Government.[18] Later on, this order was cancelled presumably because the boards could not secure the services of candidates with requisite qualifications. In 1888, the question of prescribing qualifications for all the positions under boards was again considered[19] but was deferred pending the settlement of the High School examination scheme.[20] In 1889, the matter was referred to the Director of Public Instruction and the boards for their opinion. But nothing came out of this effort. Therefore, some of the boards themselves took the initiative and prescribed qualifications for some of the positions in consultation with Government.[21] Some times the Government did not accord the sanction sought for and in consequence the "office of the Local Boards were largely manned by failures".[22] A beginning, however, was made in 1901 and qualifications were prescribed for some of the positions in that year.

The general qualifications were that a candidate should be a native of this Province or domiciled therein for a period of not less than ten years immediately preceding the date of his application for appointment.[23] Foreigners were generally excluded. But whenever it was found necessary to engage individuals in the United Kingdom for service under a board, the Secretary of State for India had to be informed of the circumstances and

18 G. O. No. 265 F. 30-6-1871

19 G. O. No. 2105 L. 8-11 1888

20 G. O. No. 1669 L 1661 29-7-1881

21 G. O. No. 1383 L 26-7-1881. For instance, the Salem Board resolved to demand all the conditions prescribed for admission into the Government service excepting the age condition.

22 G.O. No. 1383 L. 26-7-1814 See the notes of the Chief Secretary.

23 G. O. No. 1660 L.A. 7 5-1940 The domicile of a person of legitimate birth was in the country in which at the time of his birth his father was domiciled; if he was a posthumous child, in the country in which his father was domiciled at the time of his death; the domicile of an illegitimate child was the place in which at the time of his birth his mother was domiciled. The domicile of origin prevails until a new domicile is acquired.

his assent had to be obtained.[24] The next general qualification was age. That is, every candidate must be within the age limit prescribed by the rules.[25]

As regards the special qualifications, at first no special qualifications were prescribed for the post of Secretary. In 1936, the Government issued an order prescribing that all applicants for the post of Secretary should have had ten years' experience in a large office and legal qualifications.[26] It was, however, found difficult to secure the services of men with such qualifications. The rules were, therefore, altered in 1943, when it was laid down that the Secretary should be a graduate in law with three years' administrative experience.[27]

A question has been raised whether an administrative officer, like the Secretary, should possess the legal qualifications. This question was examined by an expert committee, known as the Hadow Committee, (United Kingdom) the Royal Commission on Local Government (U.K) and various other bodies.[28] The opinions expressed by these bodies were divergent. The Society of Clerks of the Peace of Counties was of opinion that the Clerk of a county council (equivalent to the Secretary of the District Board) should be a member of the legal profession.

This view was opposed by Sir Ernest Simon. He contended that the clerk of the county council need not have legal training; that men trained in the office of the head administrator would, even though they had no legal qualification, have acquired a general knowledge of the law governing local administration and that knowledge would be sufficient for the purpose; that the main duty of the clerk of the county council was to co-ordinate the work of the departments of the council and this task did not require the legal qualification.[29]

Professor Graham Wallas agreed with Sir Simon.

Dr. W. A Robson suggested that smaller authorities may have a clerk with legal qualifications. In the case of larger ones he suggested the appointment of a separate person for rendering legal advice.

24 G. O. No. 50. Public 22-1-1892

25 G. O. No. 306. P. H. 29-1-1936; G. O. No. 3020 P.H. 30-9-1942. Memo No. 2489 L. A. 22-8-1942. For instance, the applicant for the ministerial posts should not have exceeded 30 years of age; for attenders' post 25; for the post of women medical officer not less than 21 and not more than 35; for the post of the Health Visitor not less than 25 but not more than 35; for midwife between 21 and 40 and for all other posts not exceeding 25. But exceptions were made in the case of Muslim candidates and the candidates belonging to the Scheduled Castes.

26 G. O. No. 980. L. M. 11-3-1936

27 G. O. No. 1079. L. A. 10-2-1943

28 Royal Commission on Local Government Report. Part 3, p. 111

29 Ibid. Evidence of Sir Ernest Simon.

Sir Arthur Robinson of the Ministry of Health (U.K.) said that to make it a fixed rule that in every case the clerk should be a person of legal attainments would result in debarring larger authorities from securing the services of a man of administrative experience and ability which might be very valuable in these cases.[30]

The Hadow Committee, expressed the view that insistence on legal qualifications would mean that administrative ability would not be recognised where it should be. "We cannot agree therefore" wrote the Committee "that legal qualification should always be a condition of appointment as a clerk to a local authority, particularly to a larger local authority... ... We think that it would be regrettable if any local authority, otherwise provided with legal assistance, were to refrain from appointing as clerk a person of good administrative ability simply because he was not a Barrister"[31]

From the evidence adduced above, it is evident that legal qualification is not the principal qualification that should be insisted upon from candidates for the post of Secretary. The Secretary being the principal person for the efficient management of the board's business, he must have a knowledge of public finance to understand the economic questions pertaining to taxation, economic relationships and the use of statistics. Secondly, he must have a comprehensive knowledge of local government institutions. For, a comparative study of the administrative systems will act as a corrective to that infirmity of all long established organisations, a tendency to see only within the horizon of its own past experience and precedent"[32] Thirdly, he must have a knowledge of the principles of organisations and administration, for, the efficiency of the office system depends upon proper organization, staffing and management. In other words, "he should be a person of broad and constructive outlook interested in the wider issues of Local Government and skilled in negotiation."[33]

The qualifications for the ministerial class were not prescribed till 1905. In that year, qualifications for the head-clerks and head accountants alone were prescribed. It was laid down that only those that had passed the matriculation examination of the Madras University and possessed a certificate from the Commissioner of Government Examinations that they had passed the precis writing test, the account test and the translation test in the chief vernacular of the district should be appointed as Head Clerks and Head Accountants. It appears that the boards were

30 Ibid. Report. Part 3, p. 32

31 Ibid. p. 32

32 Hadow Committee Report p. 32

33 Ibid. p. 31

not successful in securing persons with the above qualification for the posts[34] and therefore a slight alteration was made in 1910 in the educational qualifications prescribed for the[35] posts and in 1918, it was lowered still further.[36] In 1920, the qualifications for the above class of officers were a pass in the S. S. L C. examinaton and the account test examination.

No eductional qualifications were demanded in respect of other ministerial officers. It was only in 1935, it was decided to prescribe the educational qualifications for all the ministerial officers ranging from clerk to secretary [37] The minimum educational qualification prescribed for all the ministerial servants was a pass in the S.S L.C. examination or a completed school leaving certificate with a prescribed percentage of marks in certain sujects.[38] In addition, the upper Division Clerks, Superintendents and Accountants must have passed the Account Test examination prescribed for subordinate officers of Government.[39]

This prescription of the minimum educational qualifications did not affect those already in service nor did it affect the chances of their promotion to higher positions.[40]

As regards clerks and accoutants working in the electrical department those that were entertained prior to 16th October 1936, should have passed the commercial book-keeping portion of the departmental examination prescribed for the clerks in the Local Audit Department, followed by a course of training for a period of three months, in electric licence's account in the office of the Engineer-in-chief, Pykara system, Coimbatore. But those who were recruited after that date should be Bachelors of Arts of a recognised University and should have undergone the training mentioned above.[40A] In 1939, it was ruled that Bachelors of Commerce should be preferred, if available, to Bachelors of Arts.[41]

34 G. O. No. 498 L. 11-5-1905
35 – Do – 93 L. 12-4-1901
36 – Do – 1564 L. 22-11-1918
37 – Do – 4448 L. M. 29-10-1935
38 I. L. B. Office D. Dis. No. 8157-1945
39 – Do – 4448 L. M. 29-10-1935

40 For instance, the following classes of persons were eligible for promotion even though they did not possess the qualifications prescribed for the post of Manager and Secretary. Persons who were holding officiating appointments on the date on which the new rules came into force; persons who had already completed their probation in those posts; persons who had already completed their probation before the coming into force of the new rules but were discharged from service either on account of retrenchment or for want of vacancies; or persons who were exempted from possessing these qualifications or persons to whom temporary exemption was granted by the President.

40A G. O. No. 697. L. M. 19-2-1937.
41 G. O. No. 4311. L. A. 3-11-1939.

The Assistant Panchayat Officer must be a graduate. But the Inspector could, with the approval of the Government exempt, for reasons to be recorded in writing, any person who was in the service of a board from possessing the educational qualifications provided he had at least completed the S. S. L. C. examination and had passed the Account Test examination.[42]

No qualifications were prescribed for the Bill Collectors and attenders till 1940. In that year, it was laid down, that they should have passed the third form in a recognised secondary school.[43] From the above survey it is evident that at first adequate qualifications were prescribed for the head ministerial servants of the boards. But as the supply of candidates was inadequate to meet the needs, the qualifications were not only lowered but power was vested in the Presidents to grant exemptions to the deserving candidates from possessing the qualifications. It appears that in the exercise of this discretionary power, many unqualified candidates were recruited and as a consequence a good number of those recruited were those rejected everywhere. It was only in 1935, that qualifications were prescribed for all the ministerial officers and since that date only qualified candidates were recruited. But we may ask the question whether the qualifications prescribed, particularly for the head ministerial officers, were adequate. In our opinion they are not. It may be a fact that graduates with some administrative experience were generally recruited for these posts. But instances have come to our notice that University men were not preferred to S. S. L. Cs. "It is a complete contradiction to spend money on higher education and to refuse employment to boys and girls who profit by it..... The value of the University education as a preparation for the administrative work cannot be denied. Advanced study supplies background knowledge, develops power of judgment, accustoms the student in handling documentary material and trains him in the presentation of cases. These are all the necessary qualities in a public officer and make an excellent foundation on which to build the practice of administration".[44]

We shall now consider the qualifications of the technical personnel. To take the Public Health Personnel, prior to 1920, there were sanitary assistants. Rules required that they should possess a degree in sanitary science. But men with a sanitary degree could not be secured. Generally, therefore, raw graduates without any experience in sanitary science were appointed as sanitary assistants. After the appointment of District

42 G O No. 4448. L. E. 29-10-1935.
43 G O No. 2317. L. A. 27-6-1940.
44 The Hadow Committee Report.

Health Officer, rules were issued prescribing their qualifications. At first, they were required to possess at least the L. M. S. degree and under-go a special course of training in sanitary science for a period of one year.[45] In 1929, the rules were altered. They were required to possess the B. S. Sc. degree of the Madras University or a Diploma in Public Health and Hygiene in addition to the medical qualification mentioned above.[46] In 1940, it was laid down that they should possess at least the M. B. B. S., degree and the B. S. Sc. degree of the Madras University or a diploma in Public Health of a British University.

The qualifications prescribed for the sanitary inspectors also varied from time to time. Until 1887, they were not required to possess any qualifications. In that year Dr. Laing, the Sanitary Commissioner to the Government of Madras, suggested the examination of the sanitary inspectors "to ascertain their fitness or otherwise".[47] But the Government deferred the question. It was again considered in 1897 but nothing came out of it.[48] It was in 1901, that definite steps were taken in this direction. In that year, it was laid down that the sanitary inspectors should possess a certificate issued by the Sanitary Commissioner to the effect that they had undergone a theoretical and practical course of instruction in the Madras Medical College.[49] But the necessity to revise the qualifications was felt in 1903 itself. It was found that the training prescribed was insufficient. Rules were accordingly revised and the sanitary inspectors were required to possess a certificate from the Principal of the Madras Medical College stating that they had satisfactorily undergone a five months' course in physiology, hygiene and bacteriological demonstrations and a certificate from the Commissioner of the Government examinations stating that they had passed the intermediate technical examination in animal physiology and hygiene and a third certificate from the sanitary engineer stating that they had undergone a month's training in minor sanitary engineering.[50] In 1907, another additional qualification was prescribed viz, that he should both ride and cycle.[51] Notwithstanding any of the rules mentioned above, the Director of Public Health was authorised to certify any person who in his opinion was found fit to hold the post of sanitary inspector.[51]

45 G O No. 533 P. H. 18 5-1920;
46 G O No. 945 P. H. 8-4-1929.
47 G O No. 2317 L. 28-11-1887.
48 G O No. 4 M. 4-1-1897.
49 G. O. No. 467, L. 14-5-1901.
50 -Do- 11, L. 11-9-1903.
51 -Do- 1175, L. 29-8-1907.

During the period 1903-1928, there was no change in the above qualifications. In 1928, it was found that the qualifications and training of the sanitary inspectors were inadequate, for great advances were made in sanitary science, since the introduction of six months' course in 1903. It was also considered, that the period of training was too short for sanitary inspector to acquire a sound knowledge of the science of hygiene. The Director of Public Health therefore suggested the extension of the period of training from 6 to 12 months,[53] and the deletion of the rule providing for the special exemption of the unqualified men recommended by the President for appointment as sanitary inspectors. He pointed out that the power of granting exemption was rarely exercised and the rule in question gave an opporunity to persons to seek unmerited exemption. According to him, very often persons who did not know even the rudimentary principles of hygiene were appointed as sanitary inspectors and his formal sanction was obtained only when the temporary appointment was about to terminate. He also suggested that the Government technical examination in minor sanitary engineering should be replaced by elementary sanitary engineering. The recommendations of the Director were accepted and the rules were issued in 1929, prescribing that the sanitary inspectors should possess the diploma signed by the chairman of the board of examiners constituted for the purpose and a certificate from a first class health officer that he could both ride and cycle.[54] These qualifications remained in force throughout the period.

The qualifications of the vaccinators also varied from time to time. In 1905, a first class vaccinator was required to possess a certificate that he had undergone a course of training in the King Institute of Preventive Medicine.[55] In 1932, he was required to possess the qualifications prescribed for the sanitary inspectors.[56] A second class vaccinator must have completed a course of training prescribed by the Director of Public Health under a First Class Health Officer.[57]

The woman medical officer in charge of maternity and child welfare centre should at least be an L. M. P. or L. I. M(A class) and should have successfully undergone a course of training in maternity and childwelfare prescribed by the Director of Public Health.[58] If no woman medical officer who had successfully undergone the course of training was available,

52 G. O. No. 1962, P. H. 1-12-1925.
53 ,, ,, 527, P. H. 9-3-1928. & G. O. No. 2108, P. H. 5-10-1928.
54 ,, ,, 668, L. M. 8-3-1929.
55 ,, ,, 1005, L. 13-9-1905.
56 ,, ,, 1339, P. H. 21-6-1632.
57 ,, ,, 2274, P. H. 1-12-1931.
58 ,, ,, 306, P. H. 29-1-1936.

an untrained person may be appointed subject to the condition that she should undergo the training within a period of two years from the date of her appointment.[59]

The Health Visitor should possess the diploma in health visiting granted by the board of examiners constituted for the purpose by the Government of Madras.[60]

The midwife of the maternity and childwelfare centre should possess the diploma issued under the Madras Nurses Act.

As regards the Medical staff, the assistant surgeons, the sub-assistant surgeons, nurses and nursing orderlies should possess the qualifications for the time being in force for selection for admission to the service of Local government as assistant surgeons, nurses, nursing orderlies, [61] midwives and compounders.[62]

Regarding the engineering establishment, the District Board Engineer should be either a B.E. or C.E. of the Madras University or holder of a certificate of engineering of the Mysore, Bombay, Calcutta or Banaras Universities. It is noteworthy that so far as the District Board Engineers were concerned only graduates were preferred during the Dyarchic period. The supervisors must be upper subordinates and the overseers lower subordinates. Qualifications have also been prescribed for all others and we need go into the details.

Salaries:— The next principal function of the classification system is the standardization of the scales of pay. "A wage is not only a payment but also an incentive to effort For, labour like any material commodity may be purchased cheaply but the quality may be in inverse ratio to the price". [63] It is, therefore, essential that that the salaries fixed must be commensurate to the qualifications demanded and the duties to be performed. It should, however, be remembered that the conflict between

59 ,, ,, 2003, P. H. 21-10-1936.

60 ,, ,, 638, P. H. 9-3-1934.

61 G. O. No. 1435, P. H. 5-7-1942.

62 G. O. No. 4253, L. M. 11-11-1931. In 1888 the qualifications of the compounders were as follows. Of the 267 compounders in the empoly of local boards, 44 could not read or write English and four were ignorant of even the vernacular; 18 had no previous training in the art of compounding and 47 could not be trusted to make an ordinary prescription without supervision. The Surgeon General reported that a great majority of the compounders were unfit for anything beyond ordinary menial work. He, therefore, suggested that the compounders should have a knowledge of English and undergone a course of training and passed the examination in the art of compounding. (G. O. No. 1677, L. 11-9-1888.) The Government approved the proposal of the Surgeon General and directed the compounders in service to qualify themselves within a year from the date of the order. (see the G. O. No. 1662, L. 26-7-1889).

63 Mosher & Kingsley. Public Personnel Administration, p. 385.

the employer and the employee is more apparent in salary administration than in any other and the administrator is called upon to reconcile the conflicting claims of the tax-payer and the public servants. "To hormonise the interests of these two groups and to retain the confidence and support of both is a challenge to the constructive ability of the administrator". [64] But the fact should not be forgotten that whenever any financial crisis is to be got over, the pay rolls of the public servants are first taken up for scrutiny. For salaries constitute the largest single item of expenditure.

The great merit in the standardization of the scales of pay is that there will be no pressure both on the politicians and on the administrators on behalf of the undeserving fellows and as a consequence there will be no discontent. [65]

Despite the importance of a proper salary policy, only a few of the boards gave intelligent attention to the problem. We shall, therefore, note in some detail the vagaries of salary administration. Before we go into it, we must have a clear understanding of the two terms, scale of pay, (incremental system) and grade of pay. By the former we mean a progressive scale of pay attached to a particular post. But grade of pay has reference to a system in which all officials of a certian class receive different rates of pay and the promotion from one grade to another takes place only when a vacancy occurs in the higher grades. [66]

Under the Acts of 1884 and 1920, the boards were authorised to fix the scalesof pay and grades, of their servants in consulation with the Government. As the boards were given the discretion to fix the scales of pay, they did it as the circumstances demanded. As a consequence there was great diversity in the rates of pay. Take for instance, the scales of pay of the ministerial establishment in the boards mentioned below prior to the introduction of the standard scales of pay in 1935.

64 Ibid. p. 386.

95 Proctor. Public Personnel Administration p. 43.

66 The comparative advantages of the two different systems were examined by the Finance Committee, of the Government of India in 1886. It condemned the incremental system on the ground that it was unnecessarily expensive; that it would cost the Government more than the theoretical mean between the minimum and the maximum; that it was not much appreciated by the subordinates. The Madras Government agreed with the conclusions arrived at by the Committee. They said that the system tended to encourage "dull respectability of performance and not zealous work"; notwithstanding these objections, the introduction of scales of pay was again considered in 1916 but it was turned down. In 1920, the Salaries Committee Madras, came to the conclusion that in view of the fact that the heads of offices changed so often that clerks in the lower ranks were not likely to get their individual deserts that is necessary for the successful working of the graded system. See the note on this question by Sir William Meyer in the Salaries Committee, Report, Madras 1920 p. 42

Designation of the post	Trichinopoly	Coimbatore	South Canara
1 Secretary	200–20–300	.....	115–10–125
2 Manager	.....	150–10–250	85–5–110
3 Superintendent	.....	.....	60–4–100
4 Clerks	3 on 80–5–135	3 on 90–5–1:0	70–2½–80
	9 on 50–2½–80	4 on 80–2–90	4 –2–70
	4 on 60–4–100	4 on 70–2–80	35–1½–50–65
	1 on 36–1½–50–2–60	5 on 60–2–70	35–1–50
		13 ,, 50–2–60	35–1–45
	21 on 35–1½–50–2–60	1 ,, 32–2–50	
	1 ,, 80–4–100		
	2 ,, 75–5–100		
	1 ,, 35–1½–50–4–70		

These examples were taken at random but they are typical ones. Compared with the scales fixed by Government, they were liberal enough. Apart from this fact, there was great diversity in the scales of pay. Secondly, scales of pay were given to some and denied to others and finally persons performing similar functions were given different scales of pay. The Government came to the conclusion that the existence of such diversities was undesirable. They therefore, assumed power and fixed the following scales of pay for the ministerial establishment.

1.	Secretary.	1st Grade.	175–15/2–250.
2.	,,	2nd Grade.	125–10/2–175.
3.	Manager, Engineer's Office.		85– 5/2–125.
4.	Superintendent		75– 5/2–100.
5.	Accountant.		60– 5/2–100.
6.	Clerks. Upper Division.		50– 5/2– 60.
7.	,, Lower Division.		30– 5/2– 50.[67]

Coming to the education department, we find a similar state of affairs. As early as 1889, the Director of Public Instruction suggested to the Government the desirability of fixing a definite scale of pay for all the inspecting school masters. He wrote, "This will not only secure uniformity of treatment to the inspecting school masters by different boards, but will also serve as a stimulus to good work on their part by holding out better prospects for long and efficient service."[68] But the

67 G. O. No. 3033, L. M. 22–6–1934; G. O. No. 967, L.A. 1–5–1944; G. O. No. 2693, L. A. 12–2–1889.

68 G. O. No. 424, L. 16–2–1889.

Government turned down the proposal. As a consequence, men of inferior qualifications and attainments were drawing higher rates of pay while others possessing much superior ability were content with comparatively low rates of pay for years together. The result was that many of the inspecting school masters gradually lost all interest in their work and grew indifferent to their duties and adopted corrupt practices.[69]

The position of the elementary school teachers was much worse. Throughout the nineteenth century they were receiving a salary of Rs. 5 per month.[70] It was in 1912, that the Government fixed the rates of pay.[71] The minimum was Rs. 8 and the maximum was Rs. 40. In a school where there were three teachers, the head teacher was paid Rs. 12 and his assistants Rs. 10 and Rs. 8 respectively. In the higher elementary schools where three were eight teachers, the headmaster was paid Rs. 40 and his assistants Rs. 30, 25, 15, 10, and 8 respectively. But the minimum pay was very low. It was gradually increased to 10 in 1916, to 11 in 1918 and Rs. 12 in 1919.[72] Even after these increases the salary of the elementary school teachers was very low. In 1920, the Salaries Committee examined this question and came to the conclusion that Rs. 11 was a wholly insufficient remuneration for a fully qualified teacher. They said that the elementary school teacher "should not be an object of charity in the eyes of the villagers" and that he should get at least Rs. 30 per month as the minimum pay.[73] In order to enable the boards to pay the rate of pay recommended by them they suggested that the Government should pay from the Provincial funds sufficient amount as subsidy to the boards. The Government did not accept the recommendation on the ground that the teachers were the servants of the boards and therefore, the Government would not accept any further liability with regard to them. The Government, however, admitted that the salaries of the school teachers were thoroughly inadequate and that the statutory limitation over the powers of taxation did not permit the boards to levy additional taxation for the purpose But they said that these limitations would be removed and that the boards would be permitted to improve their finances. However, they placed at the disposal of the boards sufficient funds so that they may be able to pay a monthly allowance of Rs. 4 to each teacher for the year 1920

69 G. O. No. 1210, L. 23–6–1891.

70 Salaries Committee Report, Madras 1920. p. 1a.

71 G. O. No. 170, L. 12–2–1913.

72 G. O. No. 286, Edu. 6–3–1919. In 1913, the Government of India sugested to the Government of Madras the increase of salaries of the elementary school teachers. But the Madras Government felt that any increase in their pay would absorb a portion of the Imperial grant.

73 Salaries Comittee Report, p. 21.

only.[74] Even after the payment of this temporary allowance, the pay of the teachers was far below the scales of pay in corresponding Government service.[75] Time and again the Government advised the boards to adopt the standard scales of pay fixed in the Madras Educational Rules. But the boards could not give effect to this advice not only because their financial condition was unsatisfactory but also owing to the fact that they were prohibited from utilising the elementary education fund for the revision of pay of the elementary school teachers, as the Government apprehended that if the elementary education fund was diverted for this purpose, the resources earmarked for the expansion of elementary education would be depleted and the incentive to the boards to augment their resources would be removed.[76] In the final analysis the position of the elementary school teachers was as follows in 1932.

(*a*) Some of the boards adopted the scales of pay fixed by the Madras Educational Rules but did not give effect to them immediately. In these boards, the teachers were at first appointed on a fixed pay which was less than the minimum in the time scale of pay and after some years of service they were started on a time scale of pay. [77]

(*b*) In some boards time scales were given to some and denied to others.

(*c*) In some the date of appointment was taken as the basis in fixing the scales of pay. [78]

(*d*) In some all the teachers were receiving fixing salaries.

(*e*) In some, the designation was taken as the basis in fixing the scales of pay. That is, all the headmasters, whatever may be their qualifications, were given one scale of pay, first assistants another and so on. In these places the secondary grade trained teachers working as assistants received less pay than the lower elementary trained teachers working as headmasters

(*f*) In some places qualifications were taken as the basis.

(*g*) In some others, the pay fixed was different from the pay drawn.[79]

74 G. O. No. 499, F. 1-6-1920.

75 D. P. I Office No. 3435-1924.

76 D. P. I. Office No. 924-1921.

77 G. O. No. 757, 12-2-1929

78 In Bapatla, for instance, there were two different scale of pay one for teachers entertained prior to 1-4-1923 and another for those entertained subsequent to that date.

79 In West Godavari, Tanjore, Gudapah and Bellary the pay drawn by some of the teachers was in excess of the scales fixed in the Madras Education Rules.

(*h*) Lastly, the pay fixed differed from school to school. That is, all the Hindu schools got one scale of pay, all the Muslim schools another and all the Scheduled castes ones still another

From the above it is evident that there was urgent necessity to set matters right. The Director of Public Instruction suggested the following scales of pay for adoption by the boards. [80]

		Men	Women
(*a*)	Lower Elementary Trained.	15-1/2-20	20-1/2-25.
(*b*)	Higher Elementary	20-1/2-20-2/2-30	25-1/2-29-2/2-35
(*c*)	Secondary Trained grade	25-2/2-45	3 -2/2 50.

The Government accepted suggestion [81] and in exercise of the powers vested in them under section 67 of the Act they directed the boards to give effect to them from 1st July 1934. [82] Of the 21 boards 5 introduced the new scales of pay subject to certain conditions. [83] while the remaining 9 expressed their inability to do so on financial grounds. But the Government directed even these nine boards to give effect to the orders from the date mentioned above. They, however, suggested the imposition of a cut of two annas in a rupee of the pay of the teacher. [84] In 1936, the distinction made between the male and female teachers in the matter of scales of pay was abolished. Both the sexes were paid one scale of pay. [85] The above scales of pay continued to be in force since. [86]

A similar state of affairs prevailed with regard to the secondary school teachers also. Before fixing the pay of the teachers no comparison was made with the scales of pay prevailing in the neighbouring schools [87] and at times extraneous considerations were given undue weight. [88] As a consequence, there was no uniformity in the scales of pay of the secondary school teachers. [89] The following figures taken at randon will illustrate the point.

80 D. P. I. Office. No. 1510-1934.

81 G. O. No. 5096. L.M. 7-12 1933.

82 G. O. No. 2504. L. M. 23-5-1934.

83 G. O. No. M. L. C. P. 76. p. 753.

84 G. O. No. 4608. L. M. 8-11-1935.

85 G. O. No. 1665. Edn. 7-8-1936.

86 G. O. No. 975. Edn. 10-5-1947. In 1947 the scales were revised.

87 D. P. I. Office. No. 916-1920.

88 D. P. I. Office No. 3915-1925.

89 M. L. C. P. 19-8-1925. A question was put in the Legislative Council by Mr. A. Ranganatha Mudaliar:= "It is said that the scales vary according to local conditions and particular circumstances of the school. In my own district (Bellary) there are headmasters who get only 125, there are others whose pay goes up to Rs. 150 and others again whose pay goes upto 175 and in the neighbouring districts the pay is Rs. 200. It does not seem that the variation is on any satisfactory basis ... I would ike to know whether this matter is engaging the consideration of the Hon'ble Minister?

Name of the Institution	Head-Master	First Assistant	Second Assistant	Third Assistant
Harpanshalli Bd. H. S.	125-5-150	80-4-110	80-4-100	80-4-100
Penukonda B. H. S.	150-10/2-200	100-5/1-125	90-2/1-110	80-2-100
Nandalur. B. H. S.	150-10/2-175	100-5/2-125	90-3-120	90-3-100

Though there was no uniformity in the scales of pay they were on the whole liberal. In 1934, in virtue of the powers vested in them under section 67 of the Act of 1920, the Government fixed scales of pay for the secondary school teachers as follows.

Head Master, High Schools.	Rs. 110-10/2-170.
,, Middle School.	Rs. 100-5/2-120.
L. T., B. Ed. Assistants.	65-5/2-100.
Secondary grade teachers	35-2/2-150.
Pandits and Munshis	45-2/2-75.

The above scales of pay[90] have been in force since.

Coming to the Engineering Department an attempt to introduce uniform scales of pay was first made in 1884 In that year the Superintending Engineers were consulted whether it would be advisable to fix uniform scales of pay and allowances for the engineering department establishment. The Superintending Engineers expressed the view that it would be inadvisable to lay down a uniform pay for the whole Presidency. But they suggested the adoption of a criterion, viz., that the expenditure on the engineering establishment should not exceed twenty percent of the total expenditure on works. The Government accepted the recommendation and the boards were advised to fix the pay of their engineering establishment in accordance with the principle mentioned above.[91] Therefore, there was no uniformity in the salaries of the engineering establishment and in some places they were very inadequate. In 1895, the District Board Engineers submitted a memorandum to the Government urging for the revision of their pay and allowances. The Government informed the memorialists that they would not interfere with the discretionary powers vested in the boards. However, they advised the boards to

Sir A. P. Patro:—The matter was considered sometime back and again it was carefully examined on the receipt of the question from the Hon'ble me ber. The difficulty is that in certain districts and in certain areas, there is a paucity of teachers. In such cases we have to fix standard different from the one where many graduates are available and so a uniform standard cannot be applied to every district.....

90 G. O. No. 975. Edn. 10-5-1947.

91 G. O. No. 878. F. 24-4-1884.

adopt the following rates of pay. First Class Rs. 500; 2nd class 400; 3rd class 300; Similarly the pay of the assistant engineers was fixed at Rs. 200 and Rs. 150 for class I and II and the pay of supervisors in independent charge at Rs. 150.[92]

The salaries fixed by the Government were, however, not attractive enough to induce capable men to seek service in the engineering department of a district board. And at times, the Presidents found it difficult, if not impossible, to fill up the vacancies. Further, in several instances, the Government themselves sanctioned higher rates of pay than those mentioned above. Virtually, therefore, some of the members of the engineering establishment were drawing more pay than that prescribed by the Government. With a view to putting an end to this anomolous position the scales of pay of the engineering estalishment were revised in 1903. The one notable difference between the salaries fixed in 1897 and in 1903 was that in 1897 the time scale was not introduced. But in 1903, it was done and the scales were liberal enough to attract capable men into service.[93] The scales of pay were again revised in 1920,[94] and in 1923. In 1923 the service was provincialised.

Regarding the medical department, there was uniformity in the scales of pay. One circumstance was responsible for this. Though the boards were authorised to appoint their own medical officers, generally the services of the Government medical officers were taken on loan and as a consequence they drew the government scale of pay. Since 1934, however, a good number of medical officers were recruited by the boards for service in their own institutions and their scales of pay were fixed by the Government in exercise of the powers vested in them under section 67 of the Act. The scales of pay prescribed were those laid down in the Civil Medical Code.[95] Though the medical officers were Government servants, the compounders and midwives were recruited by the President and there was no uniformity in their rates of pay. In some places they were liberal enough while in others their emoluments did not exceed the wages of an ordinary cooly. In 1888, the Surgeon-General suggested the introduction of a uniform rate of pay to the qualified compounders.[96] It appears, however, that the salaries fixed by the Surgeon General were not adequate. In 1911, the compounders submitted a memorandum to the Government for the revision

92. G.O. No, 86. L. 16-1-1897.

93. G.O. No. 1261. L. 7-10-1903; G.O. No. 1631 L. 24-12-1904; G.O. No 1675 L. 18-11-1907.

94. G O. No. 2165. L.M. 2-10-1923.

95. G.O. No. 2403. P,H. 15-10-1934.

96. G.O. No. 1667. L. 11-9-1888.

of their pay. After an exhaustive examination of the question, the rates at which compounders should be paid were fixed. The distinguishing feature of the pay of compounders fixed by the Government was that it was a fixed one. These rates were revised and a time scale was introduced in 1920. They were again revised in 1934.

We need not go further into the details of salary administration. Suffice it to say that the boards did not exercise the discretionary powers vested in them in regard to the fixation of salaries of their servants in a judicious manner. After half a century of experiment the Government came to the conclusion that the boards should be divested of this power in their own interest. By an amendment to the Act the Government assumed power to fix the scales of pay of all the servants under the boards and in exercise of this power the scales of pay of all servants were fixed. For the first time in the history of salary administration of the boards the principle "equal pay for equal work" was established.

When the salaries were revised in 1935, a question arose as to how to fit the existing incumbents into the new scales. The Government instructed the boards to observe the following principles. In regard to teachers in elementary schools, their place in the revised scales was to be fixed with reference to their service, both permanent and temporary. In regard to others, the incumbents in the existing posts should be appointed to similar posts carrying the new scales of pay. If the pay drawn by an incumbent did not conform to any stage in the new scales of pay, his pay should be fixed at the next stage below the pay drawn and the difference between the actual pay drawn and the new scales of pay should be paid as personal allowance to be absorbed by future increments. If the pay drawn exceeded the maximum of the new scale of pay it was fixed at the maximum. Thus in fixing the present incumbents in the new scales of pay, the pay drawn and not the service rendered was taken as the basis.

The revision of scales of pay by Government adversely affected those who either by hook or crook secured liberal scales of pay. They, therefore, raised a hue and cry and brought about political pressure on the Minister for Local Self-Government to which he succumbed. In 1934, the Government promised to sanction the difference between the maximum of the new scales and the actual pay drawn on the 1st January 1934 as personal pay, provided the boards concerned recommended the payment. 99 Most of the boards were generous enough to sanction the difference as personal pay. We are told that in several boards this item of expenditure alone amounted to several thousands. 100

99 G. O. No. 5025. L. M. 20-11-1934.
100 M. L. C. P. Vol. 80. p. 107.

Allowances:— Allowances are generally given for performing certain works not pertaining to one's job or for loyalty, or for meritorious service. In public offices, allowances were not generally given and wherever they are given they are attached to the post and not to individuals. But in the Board's service, the position was different. The Government were frequently requested to sanction allowances to certain persons on the ground that the person had rendered "long and meritorious service". 101 The allowances were invariably absorbed in the pay of the person concerned and thereby increased the cost of management. It is true that there was some justification for the sanction of allowances. For, the salaries of the servants of the boards were not on an incremental scale. Almost all the servants were receiving fixed salaries. Hence frequent requests were made for allowances. To get rid of the constant pestering worry of the boards for the sanction of allowances and at the same time to provide incentive to the employees to remain in service, the Government suggested to the boards, the introduction of the incremental system. 102

Even after the introduction of the incremental system the requests for the sanction of allowances on behalf of servants did not cease. 103 To regulate the grant of allowances, certain principles were laid down by the Government and the boards were asked to observe them in sanctioning allowances. 104

101 G. O. No. 1478. L. 4-11-1910.
102 G. O. No. 1873. M. 19-12-1901.
103 G. O. No. 1478. L. 4-11-1910.
104 G. O. No. 570. L. M. 17-2-1925. G. O. No. 95. L. M. 7-1-1937. G. O. No. 1164. L. A. 26-5-1944; G. O. No. 4702. L. M. 2-11-1926; G. O. No. 112. Edn. 25-1-1919. and Memo No. 27280. L. A. 8-12-1945.

For instance, prior to 1937, ordinarily, a clerk should not be given any acting allowance for discharging the duties of a clerk in a different section in the same office. But it should be given if he was asked to be in charge of the office of an accountant or manager provided he was qualified to hold the post. In 1937 detailed regulations were laid down governing the grant of allowances. For instance, when a ministerial servant was promoted to act either as accountant, manager, superintendent or secretary, the promotee should not be given any acting allowance but his pay should be fixed in the post at a stage in the time scale of the higher grade, next above his pay in the substantive post. But an accountant appointed to act as superintendent should not be given any allowance as the duties of the superintendent were not of a greater responsibility than those of an accountant. Similarly no additional pay was admissible to an accountant of the electricity department holding the additional charge of the post of general accountant because the two posts were not considered as independent posts. But an allowance was to be paid to the accountant of the general branch for holding the additional charge of the post of manager. Further, local fund assistant engineers appointed to act as District Board Engineers were given the minimum pay of the District Board Engineer of the last grade during the acting period. The B.Ed assistants in the secondary grade cadre entrusted with a major portion of the work in the high school department and an assistant appointed to officiate as Headmaster of a school were given officiating allowances provided they were qualified to hold the posts. Prior to 1919, the teachers in the elementary schools were given capitation allowances but experience has shown that it tempted the teachers to falsify the attendance registers to earn larger amounts as capitation allowance. It was therefore abolished in 1920.

If the salary administration is to be efficient, there should be constant adjustment of the relationship between the purchasing power of the rupee and the salaries of the employees In times of war prices of commodities generally soared to the sky but the salaries of public servants remained stationary for a long time. In this Province, dearness allowance was given to the servants of the boards in 1908, 1919 and 1942 owing to the sharp and wide spread rise in the cost of living. [111] In 1908 and 1919 the "grain compensation" as it was then called, was not given to all the servants. But in 1942, the dearness allowance was given to all the servants but the rate at which it should be given was fixed by the Government and the boards were directed to adopt those rates. [112]

We have so far reviewed the salary administration in the boards in some detail. The striking features of this aspect of the boards' administration were, persons doing the same work under one and the same board received different rates of pay; the rate of pay fixed had no relation to the functions performed; some were paid fixed salaries for years while others were given a scale of pay; some were given annual increments while others biennial and finally the minimum salary fixed varied from person to person though they performed similar functions. As regards the adequacy of salaries, some were given liberal salaries while others were denied even a reasonable wage. In the determination of wages such factors as cost of living and the general standard of life were not taken into consideration.

The failure to deal with this question in a satisfactory manner is explicable on a number of grounds. At the forefront of them may be placed the absence of proper central regulation and control. The boards were apparently free to decide the salary matters according to their whims and fancies. It is true that whenever a new post was created or whenever it proposed to increase the salary of their establishment, the sanction of the Government had to be obtained. But the records show that the proposals of the boards, particularly during the period 1885-1920 when the Collector was the President, were invariably accepted by the Government without any modification. Secondly, the limited bargaining power of the boards' servants owing to the absence of an effective organisation and the denial of the right to strike made it difficult for the servants to get what was legitimately due to them.

Thus a good number of the Boards' servants were not receiving a living wage, a wage that would enable the employees to maintain a standard of living. "It is important in bear in mind that the case for a minimum

111 G. O. No. 576. L. 16-1-1908.

112 G. O. No. 2788. L. A. 19-9-1942.

wage is, though based upon an assumption of productivity, not related to it. The primary case for a minimum wage is that it is the right of every citizen of every civilized community to be assured the means to a reasonable scale of living according to a general standard of the community..... It is neither good ethics nor sound personnel practice to pay less than what is adequate..... There is intimate connection between reasonable standard of living and enthusiasm and satisfaction in the work performed. Thus on the social side the lowest rates should afford the workers to maintain the minimum standard of living."[113]

Of equal, perhaps of greater importance is the periodic adjustment between the purchasing power of the rupee and the salaries drawn. In the absence of this adjustment, there would be, when there were violent fluctuations in price levels, gross under payments at times and gross over payments at others. Neither situation is justifiable from the stand point of administration.

Despite this indictment the fact that some progress has been made in this respect prior to the introduction of scales of pay in 1934, should not be over-looked and that progress was mainly attributable to the personality of the President concerned. But the customary practice was to sleep over the pay policies for a long time or to handle them in an unscientific manner. Salary administration was, therefore, inefficient. To set matters right, the Government assumed power in 1934, to fix or alter the number, designation, grades and salaries payable to officers and servants in the employ of the boards. It was not open to the boards to alter the scales of pay, grades or strength so fixed without the previous sanction of the Government.[114]

The assumption of this power by the Government was a step in the right direction. There was, however, one defect in the procedure adopted. It was the handling of the subject by the department concerned. For valid reasons departmental interference should have been avoided. Firstly, each department exaggerates its needs and tries to secure a liberal pay for its employees. Such a procedure does not secure uniformity in the treatment of the subject, the chief end of the classification system. We think that this business should be entrusted to an outside body like the Local Appointments Commission That organization should fix the scales of pay in close consultation with the departments concerned.

113. White op. Cit.

114. This power was delegated to the Departmental Heads at the Provincial head-quarters. Inspector of Municipal Councils and Local Boards (G.O. No. 5093) L.A. 20-12-1938) Director of Public Health (G. O. No. 4804. P. H. 8-11-1941. Director of Public Instruction (G. O. No. 444 Edn. 22-2-1938)

Tenure of Office:-- One of the most important features of any personnel system is the tenure by which office is held. Tenure of office is of three kinds, office may be held at the will of the employer. In private undertakings appointments are generally held at the will of the employer because the basis of appointment is the prosperity of the concern. Secondly, appointments are also held for a fixed term. Technical experts are generally recruited on a contractual basis. At the end of the period the services are either terminated or extended. Finally, office is held "during the King's pleasure". The advantages resulting from the last system are so obvious that they need no mention. But the fact should not be forgotten that the system has come into existence after a long struggle with vested interests. The belief that holding of Governmental positions for life was inimical to efficient administration was shared by no less a person than President Jackson. And the system of holding appointments for life came into being in the United States after the murder of President Garfield by a disappointed applicant.

There was a persistent belief that employment under the boards was un-attractive.[115] Several factors were responsible for the existence of this belief. Firstly, the pay of the boards' servants compared unfavourably with that of the corresponding officers in the Government. Secondly, prospects of promotion and pension which the Government posts held out was a sufficient inducement to local boards' subordinates to try from the moment they entered the service of a board for employment in the Government service. As a result of this exodus, particularly in the Engineering department, the work of the boards was affected. With a view to putting an end to this, Government directed the boards in 1888 to obtain agreements from these subordinates that they would not leave the department without giving three months' notice.[116] In 1890, however, Government felt that there was no necessity for insisting upon such an agreement with local fund engineers. They, therefore, ruled that all servants should hold office during the king's pleasure and that they should be removed only on a proof of a definite charge or misconduct or inefficiency; and that if any member desired to resign the local fund service at any time he should be permitted to do so without stipulating any condition.[117]

115. G. O. No. 1822. L. 3-10-1888. The Chief Secretary to the Government of Madras wrote 'I know when I was Collecter it was a very difficult matter to find men worth having who would take up the local fund clerkship. There is no pension and the tenure of office is not so secure as under Government and good men will not look at these appointments unless they see a prospect in the near future of stepping into a Govenment post". This was the position when the Collector was the President of the Board.

116 G. O. No. 321. F, 15-6-1888.

117. G. O. No. 1502. L. 16-6-1890.

Inspite this assurance, a sense of insecurity prevailed among the subordinates. Taking advantage of this feeling provision was made in the Act of 1920, the District Health Officers and the District Board Engineers should not be removed from office, without the previous permission of the Government.[118] A further safeguard was that any proposal adversely affecting any officer or servant of a board who had been in permanent service for a period exceeding five years, drawing a monthly salary of Rs. 50 and above should be considered at a meeting specially convened for the purpose and no such proposal should be given effect to, unless assented to, by one-half of the members of the board. But provision was also made for the compulsory removal of the District Board Engineer and the District Health Officer provided such removal was recommended by a resolution of the board passed at a meeting specially called for the purpose. It does not appear that the boards ever resorted to this provision.

The tendency in recent times has been, for Local Government Officers to demand protection similar to that given to the heads of departments. It was contended that the duties of the Local Government Officers were such that they would bring them into conflict with private and vested interests; that there were a number of instances of victimization or unjust dismissals and as consequence the local board servants were uneasy in mind and carried out their duties in an atmosphere of uncertainty. But the boards contended that the servants were already given a reasonable security of tenure and that any further extension would be a serious encroachment on the rights of the boards and would tend to impair the good relations that subsisted between the President and the staff.

Now the question is whether there is such a degree of uneasiness in the minds of the boards' servants as to call for the extension of the protection formerly enjoyed by the departmental heads. We believe that it might have been the case in the earlier days when the subordinates of the boards had no right of appeal to the Government against the orders of the President inflicting punishments. Since 1932, all servants excepting the members of the inferior service, had a right of appeal against all orders ... with few exceptions ... of the President inflicting punishments and therefore we think that there is no need to call for outside protection. We think that this sense of insecurity would disappear the moment a proper machinery is set up for the recruitment of personnel. And we shall deal with this subject in the next chapter.

118 Royal Commission on Local Government. Part 3, p. 139. The chief officer and the County Medical Officer, England could only be removed with the consent of the Minister for Health. Approval of the Ministry of Transport should be obtained before removing a Surveyor or an Engineer. In recent times, particularly during and after the War, the control of the Ministry of Health over appointments and removals of the local Government personnel was further extended

CHAPTER V.

RECRUITMENT OF PERSONNEL

Introduction:—Selection of proper candidates and fitting them into proper places is the foundation of personnel administration. On this depends largely the efficiency of the administrative machinery. Favouritism and nepotism in the matter of recruitment[1] would only recoil upon the community which is called upon to bear the cost. Furthermore, with the advent of the social state, recruitment has become a highly technical process and demands impersonal selection. If the selection is to be impersonal the methods to be adopted and the agency to be employed must be such as can tackle the problem from the technical point of view uninfluenced by the importunities of the office seekers and whose daily acts and general procedure are subject to law and open to public criticism.[2]

Methods of Selection:—What are the methods that should be adopted for the recruitment of personnel? Should it be by open competitive examination or selection without such examination? It should be granted at the very outset that selection by competitive examination has contributed materially towards checking the evils associated with spoils system. On the whole "the mills of examination grind with amazing fairness".[3] One of the greatest virtues of the open competitive examination is it does not leave in the unsuccessful candidate a feeling that he has been victimized. On the other hand it induces him to feel that his failure is due to his faults. Further, open competitive examination helps in the creation of an honest civil service. But it should also be said that the open competitive system has its limitations. It does not reveal such qualities as honesty, integrity and personality. Further, it is inapplicable for the selection of certain classes of servants. Technical personnel like the District Board Engineers and the District Health Officers have already been subjected to severe tests and the number of such qualified men is small. All that we have to discover in them is their ability to manage the departments efficiently. That can be done by asking them to undergo some sort of training in public administration and interviewing them before their appointment. The adoption of these methods would secure suitable candidates.

1 White. Op. cit. The terms recruitment and examination were often used interchangeably. The word simply signifies the several steps taken to attract suitable candidates to apply for the examination. Examination is the process of selecting suitable candidates.

2 Mosher & Kingsley. Op. cit., p. 105.

3 Political Quarterly. 1938.

Similarly, examination as a method of recruitment is inapplicable for the recruitment of labour force. In the final analysis, only non-technical personnel like the clerks, secretaries and accountants should be recruited by the open competitive system. The methods of recruitment enumerated above have not been adopted by the boards for the recruitment of their personnel. As a matter of fact, no particular procedure was adopted to fill vacancies. For a very long time, announcement of vacancies in the daily papers was not ordinarily made. Only in exceptional instances were posts advertised. It was only after 1935, that vacancies were invariably advertised. Even these advertisements were defective in several respects. In many cases, full particulars were not furnished. Only one insertion was made in several cases. All this shows that the authorities do not seem to have realised the fact that restricted publicity would reduce or eliminate competition. An announcement in a single issue of an obscure daily, framed in semi-technical language with incomplete information as to the requirements, salary and lines of promotion would only bring forward fewer candidates competing for the post. In other words there would be very little competition under such conditions. If an announcement is to be effective it should furnish all relevant information so that the prospective candidates may be induced to offer themselves for the post.

The Agency for the Recruitment of Candidates:—Having settled the methods by which the candidates should be selected, we shall now consider the agency that should be entrusted with this business. Since 1871, several agencies were created for the purpose but primarily they were two, the President and Government. But the President was gradually divested of the power of appointment. For instance, the service of the District Board Engineers and that of the Assistant Engineers, and the service of the District Health Officers were provincialised. So at the end of the period there was a multiple authority for the recruitment of personnel. They were for instance, the Madras Public Service Commission for the recruitment of the engineering and public health staff of the Gazetted rank, the Government for the recruitment of District Panchayat Officers, the District Health Officer for the recruitment of the technical staff of the public health department and the President for the recruitment of ministerial and menial staff.

The question is whether the agencies created for the recruitment of of personnel were the proper ones and were they efficient in the discharge of this function. We are definitely of opinion that all these agencies, with the exception of one, were not the suitable ones. And of all the agencies, the President was the most unsuitable person for the purpose. One of the long standing complaints against the President was that he practised

nepotism and favouritism in the matter of appointments. These allegations were not without foundation. The President was frequently surrounded by a large number of friends and relatives pressing him to exercise patronage in their favour. If he did not do it he was regarded as a traitor to the obligations of friendship. And at times it was done to secure the support of wavering votes. Thus the system of selection of candidates by the President was almost synonymous with the system of jobbery.

This particular evil was not of course peculiar to this institution alone. It is the most widespread weakness of human nature. But the saving feature was that at least in a great majority of the cases, the motive was not the desire to make money out of a sordid bargain but a wish to do a good turn to a friend. The ties of personal friendship almost always exercise a very strong influence in the selection of candidates. With a view to putting an end to all these practices, several devices have been suggested. The Hadow Committee, for instance, recommended that all the local authorities should issue a standing order compelling the candidates for local Government service to disclose any family relationship that existed between himself and a sitting member.[4]

Professor Graham Wallas suggested the appointment of a Departmental Committee for the recruitment of local Government personnel. His contention was that the technical complexity of modern administrative problems has assumed such great dimensions that only persons who have a knowledge of the affairs should be entrusted with this task.

The Hadow Committee suggested the establishment of a Selection Committee in every local authority.[5]

Dr. W. A. Robson suggested the establishment of a local Government Personnel Commision.[6]

In practice, several methods have been adopted for the purpose. In the United States, for instance, where the cities have a Manager, the recruitment of personnel was entrusted to a personnel Director; in some others to the Personnel Committee;[7] in France to the Mayor;[8] in England no uniform policy was adopted. In some places it was left to the senior officer of the department; in some to the committee concerned;[9]

4 The Hadow Committee Report
5 The Report of the Royal Commission on Local Government. Part 2, p. 12.
6 The Hadow Committee Report, p. 36.
7 Walkar. Public Administration in the United States.
8 Munro. Government of the European Cities, p. 304.
9 Hasluck. Local Government in England, p. 171.

in some to the chairman of the committee.[10] But the most interesting experiment was made in Ireland; there all the Local Government officers were recruited by the Local Appointments Commission.

Of all the agencies the most suitable one for adoption appears to be the Local Appointments Commission. For, a committee of the board, as suggested by the Hadow Committee, is not the suitable body for the purpose. The business of any body containing representative elected by the people is to formulate policy. If this principle is conceded then the task of selecting local government personnel should be entrusted to a body which is not likely to be influenced by politics and favouritism so that the members of local bodies may devote their attention to the general problem of administration. Further the members of the board are concerned with politics and if they are entrusted with the task of selecting personnel they would be influenced by considerations other than merit and the introduction of politics and favouritism in the recruitment of personnel is fatal to sound administration. If these principles are conceded one must come to the inevitable conclusion that the recruitment of personnel should be entrusted to an independent body and the most suitable one appears to be a Local Appointments Commission.

What should be the composition of the commission? It should consist of three members who have an intimate knowledge of administration and of the principles on which it is conducted. They must be men who can appreciate the vital and intimate relationship that should subsist between the state and its servants; they must be men with high judicial qualification and men who have an intimate acquaintance with the educational conditions and a knowledge of the subjects that are taught in the Indian Universities. It is true, it is not possible for a single person to possess all these qualifications. But it should be seen that all the three are so selected that collectively they possess all these qualifications. The most important thing which we have to bear in mind is the selection of the personnel of the commission for they stand at the gate-way and determine who should enter. The members of the commission may be appointed by the Governor in his discretion. They should be removed from office only when their integrity is questioned.

The commission should concern itself with the formulation of rules for the selection of candidates, with the classification of positions, with the standardization of scales of pay and the fixation of grades. Some Civil Service Commissions are also entrusted with promotional and disciplinary functions. We consider that such an arrangement is unsuitable and also

10 Harris. Municipal Self-Government in England, p. 93

undesirable from the point of view of administration, for it would weaken the local disciplinary control over the personnel. This commission should select candidates for appointment in the service of all local authorities in the Province.

The merits of the plan are obvious A central agency would be in charge of the recruitment of personnel. Such an agency would apply uniform rules for the recruitment of personnel; it would purify political life; it would relieve the President of the political pressure from party men to secure appointments for the liquidation of political debts. Finally, it would enable the boards to bestow their whole attention on the purposes for which they were created.

Limitations to Recruitment:—Though certain authorities had been empowered to make appointments they were required to observe certain limitations. Firstly, some of the boards have passed resolutions that preference should be given to the candidates of the district.[11] "This is an extremely serious limitation one not in harmony with the merit principle."[12]

Secondly, preference should be given to can lidates who have rendered war service. In all the nations of the world, the State has been faced with the problem of what to do with its 'veterans', viz. those who risked their lives and lost their limbs in its service. One way was to give jobs to them. This preference was backed by statutory rules. For instance, it was laid down that all the permanent vacancies in inferior service should be filled by ex-service men.[13] or by the sons of ex-service men whose character in the army was considered to be good.[14] As regards the vacancies in the superior service, fifty percent of all substantive vacancies in any service which had occurred between 1-4-1941 and 31-12-1942, and all the vacancies that had occurred on or after 1st April 1943 were reserved to the war candidates. Even among the war candidates an order of preference was fixed. First, the candidates who had rendered over-sea's service were preferred over all others. Then those who served in any operational area and lastly those who were in the A.R.P.

Similarly, it was laid down that the following classes of persons should be preferred for the following posts:—

(*a*) Stipendiary students of the boards who had completed their training in the Indian Medical School and whom the Principal

11 M. L. C. P. Vol. 69, p. 352.

12 Mosher & Kingsley. Op. cit. 118-20.

13 Memo. No. 23235-L. A. 31-10-1945.

14 G. O. No. 2489. L. A. 22-8-1942.

of the School considered suitable for appointment for the post of Medical Officer;[15]

(*b*) Persons in the service of the boards provided they had the necessary qualifications for appointment as Assistant Panchayat Officers;[16]

(*c*) Ex-taluq boards' servants for the clerical positions.

(*d*) Compounders working in the rural dispensaries for the post of compounders in the local fund dispensaries.[18]

(*e*) Spinsters and widows for the post of Women teachers and Women medical officers.[19]

(*f*) Muslims for schools chiefly intended for Muslims.[20]

(*g*) The candidates selected by the District Educational Officer for the post of Head Master of Secondary School.[21]

The third limitation was that the sanction of an outside authority had to be obtained before making certain appointments. In 1886, for instance, it was statutorily laid down that the previous sanction of the Government should be obtained for all appointments carrying a salary of Rs. 100 and above.[22] Subsequently, the money limit was raised to Rs. 150 in 1917 and to Rs. 250 in 1912.[23] Similarly, the sanction of the Government had to be obtained in the case of persons whose salary was met partly or wholly from the Provincial funds.[24] and also in the case of the following classes of persons; secretary,[25] District Board Engineer;[26]

15 G. O. No. 1823. P. H. 30-7-1934.

16 ,, 2216. L. M. 11-6-1935.

17 ,, 3109. L. M. 28-6-1934.

18 ,, 194. P. H. 16-1-1936

19 ,, 3692. P. H. 11-10-1932.

20 ,, 1473. Edn. 6-8-1940. If a qualified Muslim candidate was not available a non-muslim was appointed provisionally until a qualified Muslim candidate was appointed.

21 G. O. No. 953. Edn. 30-6-1942. In case the President did not agree with the selection made by the Educational Officer, the matter should be referred to the Government and their decision was final

22 G. O. No. 721. F. 26-6-1886.

23 ,, 67. L. 16-1-1912.

24 ,, 638 L. 9-5-1916.

25 ,, 1079. L. A. 10-2-1943. The procedure was as follows:— The President should submit the proposal through the Inspector giving details regarding age, designation, qualifications, present pay, previous experience and the relative claims of the candidates for appointment and a report whether a graduate in law was not available.

26 G. O. No. 908 (A). F. 14-5-1888. In 1923 this service was provincialised.

District Health Officer;[27] retired servants,[27] persons convicted for political offences;[28] unqualified midwives;[29] medical officers who were not registered under class A for an Ayurvedic, Unani or Sidda dispensary;[30] persons whose probation was terminated on disciplinary grounds;[31] persons who were dismissed from service for recorded misconduct;[32] District Panchayat Officers; Pandits, for employment in the Higher Elementary Schools;[33] and medical officers for institutions of modern medicine.[34]

The fourth limitation was that an outside authority had to be consulted before making certain appointments. In 1886, it was laid down that the Surgeon-General to the Government of Madras, should be consulted before appointing medical officers to be in charge of the medical

27 G. O. No. 3324. P. (3). 9-12-1944. & Memo. No. 19185-2-L. A. 15-8-44. The President should submit the proposals through the Inspector giving complete information, whether experienced men were not available, whether the person proposed to be employed was physically and mentally fit. While re-employing a retired person the President should incorporate a condition in the order of appointment that the service may be terminated at one month's notice. Further, it should be seen that the pension and pay drawn by the person concerned did not exceed the emoluments drawn by the person concerned on the date of retirement.

28 G. O. No. 3600, L. M. 8-9-1932. During the period 1932-38, persons convicted for political offences were not entertained. This order was cancelled after the CONGRESS came to power in 1938. (G. O. No. 2181. L. A. 11-6-1938.) In 1941, the above order was cancelled by the emergency government functioning under Sec. 92 of the Government of India Act, 1935. (G. O. No. 1480. L. A. 30-6-1941). But it was not given effect to retrospectively. In 1946, when the Congress came back to power the above order was cancelled. The position in 1945 was that persons who were convicted for political offences were not entertained without the previous sanction of the Government.

29 G. O. No. 2744. P. H. 21-10-1935.

30 ,, 2651. P. H. 11-10-1935.

31 I. L. B. Office D. Dis. 27126-1945. In 1893, no distinction was made between removal and dismissal and therefore persons were dismissed from service even for neglect of orders, or for unfitness for particular posts. In 1920, it was definitely laid down that a dismissed servant should not be entertained.

32 G. O. No. 813. Edn. 7-5-1940.

33 ,, 721 F. 26-6-1886. Prior to 1886, the President was requested to consult the department head concerned.

34 At first the President had no freedom in the recruitment of medical personnel. He was required under rules to recruit Assistant Surgeons and Sub-Assistant Surgeons for employment under the boards from persons who were in Government service. In other words he appointed those persons whose services were placed at his disposal by the Surgeon-General to the Government of Madras. Hence, some of the Medical Officers assumed an independent position and defied the authority of the President. Many a President brought to the notice of the Government that the arrangement was not conducive to the maintenance of discipline. This question was discussed by the Decentralization Commission. The Commission recommended that the boards should be given the freedom to recruit their own medical subordinates. They contended that the system of recruitment of medical men from the Government service was checking the growth of private practice. The Government accepted the recommendation and permitted the boards to recruit their own medical men. Though a good number of medical subordinates were recruited by the Presidents, the system of recruitment of medical officers in the service of Government was also continued throughout the period.

institutions under the management of the boards.[34A] In 1932, the rules were altered. The President was required to consult the District Medical Officer before appointing officers lent by the Government and the Surgeon-General in the case of others.[34B] The Principal of the Indian Medical School was to be consulted before appointing medical officer to be in charge of indigenous medical institutions.[35] In regard to the engineering establishment, it was laid down in 1871, that the President should consult the Superintending Engineer.[36] Later he was asked to consult the Chief Engineer P. W. D;[37] and in 1932, he was asked to consult the District Board Engineer.[38]

In regard to the education department, the President was to consult the District Education Officer for appointments relating to secondary schools[39] and the Deputy Inspectors of Schools in the case of appointments relating to elementary schools,[40] and the Inspector of Girls Schools before appointing a male teacher to a girls' school.[41]

As regards the public health department, the sanitary commissioner was to be consulted before appointing Deputy Inspectors of Vaccination,[42] and the Director of Public Health before appointing Health Visitors, Women Medical Officers and Midwives for service in the Maternity and childwelfare centres,[43] and the District Health Officer in regard to vaccinators and sanitary inspectors[44]

The Inspector of Municipal Councils and Local Boards was to be consulted before appointing Assistant Panchayat Officers,[45] and the Director of Veterinary Service in regard to veterinary surgeons.[46]

34 A G. O. No. 721. F. 26-6-1886. Prior to 1886, the President was requested to consult the concerned departmental head. See G. O. No. 265 F-1871.

34B G. O. No. 3600. L. M. 8-9-1932.

35 ,, 1823. L. M. 30-7-1934.

36 ,, 265. F. 30-6-1871.

37 ,, 91. L. 16-1-1904. The practice was as follows:—The Chief Engineer maintained a list of qualified candidates and whenever a President consulted the Chief Engineer, he selected a suitable candidate and sent the name along with the list to the President concerned. If the President did not agree with the choice of the Chief Engineer, the matter was referred to the Government whose decision was final.

38 G. O. No. 3600. L. M. 8-9-1932.

39 ,, 991. Edn. 12-3-1936.

40 ,, 3139. L. M. 12-8-1932.

41 ,, 1011. L. M. 8-3-1928.

42 ,, 36. L. 6-1-1898.

43 ,, 756. P. H. 24-2-1938.

44 ,, 5924. P. H. 17-12-1940.

45 ,, 2216. L. M. 11-6-1935.

46 ,, 831. L. M. 1-3-1937.

The procedure fixed for consultation was as follows:—The appointing authority selected the required number of candidates from among the applicants and sent a list of them to the authority whose consultation was prescribed, together with all the applications received. The authority was to advise the appointing authority as to the suitability or otherwise of the candidates. If the authority consulted disagreed with the selection made by the appointing authority he had to give full and clear reasons for such disagreement and indicate which of the applicants he considered suitable.[47] The President was not bound to accept the advice rendered but should give due weight before rejecting it.[48] In pratice, however, the tendency was to overrule the advice of the consulting authority without sufficient reason and thereby render consultation a mere formality. In 1937, the Presidents were warned that action would be taken aginst them should they disregard the advice tendered, without sufficient reason.[50]

The next limitation was the sex barrier. Though it was not statutorily prescribed that women should be excluded, it was a fact that only men were preferred. Till very recently women were not generally appointed either in the engineering or in the ministerial service. But rules required that only women should be appointed as teachers in girls's schools, as medical officers and health visitors for service in the maternity and child-welfare centres.[51-52] In selecting women for these posts, the appointing authority was to prefer spinsters and widows to married women.[53-54]

The next limitation was certain classes of persons should not be recruited at all. For instance, persons dismissed from service,[55] trained or untrained teachers as honorary teachers,[56] teachers whose certificates have been cancelled or suspended by the Director of Public Instruction under the educational rules.[57]

47 G. O. No. 235. Edn. 28-4-1936.
48-49 ,, 1039. L. M. 1-3-1929.
50 ,, 223. L. M. 16-1-1937.
51 ,, 2604. Edn. 21-11-1935.
52 ,, 101. L. M. 3-3-1928.
53-54 ,, 1245. Edn. 8-6-1937 & 3692. P. H. 11-10-1939; 306. P. H. 29-1-1936. In England the practice was that no married woman was appointed and that a single woman should resign after her marriage. An exception was made in the case of women whose husbands were incapatiated or were unable to maintain their wives. Dr. Robson thinks that the exclusion of married women was not a wise rule. It would mean the denial of the right of marriage to a woman who desires to enter service. But the fact was that married women, particularly those who had a large family to manage evinced little or no interest in their work.
55 G. O. No. 5062. L. M. 23-11-1934.
56 ,, 404. Edn. 26-2-1937.
57 ,, 1446. Edn. 16-7-1935.

From the above it is evident that the control exercised by the outside authorities over the boards in the matter of recruitment of personnel was extensive. Though there should be some sort of outside control, minute control would only generate a spirit of callousness in the appointing authorities. As a matter of fact most of the restrictions were systematically violated by a good number of Presidents and the Government at times found itself in a helpless position.

Communal Representation:— One of the limitations which has become not only important but also controversial was the reservation of posts for the principal communities according to their population strength. As the subject is an important one, we desire to consider it in all its aspects.

Historically, the demand for communal representation in public services is a recent one. It was first made by the Non-Brahmin party popularly known as the Justice Party.[58] For a long time the services were dominated by one community, viz. the Brahmin community. Long established customs and privileges enjoyed by this community enabled it to be superior to others in intellectual matters. As a consequence they occupied all governmental positions. But as the country progressed in civilization and material prosperity, those communities which were excluded from a share in the administration of the country by reason of their cultural backwardness, demanded a share in the services. But the main cause for this demand was that the monopoly enjoyed by one community produced undesirable results.

So far as the boards were concerned the communal principle was not observed in the recruitment of their personnel till 1935. Prior to 1935,

58 Simon Commission's Report. Vol. 16. p. 62. The Brahmin vs Non-Brahmin movement may be said to owe its genesis to the long feud between Vasista, the Brahmin priest and Viswamitra the non-Brahmin. In the Bombay Presidency, the anti-Brahmin movement found expression in the organisation known as "Satyashodak Samaj" founded by Jyotirao Fule. In Madras this movement was given expression to in the organization led by Dr. T. M. Nair.

The demand for communal representation was first made in 1920. A resolution was moved in the Madras Legislative Council recommending to the Government that preference should be given to candidates from the non-Brahmin communities until a proportion of at least 66 per cent among the officers carrying a salary of Rs. 100 and above and a proportion of seventy-five per cent among the officers carrying a salary less than 100 were reached within a period of seven years (M. L. C. P. Vol. 2. p 425) The Government accepted the resolution with certain modifications and orders were issued directing all the Collectors and District Judges to adopt the communal principle in the matter of appointments. But the order did not bring about a lightning change in the composition of the public services. In 1925, another resolution was moved in the Legislative Council recommending the appointment of a committee to enquire into the working of the orders referred to above. One of the recommendations of the Committee was the reservation of seats for the principal communities in public services. M. L. C. P. Vol. 22. pp. 595 and G. O. No. 613. P. 16-9-1921.

one or two boards attempted to introduce this principle but legal difficulties stood in their way. For, the Act authorised certain authorities to make appointments and it was considered as contrary to law to direct these authorities to make appointments in a particular manner. To get over this difficulty, a resolution was moved in the Madras Legislative Council recommending to the Government, the enforcement of the communal Government order in the local bodies.[59] The Government accepted the resolution.[60] The Act was accordingly amended and the rules relating to communal representation were issued in 1935.[61]

The principal features of the rules were, communal representation in several services was secured by two means, communal rotation and communal proportion When communal rotation was applied, appointments were made in the following order:—

1 One Non-Brahmin, Hindu.
2 One Muhammadan
3 One Non-Brahmin Hindu
4 One Ango Indian, Indian Christian or Non-Asiatic.
5 One Brahmin.
6 One Non-Brahmin Hindu.
7 One Scheduled Caste.
8 One Non-Brahmin Hindu.
9 One Muhammadan.
10 One Non-Brahmin Hindu.
11 One Anglo Indian, Indian Christian or Non-Asiatic.
12 One Brahmin.

When a suitable candidate of a particular community was not available in the turn allotted to that community, a candidate belonging to the community next in order was selected, but the former community retained a preferential claim for consideration when any subsequent appointment was to be made to such service until a suitable and qualified candidate belonging to that community was appointed against that claim. Thus the claims for appointment of the respective communities were not lost.[62]

When the principle of communal proportion was applied appointments were so regulated as to secure as nearly as may be possible proper proportion of the membership of the principal communities in such services. According to this principle out of every 12 vacancies, the Non-Brahmin Hindus should get five, Brahmins two, Muslims 2, Anglo-Indians, Indian Christians two and the Scheduled Castes one. The aim of this principle was to recruit persons from the community or the communities which were most disadvantageously situated with reference to the proportion referred to above. If no suitable or qualified candidate was available a candidate from that community next in the order of disadvantage who was qualified and suitable for the post was selected.[63]

59 M. L. C. P. 68, p. 972. Resolution of Mr. Ahmed Meeran.
60 ,, 69, p. 356.
61 G. O. No. 2650. L. A. 5-7-1939.
62 M. L. C. P. Vol. 1, p. Speech of the Hon'ble C. Rajagopalachari.

The enforcement of the principles stated above was subjected to certain conditions. For instance, they should not be applied in filling vacancies in the schools chiefly intended for Muslims or in employing probationers discharged for want of vacancies[64] or in the case of temporary appointments made to meet emergencies,[65] or for the selection posts such as Secretaries of the District Board Offices.[66]

In the working of the rules, however several difficulties were experienced. For instance, the Presidents often found it difficult to secure suitable candidates from certain communities to fill the vacancies in the posts of superintendent, manager and accountant. Very often they had to recruit candidates from outside the district.[67] The Government considered it undesirable to compel a President to recruit candidates from out of the district board area. They, therefore, excluded the posts of manager, superintendent and accountant from the operation of the communal order. Similar difficulty was experienced by the Director of Public Instruction. He, therefore, suggested that the posts of Head Master, specialists, pandits, munshis, physical training instructors, commercial instructors and music teachers should be excluded from the above order. The Government accepted the suggestion.[68] For similar reasons the posts of assistant surgeons, sub-assistant surgeons (Men) and medical officers employed in the medical institutions of Indian Medicine were all exempted from the operation of the order.[69-70] Thus the communal order was applied for only certain classes of servants such as the clerks, attenders, bill collectors and teachers in the elementary and secondary schools.[71]

63 In 1947, the above proportion was revised. Out of every 14 vacancies five were reserved to Non-Bramin Hindus, two to Backward Hindus, 3 to Scheduled Castes, one to Muslims, one to Indian Christians and two to Brahmins.
64 Memo. No. 11654. L. A. 14-6-1946.
65 G. O. No. 2650. L. A. 5-7-1939.
66 ,, 1818. L. M. 5-5-1936.
67 ,, 3351. L. A. 31-8-1937.
68 ,, 460. L. M. 2-2-1937.
69-70 ,, 229. L. A. 28-1-1938.
71 ,, 2650. L. A. 5-7-1939.

Even after the issue of this order some of the Presidents seemed to have honoured the rules more in the breach than in their observance.[72] As a consequence, some of the communities got over representation in the services. To send out those who were appointed in violation of the rules was considered as a harsh act. The Government perforce issued an order legalising these appointments. However, they directed the Presidents of the boards concerned to give preference to communities whose turns for appointment have been overlooked until they secured the lost seats.[73] To ensure the observance of this direction, the Presidents were instructed to affix a certificate to the establishment pay bills, to the effect that the communal principle was duly observed.[74]

Now the question is whether it is desirable to introduce the principle of communal representation in the recruitment of personnel. On this point different opinions have been expressed by the witnesses that appeared before the Royal Commission on Public Services, 1915, and the Indian Statutory Commission (Simon Commission) 1929-30. These opinions may be classified into three groups. The witnesses of the first group pleaded that merit and merit alone should be the basis of recruitment.[75] The second group desired that all the principal communities should be adequately represented in public services.[76] The third group, while emphasising the need to keep up the efficiency of the services, pleaded for the reservation of a certain percentage of the posts for certain communities.[77]

72 I. L. B. Office D. Dis. No. 9642-1941. The Presidents of the Nellore and Kistna Boards (1939-41) were the two notable persons that violated this rule.

73 G. O. No. 2414. L. A. 18-8-1943.

74 ,, 2240. L. A. 26-7-1943.

75 Royal Commission on Public Services. 1915. Vol. 2. p. 222. Evidence of Mr. (later Sir) M. Ramachandra Rao. Ibid p. 215. Evidence of Mr. Justice Sundaram Iyer.

76 Ibid. Evidence of Dewan Bahadur P. Rajagopalachari. p. 271. M. L. C. P. Vol. 22. p. 625. Speech of Mr. S. Satyamoorty. "I entirely agree" said Mr. Satyamoorty "that so far as the Government service is concerned it ought not to be the monopoly of any particular community. After all, countries outside India are also being governed efficiently; why should you lay down that in India alone heavens will fall if Non-Brahmins get their adequate representation in the services." See also the evidence of Mr. Balajirao.

77 Royal Commission on Public Services. 1915. Vol. 2. Evidence of Mr. (later Rt. Hon'ble) V. S. Srinivasa Sastry. Mr. Sastry suggested that one-fourth of the total number of vacancies should be reserved to secure the representation of the communities not already represented.

Ibid. Vol. 2. p. 246. Evidence of Mr. Kasturi Ranga Ayyangar, Editor, "Hindu", Madras. Mr. Ayyangar suggested that qualified men belonging to those communities not already represented in the services should be imported from other Provinces.

Ibid. Vol. 2. p. 527. Evidence of Mr. Pandurangarao, I. C. S. Mr. Rao suggested that the principle of communal representation might be limited to the subordinate service

An analysis of the opinions expressed by the witnesses before these commissions reveals the fact that all the official witnesses, whatever may be the community to which they belonged advocated communal representation in some form or other. As regards the non-official witnesses, all the witnesses belonging to the Non-Brahmin communities and a great majority of the witnesses belonging to the Brahmin community advocated communal representation.[78] It is, therefore, evident that only a minority of the witnesses belonging to one community which was in an advantageous position pleaded or rather opposed communal representation. They argued that birth in a particular community was a mere accident and to take that factor as the basis of recruitment was irrelevant as it would retard the progress of the country as a whole and in the long run of the different communities themselves. They, therefore, pleaded that capacity, merit and efficiency should be the sole criteria in the selection of public personnel.

But there were others who contended with perfect justification that mere capacity to pass an examination should not be the deciding factor in the selection of personnel. There are other factors which have to be taken into consideration. In the first place, the fundamental principle of the modern democratic state is the recognition of the value of the individual and full opportunites should be given to each to attain his maximum development in that life. But Hindu philosophy did not accept this proposition. It held and still holds, that the present life has been determined to him by his past life and therefore his place in the social organization has been irrevocably fixed and could not be changed. Thus the current notions of Hindu philosophy ran counter to the root notions of democracy. It stereotyped and fixed unalterably the position of each individual in the society. A man born as a Brahmin, a man born as a Pariah could never be other than a Brahmin or Pariah.[79] People have fallen low by force of circumstances but they were free to rise again. But the depressed classes

78 Indian Statutory Commission. Vol. 16. Evidence of Dr. B. R. Ambedkar.

79 "Times of India", Bombay, 8th January, 1928. Delivering a lecture on "The Way to Uplift the Patits" Pandit Anantha Krishna Sastry, Professor of Sanskrit, Calcutta University said, that there was no way of uplifting the untouchables in the sense of getting them admitted into any of the four castes or taking them out of the present social position. The learned Professor said that the only way of uplifting the untouchables was by restoring to them some of their inalienable functions at present encroached upon by the orthodox people. He said, "In this 20th century, people on getting up in the morning sit down to clean their costly shoes instead of performing their morning rituals. Next, they sit down to shave themselves. And instead of cleaning their teeth in the swadeshi style, they sit down to rub powder on their teeth with brushes. By doing all these things, they deprive the mochis, (coblers hajams (barbers) and tooth stick sellers their livilihood." The learned Professor therefore suggested that every one should do his duty (dharma). In other words, he wanted the untouchables to reconcile themselves to their lot as hewers of wood and drawers of water so that the orthodox Hindu may enjoy the fruits of their labour.

was the solitary case of people who had remained fallen because their rise was opposed to the religious notions of the caste Hindus. Equality of opportunity in such a caste ridden society was an impossibility. Where there was no equality of opportunity how could any one say that the selection of public personnel was free and competitive. Probably it was free and competitive among the members of the community or the communities which were occupying an advantageous position

The question is whether the services dominated by persons who have a passionate belief in the existing caste system would be efficient and impartial in the discharge of their duties. The answer is in the negative. For, as we had already noted, the State is no more a police state regulating the conduct of the individuals in accordance with carefully enacted legal provisions. It is a positive State administering a number of social services for the remaking of man. In such a state, the official is required not only to administer law but also to conceive for reaching projects to ameliorate the condition of the people. In other words, the official of the present day must have an efficient mind, a constructive outlook and capacity to identify himself with the programmes and policies of the Government. The absence of these qualities may mean that all go ahead policies would meet with unconscious obstruction because, the official, with the best will in the world would see only the difficulties and the dangers of the situation rather than its possibilities and opportunities. The presence of these qualities would be an incalculable advantage.[80]

In the second place, it is both politically and administratively wrong to fill public offices with the members of one or two communities. Political influence and power are associated with representation on services and with the growth of the power of the bureaucracy the need to ensure that no section of the community dominates the services becomes essential and this principle finds expression in the American Constitution which lays down that all the part states should have representation on Federal services roughly equal to their population so that no single state or clique of states may be in a position to dominate the policy of the Federal Government. Certain European constitutions too have provided similar safeguards. Furthermore, pragmatism indicates that the only way by which all the communities may be induced to look upon the administration loyally is by associating them with it. "In proportion as we exclude them from these, we lose hold upon them and were the exclusion entire we should have their hatred in place of their attachment; their feelings would be communicated to the whole population and would excite a spirit of discontent too

80 See I. L. R. 14-M. 318. Venkatacharyulu vs. Rangacharyulu. In this case the judge was influenced by caste prejudices in giving his decision.

powerful for any Government to subdue or resist."[81] And should they submit silently without opposition the case would be worse; "they would sink in character; they would lose all hope of public office and distinction, all laudable ambition and would degenerate into an indolent and abject race incapable of any higher pursuit than the mere gratification of their appetites."[82]

Thirdly, an officer in this country was a predominant being. Before him even the biggest man in the village was nothing. This was the case in the towns also. So if the methods of recruitment were such that would result in the concentration of all offices in the hands of one or two communities, it would only result in the formation of cliques.[83] The evidence given by Mr. Balaji Rao before the Royal Commission on Public Services, 1915, may be of interest in this connection.

> **Ramsay Macdonald:** If you had the castes better represented in the services, would that change the general tone of the services or would the Brahmin still be a Brahmin?: – I suppose that if we had more Non-Brahmins the Brahmins would be considerate.
>
> **Sir Murray Hammick:** All through the ceded districts and Telugu districts the Karnam who is mostly a Brahmin get much authority as regards manipulation and keeping of the accounts than he would do if the immediate Inspecting Officer was a Non-brahmin? :– Yes.
>
> Such cases occurred in Bellary?:– Yes.
>
> Also in Cuddapah? :– Yes.

Fourthly, communal representation would give stimulus to the progres of education among the backward communities and hasten the liquidation of illiteracy. [84] It is idle to suppose that these backward

81 Minutes of Sir Thomas Munro, dated 31-12-1824. See also M. L. C. P. Vol. 2. p. 423. Speech of Sir R. Venkataratnam. He said, "Calm atmosphere will be established, not the deceptive calm atmosphere that comes of suppression but the genuine calm atmosphere which is the expression of heart's satisfaction that the right has come to the rightful."

82 Minutes of Sir Thomas Munro, dated 31-12-1824. See also M. L. C. P. Vol. 22, p. 606. Speech of Mr. C. V. Venkatarangam Ayyangar. Mr. Ayyangar admitted that one of the reasons why some of the backward communities like the Muslims and the Scheduled Castes did not come forward to take part in freedom movement started by Mahatma Gandhi was the suspicion that it aimed at the establishment of the hegemony of the caste Hindus both in the political and administrative spheres.

83 M. L. C. P. Vol. 22, p. 610. Speech of Mr. T. A. Ramalingam Chetty.

84 M. L. C. P. Vol. 2, p. 481. Speech of Sir R. Venkataratnam. He said "The eagerness we evince in this matter of adequate communal representation of Governmental posts and in honorary offices is, I beg to declare most emphatically, not born of an inordinate craving for the loaves and fishes of office, but it emanates from a conviction based on widespread experience that such a representation serves a powerful stimulus to the education and a sure index to the civic recognition of social respectability of a community as a whole".

Royal Commission on Public Services, 1915. Vol. 2. Evidence of Mr. G. A. Natesan, p. 446; Ibid. Evidence of Rev. E. M. Macphail, p. 220.

communities would lose time in educating themselves if their superior acquirements would not open the road to distinction. Even if they do, their exclusion would only serve no other purpose than to show them more clearly the fallen state of themselves and of their community men.

Fifthly, communal representation does not mean that a person would be recruited simply because he belonged to a particular community. All that it meant was that if A and B apply for a post A is preferred to B provided he had the prescribed qualifications. Furthermore, the communal representation principle was not observed in promoting persons from one grade to another. Finally, the principle was not applied to some of the services.

Finally, much emphasis was laid on the efficiency of the services. But what is efficiency? Does it consist in the quick disposal of papers? It does not. Efficiency has a wider meaning. The principal aim of efficiency in Governmental service must be the increase of human happiness But if the services are rendered for the benefit of a community or two it cannot be said that the services are efficient. Further, an administration which is not backed by the moral support of the majority of the people cannot be said to be efficient. In this connection the replies furnished by the Hon'ble Mr. B. Gopala Reddi, Minister for Finance, Madras, to our questionnaire may be of interest.

Q. *Has it not (communal representation) led to another evil viz. inefficiency in service?* :— Not necessarily.

As a matter of fact has it led to inefficiency or not so far as your experience goes? :— So far as my experience goes I should say that the effect has been small. It depends on what you call efficiency. If you limit it to intellectual ability, then it is probably true that there has been some lowering in the efficiency of the services: but if you consider efficiency as extending to the whole field of administration in which you have got to take various factors into consideration, well then, I should say that if you have one community predominating, although the members of that community might be intellectully superior to those of another, that would be opposed to real administrative efficiency and would add more to the difficulties of administration than if the members of the service were more evenly spread over the communities, although the general intellectual average might thereby be slightly lowered.

The quality of work would also be lowered? :— The quality of work need not necessarily be lowered. Perhaps, the language, for instance, in which a judgment is expressed might be lowered but the

general efficiency of the officers taken as a whole might be higher under the second state of affairs than under the first.

In conclusion we should say that communal representation must be accepted in all appointments to public services as long as there is no social justice and equality of opportunity. The abolition of the caste system and the introduction of compulsory education upto the Secondary School Leaving Certificate Examination must precede the abolition of communal representation in services.

Temporary Appointments :— The President was authorised to make temporary appointments to meet certain emergencies. In making these appointments, he was not obliged to observe the conditions prescribed for normal recruitment. But such appointments should not last more than three months[85] These oppointments were generally made when a probationer with the best of claims was not in a position to join duty or when qualified candidates were not available. But persons recruited under such circumstances were not treated as probationers and therefore had no right for any future appointments. It appears however, that many a President made use of this provision to liquidate his political debts. One of the grounds on which the Government proposed to take disciplinary action against the President of the Salem board was that he made several temporary appointments of this nature.

Provincialization of Services :— One of the methods devised to increase the efficiency of certain services was provincialization. For instance the services of the District Board Engineers and District Health Officers under the boards had small prospects of promotion to higher appointments. The posts were consequently so unpopular that most of the sanctioned posts were vacant for a long time for want of suitable candidates.[86]

Curiously enough, provincialization was advocated by the boards and non-official organizations like the Local and Municipal Conference. The first service to be provincialised was that of the Deputy Inspector of Vaccination,[87] and then the Deputy Inspector of School. During the period 1921–1938, three more services were provincialised viz. the District Board Engineers (1923). District Health Officers (1933) and the Local Fund Assistant Engineers (1938).

Attempts were also made for the provincialization of the service of the Secretary. The question was first raised in 1936, but the Government turned down the proposal on the ground that provincialization would

85 G. O. No. 4208. L. M. 25-9-1936.
86 ,, 533. P. H. 18-5-1921.
87 953. L. 9-6-1904.

involve an enormous amount of work in framing rules and in enforcing them. It was again raised in 1944 by the President of the North Arcot Board and the Inspector supported the proposal.[88] But the Government turned down the proposal on the ground that it was inopportune to undertake the constitution of a service of secretaries of the boards.[89]

Is provincialization desirable? Divergent opinions have been expressed on the subject. It was claimed that provincialization of the services of the departmental heads had brought about certain amount of improvement in the tone of administration; that it gave independence to the officer concerned; that it enabled him to give his views freely and fearlessly; and that it separated administration from politics to a large extent. Further, as they were recruited by a single agency, viz. the Service Commission, better candidates were recruited. Their periodical transfers from place to place enabled them to acquire a variety of experience. Though these are some of the advantages resulting from provincialization, it also brought in its train certain disadvantages. It brought about friction and misunderstanding between the President and the departmental heads. The Health Officers and the Engineers almost always imagined themselves as the agents of the Provincial Government sent to teach the erring Presidents. The Presidents felt that they were unjustly deprived of the powers formerly vested in them. There was always, therefore, some misunderstanding between the President and the departmental heads. To get over these difficulties a middle way was suggested by Sir Ivo Elliot, I. C. S., in his evidence before the Simon Commission.

> **Dr. Shafat Ahamad Khan**: What is your opinion with regard to the institution of Local Services Board that will select various important officers for the various bodies out of a pannel which might be suggested by an independent authority?:—We have felt the need certainly for some method of controlling or giving qualifications in the case of more important officers of the boards. It is possible that a Service Commission ... might improve the quality of the staff and might be a preferable alternative to ... the provincialization of services.
>
> You prefer this? :— I see considerable difficulties about provincialization of the services. It makes officers too independent of the Board and I think there might be a distinct advantage in a Service Commission which would handle the question of appointments.[89A]

88 I. L. B. Office D. Dis. No. 14629-1944.

89 G. O. No. 2561. L. A. 24-11-1944.

89A Simon Commission Report, Vol. 15. Evidence of Sir Ivo Eliot.

The writer discussed this question with several Presidents. They advocated the provincialization of the services of the gazetted rank but not others. We think that the provincialization of all the services is not at all desirable even on the grounds of efficiency. It does not give any relief to the service concerned except a psychological satisfaction to its members that they are the servants of the Provincial Government. If the services are to be kept in a proper frame of mind, the suggestion made by Sir Ivo Elliot is the best arrangement.

The Training of Officials:—Next to recruitment, the most important aspect of personnel administration is the training of officials. The acceptance of this idea means the abandonment of the historical belief that the duties of the public offices are so simple that any man of average intelligence could perform them. Further it also means that posts are held during 'the King's pleasure'.

Training is of two kinds, pre-entry and post-entry. Of the two, the latter is the most important. During the period of training the trainee should acquire a knowledge of the departmental geography, the various lines of promotion, the organizational relationships and the role of the department in the Governmental structure.

The post-entry training is of three stages. Firstly, every officer must know the essentials of clerkship. That is, the training in the basic clerical techniques. Secondly, he must know the routine and the specialised technique of his department. Thirdly, those who have been marked out for the administrative class should be inducted into the practice as well as into the theory of public administration [91]

Unfortunately, however, this aspect of personal administration is generally neglected everywhere.[92] Basic clerical training was not at all given to an entrant in any office. The elements of departmental geography and organizational relationship were acquired in a somewhat fortuitous manner. The usual practice was to pitchfork the new comer straight on a job with the minimum amount of preliminary advice and to leave him to the mercies of his own overworked colleagues. Some of the new comers experienced a sort of social boycott in the first few weeks of their official career, particularly if they happened to be promising youths. The results were obvious. As they were forced to learn their work by

91 Gladden. Superior Civil Service, p. 60.

92 Mosher & Kingsley. Op. cit. p. 228. Mr. Sidney Webb wrote of his experience when he entered the Colonial Office. "No attempt was made by any body to teach me my job. I went to the Colonial Office and had help in administering colonies. There were no pictures of any colonies on the walls or any maps and no books of reference. I had to learn the job by doing it. That is to say by rule of thumb".

doing it, they adopted wasteful and costly procedures. It was not realised by the authorities that an entrant was essentially an understudy and that he should be trained not only to broaden his mind but also to heighten his understanding of the official environment in which he was destined to live.

It is true that attempts were made to give post-entry training to the clerical and the administrative personnel. In 1911, the Government suggested to the Presidents the institution of an office examination for the candidates for the post of head-clerks.[93] But nothing was done. In 1937, the Government desired to give training to the persons recruited for the post of Secretary. The Inspector prepared a scheme for a 12 week training in various offices but the Government did not take any action on the scheme submitted by the Inspector.[94] In some departments, however, successful attempts were made to give post-entry training. For instance, in 1891, the sessional school scheme was started with the chief object of improving the general knowledge of the teachers in elementary schools.[96] Later on refresher courses were started to enable the teachers in elementary schools to learn the latest methods of teaching. But a most systematic attempt was made in the health department. For instance, the District Medical and Sanitary Officers were directed in 1897, to examine all the sanitary inspectors periodically and submit a report to the Sanitary Commissioner so that those who were not up to the required standard may be given some kind of training.[97] In 1910, it was laid down that all the sanitary inspectors should undergo quinquennially a eight week training in the advanced hygiene and minor sanitary engineering and pass an examination.[98] In 1920, it was ruled that those who failed to pass the examination would not be entitled to draw the pay fixed for the qualified sanitary inspectors.[99] In 1922, it was definitely laid down that such persons as did not pass the examination after the period of training would not be retained in service.[100] In 1932, the above rule was modified and only such of the Health Inspectors as were required to undergo the training should be deputed for training.[101] In addition to the quinquennial training referred to above, the health inspectors were also required to undergo training for a period of 14 days in each one of the following subjects, viz. malaria, guinea worm and plague.[102] Similarly, the health visitors and midwives

93 G. O. No.
94 I. L. B. Office D. Dis. 25044-1937.
96 G. O. No. 2055. L. 25-5-1891.
97 „ 1475. M. 24-6-1897.
98 „ 660. L. 21-5-1910.
99 „ 740. P. H. 25-5-1920.
100 „ 1581. P. H. 21-11-1922.
101 „ 1090. P. H. 19-5-1932.
102 „ 1367. P. H. 17-6-1943.

attached to the maternity and child-welfare centres were required to undergo training in the Poonamalli Health Unit for a prescribed period.

From the above review it is evident that there was a comparatively limited appreciation of the value of training. In general, training was left as an individual concern particularly in the administrative section. In some of the western countries this aspect of personnel administration has received careful attention of the state. But in this country it was not realised that the principle of efficiency demands systematic training of officers, particularly of the administrative class. "If we are to have an increased number and variety of bureaucrats it is essential to keep their souls alive; to get them to see all their work from a wider stand point and in due proportion to the rest of the world . . . It would . . . pay the state definitely to assist and encourage the younger civil servants of all grades to follow some regular course in economics and political science and to give facilities for them to do so even in the working hours."[105]

It is, therefore, apparent that a systematic approach to the problem of training is essential. We would, therefore, suggest the establishment of a staff college manned by University professors and eminent administrators. The school should give adequate training to the administrative class. During the period of training every one should be enabled to acquire a practical and realistic view of the administrative operations and problems.

Probation:-Whatever may be the degree of care that may be exercised in the selection of candidates, there is always the possibility that the person selected for the post may not be suitable. It is, therefore, agreed in principle that every recruit should be put on probation. Probation, therefore, implies trial followed by rejection if the results of trial are unsatisfactory. In other words, probation is the means by which certain personal factors that cannot be discovered by examination are sought to be discovered. If these factors are not latent in the probationer, it is in the interest of the service and of the person concerned that he should be discharged before the end of the period. Thus probation is the final step in the process of selection. It is intended to remove the square pegs from the round holes. For, "it is a mistaken act of kindness to retain in the service, a man who is not likely to be fitted for promotion and may subsequently have to be discharged on the ground of inefficiency at an age when it is much harder for him to obtain other employment"[106].

Who were the probationers? Prior to 1937, only those who were specifically appointed to be on probation in a substantive, temporary, or offici-

105 Sir William Beveridge quoted in Mosher & Kingsley. Op. cit. p. 248.
106 Finer. British Civil Service, p. 97.

ating vacancy were considered as probationers. In that year, however, it was definitely laid down that a person appointed in a substantive, temporary or officiating vacancy was considered as a probationer even though it was not definitely stated in the order of appointment.[107] The above rule created several administrative difficulties. Persons who acted for a period of less than one month claimed the right of appointment in future vacancies. In 1941, the Government, therefore, ruled that the teachers who have acted in a vacancy for a period of less than three months, [108] sanitary inspectors appointed for epidemic duties,[109] should not be considered as probationers.

The following classes of persons were not required to undergo probation afresh: accountants promoted to act as superintendents; [110] lower division clerks promoted to the upper division; [111] persons who were discharged for want of vacancies provided they held substantive posts or had completed their period of probation prior to retrenchment and were re-employed with or without a break under the same board. But such persons were treated as entrants for all purposes if they sought employment under another board.[112]

The period of probation varied from time to time. At first no one was subjected to a period of probation. Later on, rules were issued fixing the period at six months which was subsequently raised to two years to be completed within a continuous period of three years. Prior to 1940, the appointing authority was permitted to extend the period of probation for a period not exceeding one year from the date of expiry of the period of probation. [113] But in that year the Presidents were informed that as there was no provision either in the rules or in the Act for the extension of the period of probation, it should not be extended.[114]

Before the expiry of the probationary period the appointing authority should consider the suitability of the probationer for confirmation

107 G. O. No. 160. L. M. 9-1-1937.
108 ,, 671. Edn. 1-5-1941.
109 ,, 520. P. H. 10-2-1939. But the sanitary inspectors who were regularly appointed were on probation but deputed for epidemic duty and first class vaccinators who were on probation but were deputed to work as sanitary inspectors in times of epidemics were considered as probationers in their respective positions provided they would have continued to act as sanitary inspectors and first class vaccinators but for the deputation. See also G. O. No. 520. P. H. 10-2-1939 & G. O. No. 2289. P. H. 29-6-1939.
110 G. O. No. 229. L. A. 10-1-1939.
111 Memo. No. 8779. L. A. 3-4-1941.
112 G. O. No. 533. L. A. 1-3-1941.
113 ,, 2120. L. A. 16-6-1940.
114 ,, 3107. L. A. 1-11-1943. Approved probationers and probationers who did not render war service were confirmed in their posts after the war service candidates were provided with jobs.

in the post for which he was selected. If the probationer was found suitable, orders should be issued as soon as possible declaring the probationer to have satisfactorily completed the period of probation. If he was found unsuitable, the services of the probationer should be terminated before the expiry of the period of probation. Termination of probation did not mean sending a person into the street. The person concerned may be reverted to his permanent post if he held one prior to his appointment or to a lower post in the unit if he was a probationer or a permanent servant in that unit. But the termination of probation on the ground of unsuitability should not be based either wholly or in part upon the work of the probationer or conduct after the expiry of the period of probation [116] The termination of probation was not a bar for his re-appointment to any other post in which he may be found suitable.[117]

Though probation was the final step in the process of selection of candidates for appointment, it was never treated as such. As a matter of fact very little attention was paid to this aspect of selection. It is no exaggeration when we say that in a great majority of the cases probation was treated as a mere formality and as a consequence many persons were condemned for life to an occupation for which they had no aptitude. Only in exceptional circumstances was a probation terminated. Even then it was done not on administrative grounds but to find accommodation to some relative or friend. Not only the appointing authorities but also the probationers entertained the feeling that they were permanent members of the service. Such a state of affairs was not conducive to the promotion of efficiency in services. We, therefore, suggest that the immediate authority under whose supervision the probationer would be placed should make a periodical report to the Local Appointments Commission about the work of the probationer subject to the condition that the probationer should be informed of any adverse report made to the Commission so that he may have an opportunity to rectify his defects. On the basis of these reports the Commission should confirm or discharge the probationer Such an arrangement would induce both the appointing authority and the probationer to treat the period of probation as a period of trial.

Discharge:—Discharge may be owing to reduction in the staff or for want of vacancies or it may be a measure of punishment. Discharge means asking a servant to quit the service against his will. A person who had already left the service cannot be dischared. We should remember that discharge is different from dismissal. For, a discharged person may be

116 G. O. No. 3757. L. A. 12-12-1942.
117 I. L. B. Office D. Dis. 27126-1945.

re-employed in any Government department but a dismissed person cannot.

Before discharging a person for want of a vacancy, it must be carefully considered whether he could otherwise be provided for. If no such provision could be made, a reasonable notice had to be given, and if for any reason such notice could not be given, a gratuity not exceeding his emoluments for the period for which the notice actually given fell short of three months, had to be paid.

Discharge of employees must be in a particular order. For instance, in discharging employees on account of the abolition of posts.[118] Firstly, acting persons who had not completed their period of probation in order of their juniority had to de discharged; secondly, persons who had already completed 30 years of service in order of seniority; thirdly, persons who had completed their period of probation in order of juniority and lastly, permanent servants in order of juniority.

The discharge of persons for want of a vacancy was to be done in the following order. Firstly, the junior most probationer should be selected for discharge; if no such person was available, persons who had completed their period of probation were selected for discharge.

But when a permanent servant holding a post in a grade to which promotions were normally made from the lower grade, was to be discharged, he may be reverted, if he so desired, to a lower grade and be placed at the top.[119] Secondly, if the person to be discharged was a Muslim and if his discharge would lead to the employment of a non-Muslim teacher in a school chiefly intended for Muslims, the non-Muslim teacher above him should be discharged. Thirdly, if the person to be discharged was a woman teacher, whose discharge would lead to the employment of a male teacher in a school chiefly intended for girls, the male teacher next above should be discharged.[120] Fourthly, in discharging teachers of the elementary schools, lower grade teachers who were above the age of fifty or who had already rendered twenty years of service should be discharged. This rule was introduced in 1941 in accordance with the policy adopted by the Government that the lower grade teachers should not be recruited for service.

It is desirable that the persons who have been discharged on grounds other than disciplinary, should be re-employed in future vacancies. In accordance with this principle, it was statutorily laid down that all such

118 In the United States a 'veteran' was not discharged even though he may be the junior most.

119 G. O. No. 5062. L. M. 23-11-1934.

120 ,, 2342. L.M. 2-6-1936.

persons should be preferred in all future vacancies.[121] No deviation from this rule was permissible. The appointing authority may, however, refuse to appoint a discharged person if he considered him undesirable. Or if it was not possible for a discharged person with best claims for reappointment, to join duty in short vacancies except at prohibitive cost. In such cases persons other than a discharged person may be appointed.

Promotion:— Human propensity is to grow and persons with lively understandings will be dis-satisfied if they find themselves at the end of any decade of their lives exactly in the same position which they occupied at the beginning of it. It is, therefore, essential to note that every orgni zation should provide opportunities to every one to move about both vertically and horizontally. The advantages occurring in filling up vacancies in higher positions from within the ranks are obvious. Such a system recognises the principle that it offers a career to an employee and this in its turn attracts capable young men to enter service in the lower grades. Imagine for a moment the efficiency of a service whose top positions are reserved to patronage seekers. The initial recruitment of such a service would be affected. Therefore, promotions from within the service should be the golden rule. Otherwise there would be inefficiency. Trevelyan said in 1840, "the permanent civil servants are habitually superseded because they are inefficient and they are inefficient because they are habitually superseded".

Now what are the methods that should be adopted for the selection of candidates for promotion? The chief basis of promotion are three, seniority, merit and examination. Seniority is favoured by the employees. It is based on the principle that first comer must first be served. In the past it was the bedrock of all human institutions. Apart from the fact that it gave precedence to age and experience, it always appealed to the generosity of the employer as the only safe reply to any attempt to raise a junior on the basis of merit. But the principle of seniority is based on wide assumptions. It assumes that all men are fit for promotion and that all men have a chance for promotion though only a few are fit for promotion and still fewer have a chance for promotion. Seniority should no doubt be taken into consideration provided all other things are equal. It is of least importance when there is a wide disparity in the contesting candidates. It should also be remembered that top positions in the administrative ladder require freshness of mind, individuality and judgment than long periods of service, however faithfully performed.

As regards examination, it may appear, on the very face of it to produce impartial results. In reality, however, an examination is not the

121 G. O. No. 160. L. M. 9-1-1937.

means of discovering such dynamic traits as personality, leadership, breadth of vision and judgment.

From the above it is evident that the only effective method by which candidates have to be selected for promotion is the confidential record maintained by the Departmental heads. For, the place where the capacity of a person is tested is the office where he works and the means by which it should be done is the opinion of the officer who supervises his work. If the personnel records are properly designed and if the persons who record their opinions are men of good intent, good judgment and free from bias, they are the surest means of discovering the real worth of the candidate. But so far "no mechanical substitute has been devised which can weigh and evaluate the many delicate factors which play a part in the final conclusion that **A** is more likely to succeed than **B** in a specific situation". It has also been contended that personal opinions of the departmental heads were *at times coloured by personal prejudices and communal and sectional feelings. We admit that we have come across several such instances. But we think that if the opinions are recorded periodically and in advance* of the time for promotion, the chances of misrepresentation would be narrowed. In recent times, the practice of communicating a copy of the adverse remarks to the employees has come into existence and this is a welcome feature.

Having determined the basis of promotion, what is the agency that should be entrusted with this business? It has been suggested that promotional administration may be entrusted to the Local Appointments Commission. We think that such an arrangement is not conducive to the efficiency of the service. We feel that it would on the other hand weaken the disciplinary control over the subordinates. Further, the practice in all the countries is that it is almost without exception entrusted to the head of the office.

So far as the boards were concerned, both seniority and merit were taken as the basis of promotion. Prior to 1935, the basis of promotion was seniority. But a junior could be promoted for conspicuous merit and ability, overlooking the claims of the seniors.[124] In 1934, it was however laid down that while promoting lower division clerks to the upper division, due consideration should be given to the qualifications and the suitability of the candidates for promotion. In the very next year, a very radical change was introduced in this respect. All the ministerial posts were divided into two classes, selection and non-selection posts, the selection posts being secretary to the district board, superintendent,

124 G. O. No. 2553. L. M. 27-6-1933 & G. O. No. 4429. L. M. 4-10-1934.

accountant, manager of the District Board Engineer's office, upper division clerk and the head-master of secondary school.[125] Promotion to selection posts should be made with reference to qualifications and merit. In the case of non-selection posts, the basis of promotion continued to be seniority though in special cases, the appointing authority may for reasons to be recorded in writing give special promotion to a junior for conspicuous merit and ability.

There were, however, certain limitations which the President was required to observe before promoting a person. For instance, the assistants with L. T., or B. Ed. qualification working in the secondary grade cadre, should not be promoted to the L. T. cadre merely on the ground of seniority but only when they were qualified to teach the subjects, in which the vacancies had occurred and had a satisfactory record of service in the lower grade.[128] Further, no officiating promotions should be made to the post, of upper division clerk.[129] Whenever a vacancy arose in that post, the President should make a substantive appointment on the basis of merit, ignoring even the previous officiating service, if any, in that post.[130]

Though rules were laid down in detail, governing promotional administration, most of the Presidents did not observe them in the spirit in which they should have done it. Promotions to selection posts were not made on the basis of merit. For, the Presidents preferred to protect themselves from harassing complaints and charges of partiality. As a consequence, promising juniors were seldom selected for promotion. Promotions were generally confined to senior men who were on the verge of retirement and who had begun to think that the time had arrived for them to rest on their oars. It is true, that at times Presidents swayed by sectional and communal considerations went out of their way in promoting juniors overlooking the valid claims of the seniors. One of the charges framed against the President of the Salem Board was that he promoted several juniors over-looking the valid claims of the seniors. Such promotions would create in the minds of employees, a sense of injustice and a feeling of despair which would ultimately impair the efficiency of the personnel and encourage slackness in them.

But the notable defect in the district board service was, the lack of opportunities for vertical movement. There was a Maginot line between board and board. Promotions across this line were, however, not un-known, but they were relatively rare. In a board like Chittoor or Kurnool, the

125 G. O. No. 250. L. A. 19-1-1949.
128 ,, 190. Edn. 27-1-1937.
129 ,, 4025. L. M. 10-9-1934.
130 Memo. 8779. L. A. 3-4-1941.

prospects of promotion were very rare. Many persons who entered service as clerks retired as clerks. If one was to be promoted, his seniors must either die or resign. But few died and none resigned. How are we to get over this difficulty? We would suggest the division of the Province into three units on linguistic basis. For promotional purposes, each division may be taken as a unit. All *similar* positions within that unit may be treated as belonging to one service. Thus all the superintendents of all the boards of one unit would form one service and all the accountants into another and so on. Each service may be divided into several grades and vacancies arising in the higher grades may be filled from the lower grades. The Inspector of Municipal Councils and Local Boards may prepare a list of eligible candidates for promotion in consultation with the executive authority of the boards and the list may be revised periodically with reference to the personal records of the employees. The merits of the plan are so obvious that they need no elaboration.

Advancement:—Advancement is different from promotion. Its main purpose is to give a servant a higher salary without giving him increased responsibility or change of position. Advancements are of three kinds, automatic, semi-automatic and as a reward. Advancements are automatic when an employee gets increments at stated intervals. They are semi-automatic, that is, on reaching a certain point in the salary scale, it should be certified that the officer concerned was competent to carry on the higher grade before further salary advance was given. Sometimes, As a matter of given as a matter of reward. So far as the boards not positions were taken into policy was followed in the matter of advance- advance was too slow. A clerk who entered service the rate of advancements, persons the maximum in the scale in 1955. Such a long period ice in 1940 would reach be conducive to promote efficiency in the service. was not likely to

Transfers:—One of the means by which the efficiency of serv from ices may be kept up is periodical transfers from place to place. So immed rit and diately after the completion of the probationary period of an employee, the how- ees of the department is faced with two problems, viz. to provide adequ per opportunities to the employees to gain as wide an experience as possi the and to ascertain individual aptitudes and abilities. These things can b a secured by periodical transfers.[131]

Transfers are of two kinds, inter-departmental and intra- departmental. al By intra-departmental transfers we mean transfers from one unit to another le t,

131 Public Administration, 1930. P. 48.

in the same organization. Inter-departmental transfers on the other hand mean the transfer of an official from one organization to another. They are possible only when the heads of the organizations concerned agree to mutual transfers.

Prior to 1900, inter-departmental transfers appeared to be frequent. Servants of the boards were transferred to the service of the Government, provided they belonged to a pensionable service and qualified to hold the post.[132] Similarly, officers and servants of the provincial service were transferred to the service of the boards. They were generally technical personnel such as medical officers, health officers and engineers. Except under exceptional circumstances, the ministerial servants of the provincial service were not transferred to the service of the boards.[133]

As regards the intra-departmental transfers, the President was authorised to transfer officers and servants from place to place subject to certain conditions. For instance, the following officers had to be consulted before transferring certain classes of officers: the District Medical Officers in regard to the medical establishment,[134] the District Health Officers in regard to the health establishment,[135] the District Board Engineer in regard to the engineering establishment,[136] and the District Educational Officer in regard to the teachers in secondary and elementary schools.

In regard to inter-departmental transfers, they could be done in two ways. Firstly, the local authorities themselves may, by mutual agreement, transfer their servants. Before effecting any such transfer, the authorities concerned should inform each other of the period of leave and the amount of leave allowance to which they would accept liability. Without settling those details, no inter-departmental transfers should be made.[139] Secondly, the Government itself may transfer any servant of any board from one board to another. The Government was not endowed with this power till 1935. Experience has, however, shown the necessity for the possession of this power by the Government. In some boards, for instance,

132 G. O. No. 1368. L. 8-6-1892.

133 ,, 2358. L. 14-10-1889.

134 ,, 721. L. 26-6-1886. In 1886, the Government instructed the Presidents to keep the Surgeon-General to the Government of Madras, informed of the transfer of Medical Officers. In 1932, it was ruled that the District Medical Officer should be consulted before transferring Medical personnel from one institution to another. See also G. O. No. 3579. L. M. 7-9-1932.

135 G. O. No. 813. P. H. 1-3-1938. Prior to 1920, the Sanitary Commissioner had to be consulted before transferring Deputy Inspectors of Vaccination from one taluq to another.

136 G. O. No. 2602. L. M. 12-7-1937 & G. O. No. 721. L. A. 20-3-1941. The Government could cancel an order of transfer issued by the President.

139 G. O. No. 2557. L. M. 18-7-1925.

there was unnecessary victimization of the employees. In such cases, it would be in the interest of the board and the employee concerned to transfer him to another board.[141] Further, the employees themselves may be involved in local politics. To meet such situations, the Government assumed this power.[142-43]

Though provision was made for the transfer of servants from one board to another, it was not utilised owing to the existence of a number of barriers, the principal of them being, the absence of uniformity in the scales of pay, in the superannuation schemes and in the leave conditions; the tendency of each board not to take into account the services rendered in another board; [143] the opposition of the employees based on material and psychological factors, such as prospects of promotion, sentimental attachment to the place and vested interests; and the opposition of the boards themselves. It is true that most of these barriers have been removed and transfers from one board to another, so far as the public health department was concerned were frequent. But transfers in other departments were not so common. The Government itself did not make use of this provision as frequently as it should have done. On the other hand they themselves opposed the transfer of officers from one board to another. For instance, they turned down the proposal of the Inspector of Municipal Councils and Local Boards for the periodical transfer of secretaries to the district board, on the ground that the Presidents who were new to the office, would be deprived of long experience and intimate knowledge of the District gained by the secretaries.[144] It is no doubt true that continuous work in a particular place would certainly enable any one to gain an intimate knowledge of the men and matters of the locality. But service in only one place would deprive him of a variety of experience, which he would gain by frequent transfers, which is more essential than intimate knowledge of a particular locality. Further this assertion seems to have been based on the

141 M. L. C. P. Vol. 69, p. 65. Speech of the Rajah of Bobbili.

142-43 G. O. No. 5700. P. H. 4-12 1940. In accordance with this principle, the Director of Public Health was empowered under section 13 (1) of the Madras Public Health Act, 1938, to transfer any member of the public health department of a board to another local authority. Before transferring any person, the Director was required to consult the President and in case of difference of opinion, the Director should state the reasons for not accepting the advice of the President. Further, the Director should see that the person transferred had a working knowledge of the principal language of the locality to which he was transferred.

A board may loan the services of its officers and servants to another board or private organization subject to the condition that the consent of the person has been obtained. Further, during the period of foreign service, the foreign employer should pay the board where the servant had a lien, an amount equivalent to the bonus payable under the Provident Fund Rules and 15 percent of the pay drawn by the employee in foreign service as contribution to leave salary.

144 G. O. No. 2561. L. A. 24-11-1944.

assumption that the Presidents would be new to the office as well as to the district. As a matter of fact, most of the Presidents, had some administrative experience and intimate knowledge of the district and its requirements before their appointment. So, in the final analysis, excepting the departmental heads and the members of the public health department, all others were not transferred. In the interests of efficiency of the services, we suggest that there should be periodical transfers of all servants. Such transfers would enable the servants to pool experience Further, they would not be bullied by party politicians and harassed by political enemies. The administrative arrangement suggested for the promotion of servants may also be adopted for the transfer of servants.

As regards the intra-departmental transfers we hear a different story. There were frequent transfers which did not serve any public purpose. One of the grounds on which the President of the Tinnevelly board was removed was that he effected mass transfers of elementary school teachers. This was the case in almost all the boards. Many of the transfers were effected without the necessary permission of the authorities concerned. In some cases, the persons transferred were asked to move at their expense. In some boards, the transfer of the elementary school teachers, particularly of the girls' schools, had become a regular scandal.[145]

145 G. O. No. 3375. L. M. 18-7-1929.

CHAPTER VI.

DISCIPLINE

"The disciplinary power is the necessary complement of the hierarchical power: to order is nothing if one cannot punish"[1] Disciplinary methods are of two kinds, formal and informal. A wise administrator will concern himself more with informal methods than with the formal ones The informal methods are legion. They are very subtle and are exercised very constantly in every office. They are, for instance, a frown, a transfer to a lower position with less responsibility but without affecting his salary, a close supervision of his work. These are the methods by which a person who is on the wrong track is brought to his senses. For, mistakes are committed in every office and very many of them are so trivial that they may be corrected by informal methods. The formal methods are adopted only when a definite action has to be taken against a person. They may vary from warning to judicial prosecution. It should, however, be noted that discipline occupies a secondary place, where the staff feels a high sense of responsibility. But it is difficult to maintain discipline in offices exposed to innumerable temptations.

Disciplinary action may be taken for a variety of reasons. It may be taken for inattention to duty, laziness, carelessness, loss of property, inefficiency, insubordination, violation of rules, disloyalty, intoxication while on duty, immorality, lack of integrity, failure to pay debts, for soliciting and accepting bribes and finally for conduct unbecoming of an officer.[2]

The penalties that may be imposed may be grouped into two classes, light and severe. To the former belong, warning and censure. To the latter belong, stoppage of increments, reduction to a lower post or in pay, removal and dismissal. Though the kinds of punishments have been enumerated, the kind of punishment that should be inflicted for the kind of offence has not been specified.[3]

All these punishments were inflicted till the year 1942 In that year the Government came to the conclusion that suspension as a substantive

1 White. Civil Service in the Modern State, p. 247.

2 White. Introduction to the Study of Public Administration.

3 White. Civil Service in the Modern State. In Italy, this was done. Censure was awarded for slight mis-deeds such as absence from the post of duty or for making unjustifiable recommendation. Reduction in salary for irregular conduct; leaking out official secrets, tolerating the mis-deeds of his sub-ordinates; suspension for the repetition of the offences which have already been punished, for disloyal activities, for dishonesty, for serious insubordination and negligence of duty; dismissal for embezzlement of funds or for frauds or for a criminal sentence. (con.)

punishment would reduce an employee and his family to destitution. The Act was, therefore, amended and suspension as a substantive punishment was eliminated. However, a person may be suspended in public interest, pending enquiry into grave charges against him. The period of suspension should not exceed three months but in exceptional circumstances where the enquiry could not be completed within the period it could be extended, with the approval of the appropriate authority for a further period of three months.[4] During the period of suspension, the accused person should be paid a subsistence allowance not exceeding one-fourth of the salary.[5] Further it was also felt that the imposition of a fine on superior servants did not comport with the dignity of Government service. The Presidents were, therefore, requested to restrict this punishment to menial servants including bill collectors.[6]

The authority responsible for the maintenance of discipline was the President. At first, he was empowered to inflict any punishment on any servant.[7] The board had no power to interfere with the discretionary power vested in him.[8]

The question is whether the agency created for the purpose was the proper one. In the western countries various methods have been adopted. In some places, it is placed in the hands of a Civil Service Commission, in some in the hands of a special tribunal and in some others in the whole council but in a great majority of the cases in the immediate administrative head. Before we discuss the suitability or otherwise of these agencies, we should remember that if punishments are to be effective, they should be administered immediately after the breach of discipline. The effectiveness of punishment, therefore, lies not in its severity but in promptness of its infliction. If this contention is conceded, it is logical that this power should be vested in the adminstrative

Though the kinds of punishments that should be inflicted for the kind of offences have not been specified, custom and practice have brought about the arrangement that persons who were in chronic and hopeless condition of indebtedness should be removed from service. In 1888, the Government said, "the anxieties attendant upon such a person must necessarily greatly distract from the value of the debtor's work besides exposing him to temptations, dishonesty which in such circumstances it is very difficult to resist. Such removals were made where half of the salary of a servant was constantly attached or was continuously under attachment for more than two years to pay a debt. See G. O. No. 134. P. 3-2-1888; 1271. L. 5-6-1889 and G. O. No. 226. L. 6-2-1890.

4 G. O. No. 3524. L. A. 4-10-1940.

5 ,, 3600. L. M. 8-9-1932.

6 ,, 2549. L. A. 15-9-1941.

7 ,, 1078. L. 14-6-1888.

8 ,, 234. F. 18-2-1873. The Chittoor circle board, in one of its resolutions directed its President to dismiss an overseer. The Government informed the board that it was free to express its views on such subjects in the form of a recommendation to the President but it had no power to order the President to remove a particular servant.

head, viz. the President. Should our proposal to have a separate executive officer is accepted then, the executive officer should be the agency responsible for the maintenance of discipline. Imagine for a moment, the situation if this power is vested in a board. There would be unnecessary delay. Further, such an arrangement would diffuse responsibility. "When it comes to dealing with more common human attributes of laziness, indifference, lack of courtesy and so on, the system of bipartite councils appear to be cumbersome and difficult for effective application; ...the system does not meet the daily needs of office organization. Only after the gravest provocation is an employee ever dismissed; and the fact, that he knows only too well, how much trouble his chief will be put to, to place his chronic sins of omission to a council of discipline is an invitation to make them increasingly chronic"[9] Above all the boards are political bodies and in the very nature of things cannot be expected to bring about that objectivity in dealing with disciplinary cases. So in the final analysis, the executive head of the board is the proper agency.

Though the President was authorised to inflict any punishment on any one, his power was, however, subject to certain limitations. For instance, prior to 1888, all the punishments inflicted by the President on officers and servants of the medical and public health departments came into effect only after they were confirmed by the heads of the departments concerned.[10] This limitation promoted indiscipline in the ranks of these officers and servants. The President of the Tanjore board complained of the ineffectiveness of disciplinary control exercised over the subordinates of the medical and public health departments. In 1888, the Government revised the rules and the President was authorised to inflict any punishment on any of these officers after consulting the District Surgeon [11] In case of difference of opinion between the President and the District Surgeon, the matter was to be referred to the Government whose decision was final. But this rule was in conflict with the provision made in the Act of 1884 It was, therefore, cancelled in 1903. During the period 1903-1942, the President could take any action against any servant of the board. In 1942, however, the Act was amended prohibiting the Presidents from dismissing or removing any medical subordinate whose services were lent by the Government without the consent of the Provincial Government.[13]

In the case of Deputy Inspectors of vaccination, the President was divested of the disciplinary power over them after the service was provin-

9 Willoughby. Principles of Public Administration.
10 G. O. No. 721. F. 26-6-1886.
11 ,, 1078. L. 14-6-1888,
13 Act XII of 1942. Madras,

cialised in 1904. But they continued to be under the administrative control of the President. Control without power to punish was found to be ineffective. This was pointed out to the Government by many a President. In 1910, the Government empowered the President to fine or suspend the deputy Inspector of vaccination in consultation with the District Medical Officer.[14]

As regards the officers belonging to the all India or Provincial service, the rule was that the President should obtain the consent of the Government before inflicting any punishment. In 1925, it was found that this rule was in conflict with the rules issued under the Government of India Act, in respect of discipline of these officers. The Presidents were, therefore, divested of the disciplinary powers over these officers. If a President was dissatisfied with the work and conduct of a member of these services, he may report against such an officer to the Government for necessary action.[15]

Again the President should dismiss or suspend a teacher whose certificate has been suspended or cancelled by the Director of Public Instruction. The President had no discretion to act otherwise in this matter. The President was also required to consult the departmental heads like the District Educational Officer, District Medical Officer, District Health Officer and the District Board Engineer before inflicting any punishment on any subordinate belonging to their respective departments. But he had no authority to take disciplinary action against a person who had already left the service, for any loss caused during his tenure of office. The liability, if any, should be established in a civil court before any recovery is made.[16] If any President had failed to take effective action in any case, the Inspector may call for records and address the Government for authorization to enhance the punishment given by the President.

In the administration of the disciplinary measures it is mandatory that necessary safeguards should be erected so that there may be no miscarriage of justice. To secure this end, a definite procedure has been fixed.[17] In 1915, it was laid down that an enquiry in a judicial form should precede an order of punishment in the case of all permanent servants drawing a salary of Rs. 20 and above. In accordance with this principle, the charges against the officer should be reduced to writing and communicated to him. The evidence on which the charges were framed should be made available to him. Further, the nature of the action proposed to be

14 G. O. No. 1146. L. 17-9-1909.
15 ,, . 238. L. M. 22-1-1925.
16 Memo. No. 19030. L. A. 21-9-1945.
17 G. O. No. 1480. L. 10-8-1888.

taken should also be stated in the charge sheet.[18] The accused person should be given reasonable time to submit his explanation. Further, he should be given all reasonable facilities to rebut the evidence adduced against him.[19] If he expresses a desire to examine the witnesses, on whose evidence the charges were framed, they should be produced for cross-examination.[20] If he desired to have a personal hearing, it should not be denied. If he desired to produce his own witnesses, he must be permitted to do so. The evidence given by the witnesses should be recorded in the presence of the accused person.[20] The most important point which the officer conducting an enquiry had to bear in mind was not to give rise to any feeling in the mind of the accused person that the enquiry was not conducted in an impartial and detached frame of mind.[21] Further, there should be no delay in completing the proceedings. Dilatoriness should be avoided and adjournment of enquiry should be allowed with circumspection.[22] Ordinarily, no lawyer should be permitted to appear on behalf of the accused person.

After completing the proceedings, the officer conducting the enquiry, should give a finding.[23] on each charge after discussing the evidence given in support or against the charges. Further, the nature of the punishment proposed to be awarded should be accurately worded.[24] In arriving at a finding the past record of the accused person should not be taken into consideration It may, however, be taken in assessing the punishment after the charges have been proved subject to the condition that the substance of the bad record was communicated to him and his explanation was obtained.[25]

18 G. O. No. 2881. P.(S) 12-12-1941.

19 ,, 752. L. 24-5-1915.

20 ,, 1505. L. A. 12-5-1942. The disciplinary proceedings should be recorded by the person conducting the enquiry or have them recorded to his dictation and append a certificate to that effect.

21 If the accused person had a reasonable doubt to apprehend that his defence would be prejudiced if the officer who framed the charges would also conduct the enquiry, he could petition to the Government through the Inspector and if the Inspector was satisfied with the reasons given by the accused person they may direct the President to delegate that power to an officer named by him.

22 G. O. No. 1718. L. M. 7-5-1937. The above procedure need not by observed in the case of persons who have absconded and also in the cases of punishment by fine. G. O. No. 514. L. A. 10-2-1940.

23 In all cases of fraud and embezzlement of public funds departmental proceedings should be instituted at the earliest possible moment. If the accused was prosecuted, the departmental procetdings already started should be brought to a final stage but no finding or sentence should be given. If the accused was found guilty and awarded punishment in the court, the departmental proceedings should be concluded. If the accused was acquitted of blame even then departmental proceedings may be continued and a finding and a sentence given irrespective of the acquittal.

24 G. O. No. 2383. L. A. 1-11-1944.

25 ,, 1718. L. M. 7-5-1937.

From the above it is evident that all possible safeguards have been provided against miscarriage of justice. It is true that some of the Presidents have not observed the procedure prescribed and thereby caused wasts of public funds and annoyance to the person concerned. But such cases were few in number.[26]

Appeals:—It is reasonable to assume that the judgment given by a punishing authority may be erroneous or based on incorrect data or it may be excessive. To provide against such contingencies all employees excepting the menials were given the right of appeal against every order of punishment. The absence of such a provision would create a feeling of insecurity in the minds of employees and the whole service would be permeated with ill-will, jealousy, fear, intrigue and low morale. The chief value of an independent administrative review of the cases of punishment is, that it secures hearing by an impartial and disinterested body.

At first no provision was made for appeals. The decision of the President was final.[27] In 1882, the Committee on Local-Self Government recommended that all officers drawing a salary of Rs. 100 and above should be given the right of appeal to the Government against every order of the President dismissing or suspending them. The recommendation was accepted by the Government.

Who had right of appeal? This privilege was at first limited to a few of the employees. In 1886, persons who were drawing a salary of Rs. 50 and above could prefer an appeal to the Government against all orders of suspension and dismissal. Similarly, persons whose appointments required the sanction of the Government,[28] teachers who were formerly in Government service but were transferred to the service of the board along with the schools,[29] medical subordinates and Deputy Inspectors of vaccination belonging to the Government service but whose services were placed at the disposal of the boards, had a right of appeal against an order of punishment passed by the President.[30] By 1932, this right was greatly extended. All the superior servants were permitted to appeal against every order of punishment passed by the President. Even a probationer could prefer an appeal against the supersession of his claims for reappointment or irregular discharge or termination of probation as a measure of punishment.

26 G. O. No. 1545. L. A. 1-5-1940. In several instances the Presidents did not pass orders on the charges framed against employee placed under suspension but went on extending the period of suspension and thereby caused waste of public funds in the form of subsistence allowance.

27 G. O. No. 208. F. 7-2-1879.

28 ,, 721. L. 26-6-1886.

29 ,, 2080 M. 20-9-1887.

30 ,, 1078. L 14-6-1888.

But appeals were not allowed when a junior was promoted to a selection post[31] or against an order of punishment imposing a fine not exceeding Rs. five,[32] or censure, or suspension pending enquiry,[33] or grant of leave without allowances.[34]

The person who did not prefer an appeal within the prescribed time was deemed to have forfeited his right of appeal unless he adduced satisfactory reasons for not preferring an appeal in time. By this omission to prefer an appeal in time against supersession, he waived his right to that post in favour of the particular person appointed But his claims on future vacancies were not affected.[35]

The procedure for preferring appeals was as follows. The appeal should be preferred within the prescribed period through the head of the department to which the petitioner belonged; it should contain material facts; the President should forward the appeal petition with such remarks as he may consider necessary in regard to the accuracy of the statements made, inferences drawn in the appeal, with such records as he may consider necessary for the disposal of the appeal.[36] But there was one lacuna in the whole procedure. And this was taken advantage of by the Presidents. The rule did not prescribe the time within which the President should forward the appeal petition to the appellate authority. Therefore, some of the Presidents delayed the submission of appeals to the appellate authority by several months, and in some instances even a year. In 1938, the Government directed the Presidents to forward the appeals within one month from the date of their receipt.[37] Even then, the Presidents did not pay heed to the orders of the Government. In 1939, the Government threatened to remove from office, such of the Presidents who did not forward the appeals within the prescribed period.[38]

31 G. O. No. 3600. L. M. 18-9-1932 In 1932, the seniors in the ministerial service were allowed to prefer an appeal when their juniors were promoted over-looking their claims. In 1935, the ministerial posts were divided into two, selection and non-selection, and promotions to the selection posts were generally made on the basis of merit and therefore seniors were denied of the right of appeal when a junior was promoted to a selection post on the basis of merit, See G. O. No. 276. L. M. 25-1-35.

32 G. O. No. 1078. L. 4-6-1888. In 1888, the Surgeon General suggested that no appeal should be allowed against an order of fine not exceeding Rs. 5. But the Government did not accept the suggestion.

33 G. O. No. 3600. L. 8-9-1932.

34 Memo No. 14016. L. A. 16-5-1935. It was considered that the grant of leave without allowances was not a punishment. But the Inspector may draw the attention of the President to the rules and direct him to revise the order.

35 Memo. No; 2989. S. A. 7-11-1941.

36 G. O. No. 453. L. 8-3-1894. In 1937, the Presidents were instructed to submit all original records connected with or bearing upon the case. G. O. No. 1596. L M. 29-4-1937.

37 G. O. No. 1701. L A. 9-5-1938.

38 „ 4104. L. A. 23-10-1939.

The authority to hear the appeals differed from time to time. During the period 1885–1920, there were two authorities, the Board and the Government. The Government heard appeals from medical officers, Deputy Inspectors of vaccination, elementary school teachers who were formerly in Government service but transferred to the service of the Board and officers whose appointment was sanctioned by the Government.[39] All others appealed to the Board. The decision of the board was final.

After twenty yeare of trial the Government came to the conclusion that the boards did not bring a judicious attitude to the disposal of appeals, particularly those relating to dismissals and suspensions. They, therefore, permitted the Presidents to prefer an appeal to the Government aginst the orders of the board.[40] In 1920, the Legislature itself came to the conclusion that the boards were not the proper authorities to hear appeals. They were therefore divested of this power and vested it in a Standing Committee, consisting of the President and four other members elected by the Board. The committee was authorised to hear appeals from all servants of the Board whose salary was less than Rs. 250. All others had to prefer appeals to the Government.[41] Even this arrangement did not work satisfactorily. The committee like the board was influenced by considerations other than administrative in the disposal of appeals. In 1930, the Act was amended and the right to hear appeals was assumed by the Government and the Government delegated this power to the departmental heads,[42] with certain exceptions.[43]

For many reasons one may not prefer an appeal even though the orders issued by the President may be perverse and highhanded. To meet such circumstances, it was open to the appellate authority to call for

39 G. O. No. 701. F. 26-6-1886.

40 „ 450. L. 25-4-1905.

See also M. L. C. P. 1908. 3-4-1908. Speech of Mr. Thomson. He said, "The culprit goes round to the members prostrates himself before them and seeks their protection. Being so appealed to, they accord him protection... An average member is constitutionally unfit to discharge the duties of an appellate authority".

41 G. O. No. 1926. L. M. 31-8-1923.

42 „ 934. Edn. 28-4-1934. The Director of Public Instruction heard all appeals from the teachers employed in the elementary and secondary schools, librarians and library attenders. See also the G. O. No. 1587. Edn. 9-11-1942. (2) The Inspector of Municipal Councils and Local Boards heard all appeals from the non-technical servants of the boards G. O No. 1600. L. A. 4-6-1940., (3) The Chief Engineer Communications heard all appeals from the technical staff of the Engineering department. G. O. No. 1600. L. A. 26-4-1943. The Director of Public Health heard all appeals from the technical staff of the Public Health Department.

43 G. O. No. 445. Edn. 22-2-1938' But appeals from the Headmasters of the Secondary Schools were heard by the Government. A second appeal could be preferred to the Government against an order of the Inspector confirming on appeal the order of the President dismissing a secretray.

records and review an order of punishment and set aside, if necessary, any such order.[44]

The appellate authority may allow an appeal, if the punishing authority did not follow the procedure prescribed or if the material on which the charges were framed was flimsy or if there was no conclusive proof.[45]

An appeal may be rejected if it was not preferred through the proper channel within the prescribed period or if it was not intelligible, or couched in a language which, in the opinion of the Government was disloyal, disrespectful or improper or if it would interfere with the discretionary powers vested in another authority.[46]

The appellate authority may reduce the punishment inflicted if it was found disproportionately excessive having regard to the nature and degree of proof of the charges and to the extenuating circumstance or he may enhance the punishment, if it was found disproportionately low compared to the gravity of the charges. He may even direct the President, after obtaining the sanction of the Government, to institute fresh disciplinary proceedings against those who were left off with light punishments. Above all, the appellate authority was authorised to determine the nature of punishment to be inflicted and direct the President to carry out his orders.

Generally appeals were preferred against almost every order of punishment and sometimes they were rejected not on grounds of merit but on other considerations.[47] But generally appeals were allowed on sound reasons. They were allowed if a person was unnecessarily bullied[48] or if

44 Memo No. 2089. L. A. 7-11-1941.

45 The appellate authority may condone a technical defect in the appeal preferred, if the circumstances warranted such indulgence

46 G. O. No. 183. P. 5-3-1910.

47 ,, 2811. L. 1-12-1894. Some times prestige prevented the Government from allowing an appeal. For instance, the Chief Secretary to the Government Madras wrote on an appeal preferred by an overseer as followes. "The man seemed to have been rather badly dealt with but the Hon. Member then in charge of the department thought otherwise. There seems to be no reason for going back on the decision arrived at."

48 G. O. No. 1054. L. 19-6-1895. The President of the Tinnvelly board reduced a supervisor to the post of an overseer on the ground that he was indolent in the discharge of his duties and showed incapacity in supervising the work of his subordinates. The person preferred an appeal against the order of the President. The President did not forward the appeal to the board, which was clearly illegal. Then he applied for leave even on loss of pay. The request was refused. In utter disgust he resigned his job and then preferred an appeal to the Government. The Government directed the President to place the appeal before the board for its consideration. The board considered that the punishment inflicted was too excessive. The person requested the the President to reinstate him. But the President informed the person to seek service elsewhere. The matter was again taken to the notice of the Government which considered that the servant was bullied out of the service and ordered the President to reinstate him.

a full enquiry was not conducted as required by rules[49] or if the action of the President was arbitrary,[50] or if the punishment inflicted was 'a monstrous one.'[51]

From the above it is evident that effective barriers were erected against the abuse of powers by the President. In 1871, there was no right of appeal against an order of the President inflicting a punishment. In 1886, only certain classes of servants were given this privilege and that too for certain classes of punishment. But in 1932, all servants including the probationers were given this right against all orders of punishment excepting fine and suspension pending enquiry. Further, a radical change was effected in the agency to hear appeals. The history of the agencies created from time to time to hear appeals reveals the fact that constant efforts were made to reconcile the two conflicting principles, viz. the principle of democratic control over public personnel and the principle that the elected representatives should not have anything to do with disciplinary administration. The reconciliation could not be brought about and in the end the latter triumphed. The reasons are obvious. As long as the appellate authority was the board, the service was permeated with suspicion, fear, intrigue and low morale. These have been largely removed with the assumption of this power by Government.

49 G. P. I. office No. 4747-1934. The President of the Malabar board ousted a teacher without conducting full enquiry. The order of punishment was set aside.

50 The President of the Kurnool Board (1937) arbitrarily ousted teachers who have put in five years of service. The order of the President was set aside.

51 D. P. I. office No. 5242-1934. The President of the East Godavari board appointed a teacher as head-master, over looking the claims of another person. The order was set aside.

See also D. P. I. office No. 1132-1943. The Director of Public Instruction remarked in one case "a punishment of dismissal from service and the denial of the Provident Fund Bonus seems to me to be too monstrous a punishment inflicted on a poor elementary school teacher".

CHAPTER VII

RETIREMENT

An official career is bought to an end by several means, by resignation, by expiration of a fixed term of office, or reaching a moment when by reason of age or infirmity one may have to retire. Resignation is an act by which a civil servant indicates his desire to give up his duties at a stage when he can continue in service. But his resignation may not be accepted. Until it is accepted, a resignation does not attain its finality. The formality of accepting resignations was intended to serve a number of purposes. Firstly, one may decide to resign in a hasty manner. Secondly, to paralyse administration employees may resign 'en masse'. Thirdly a resignation may be submitted in order to escape disciplinary action. Under these circumstances, the head of the department may refuse to accept the resignation.[1]

Retirement on the other hand is a compulsory separation of the person from the post. It is the distinctive feature of personnel administration. The main object of a retirement system is the maintenance of efficiency of administration. It facilitates the elimination of the superannuated and the disabled. Above all, it gives opportunities to several others for advancement in their respective positions. Thus, a proper retirement plan would not only eliminate the inefficient but would also keep up the morale of the whole personnel.[2]

At what stage one should retire? It was laid down that every one should retire at the age of 55. But in exceptional circumstances a person who had attained the age of 55 could be retained in service with the sanction of the Government.[3] Such extension should not be given for more than one year at a time nor to a person who had attained the age of 60.[4] Though the rules were precise and definite, the Presidents do not seem to have observed them in practice. The Director of Public Instruction reported to the Government, several cases of teachers who had attained the age of 55 still in service, even though qualified teachers were available.[5] Since 1932, however, the rule was enforced very rigorously and no person was retained in service beyond the age of 55, particularly when a probationer was waiting for promotion. Exceptions

1 White. Modern Civil Service, p. 253.
2 ,, Introduction to the Study of Public Administration.
4 G. O. No. 2342. L. M. 2-6-1936.
5 ,, 5009. L. M. 2-12-1933.

were, however, made in the case of persons who belong to the technical services.

Superannuation Schemes:—Any properly planned system of retirement should insure the superannuated persons against penniless old age or pauperism due to disability. The payment of pension should not be considered as an act of charity or as a reward for long and faithful service. It is a part of his salary set apart during active service for payment after retirement The superannuation schemes devised for the benefit of the employees of the boards have an interesting history. In 1871, the Local Fund Service was not ordinarily pensionable. But a circle board could with the previous sanction of the Government, subscribe pensionary contribution for certain classes of its servants. In 1871, the Madras Government suggested to the Government of India that service under the circle boards may be made pensionary.[6] After due consideration certain services were declared pensionable.[7]

In 1879, when the local fund public works which were till then under the administrative control of the Public Works Department, were handed over to the control of the circle boards, proposals were submitted by the boards for the organization of a separate engineering establishment. While passing orders on the proposals of the Nellore board, the Government requested the Board of Revenue to examine the entire question of pensions to the servants of the circle boards.[9] After exhaustive consideration of the question, the Government came to the conclusion in 1881, that service under local boards should not be entitled to pension.[10] This decision was, however, not given retrospective effect.[11] All those who were in pensionable service on the 20th May 1881 were entitled to pension.[12]

In 1886, under peculiar circumstances the Government was forced to accept the principle that service under the boards should be pensionable. In that year, the draft rules framed by the Government regarding the grant of pensions to municipal servants were published for general information and criticism. The first of the rules laid down that the municipal servants were not entitled to pension. This rule was objected to by several municipalities on the ground that the proposed rule was unduly harash and that it would prevent better type of men from entering service.

6 G. O. No. 607. Mis. F. 25-10-1871.
7 ,, 431. F. 13-3-1874.
9 ,, 2345. F. 18-12-1879.
10 ,, 906. F. 20-5-1881.
11 ,, 1915. F. 6-10-1881.
12 ,, 383. F. 25-5-1882.

After careful consideration the Government came to the conclusion that absolute deprivation of the municipal servants of the possibility of obtaining pension would be inexpedient and accordingly proposed to rule that municipal councils might be permitted to subscribe on account of any of their servants for pension under the Civil Pension Code.[16] It was, therefore, laid down that no scheme for pension should be adopted by a council without the previous sanction of the Government. Applying the same principle to the local fund servants, the local fund rules were modified to enable the boards to subscribe on account of any of their servants for pension under the Civil Pension Code with the previous sanction of the Government.[14] Taking advantage of this provision some of the boards had applied to the Government for permission to make certain services pensionable. Thus, pension was one of the means by which the superannuated persons were provided with.[15]

Another method was the Provident Fund scheme. This was first introduced in Tanjore. In 1888, the President of the Tanjore board submitted a scheme for the benefit of the employees of the board. The main features of the scheme were that each employee joining the fund should pay a subscription not exceeding one anna in the rupee of his salary. The board should add an equal amount so paid from its own funds. The total amount should be invested in the Postal Savings bank and should be drawn for payment only after the retirement of the subscriber.

The scheme was sanctioned with certain modifications.[17] It was introduced in Tanjore (in 1890), Anantapur, (1891) Kistna (1892), Tinnevelley, (1892) Madura, (1896) South Kanara (1896) and Kurnool (1897). In 1897, the Government requested the boards to adopt a uniform system of Provident Fund scheme and framed model rules for adoption by the boards.[18] The Provident Fund Rules which the Government issued since then till the year 1932, were only model rules. The boards were at liberty to vary them. But in 1932, the Government issued rules under the Act and all the boards were required to adopt them without any modification.

The main features of the scheme were:

(a) Prior to 1920, only permanent servants in superior service and who had attained the age of 20 but not 40 were permitted to subscribe to

13 G. O. No. 972. M. 27-9-1887.
14 ,, 2293. L. 6-12-1888.
15 ,, 631. L. 15-3-1890.
16 ,, 631. L. 15-3-1890.
17 ,, 990. L. 25-5-1888.
18 ,, 1675. L. 7-7-1890.

the fund.[19] In 1920, it was laid down that those who had attained the age of 55 or who had completed 30 years of service should not be permitted to subscribe to the fund. In 1929, the above rule was modified and all persons irrespective of their age were permitted to subscribe to the fund.[20] But those who have already been admitted to the benefits of pension were ineligible to subscribe to the fund.

(b) Prior to 1920, the subscriber was given the discretion to nominate any one to receive the amount standing to his credit in the event of his death while in service.[21] In 1920, it was felt that this provision was not in harmony with the policy of the fund. It was, therefore, made obligatory on the part of the subscriber to nominate his wife and children as beneficiaries of the fund.[22]

(c) The payment of bonus was subject to several conditions. For instance, in 1890, persons who resigned or who were removed or dismissed from service were paid only the amount they subscribed and the interest thereon but not bonus. If he retired prematurely, owing to illness or reduction of staff or some other cause other than his own conduct or if he died while in service, bonus was paid according to the length of the service rendered.[23] In 1920, however, the rules were liberalised and bonus was paid to every one excepting to those who were dismissed from service, irrespective of the amount of service rendered.[24]

(d) Prior to 1920, the subscription and the bonus amount were to be withdrawn from the postal savings account only in the event of death of the subscriber while in service or after his retirement. In 1929, some of the boards represented to the Government that their subordinates may be permitted to pay the premium on a policy of life insurance instead of subscribing to the Provident Fund. The Government did not accept the suggestion but permitted the boards to invest any portion of the amount standing to the credit of an employee in such a policy, subject to the condition that the policies were assigned in favour of the President. But the board was not to be held responsible for any loss or damage that might occur to such a policy.[25]

(e) Prior to 1932, the amount that should be subscribed by the members of the Fund was fixed at 6¼ percent of the salary drawn. In 1932,

19 G. O. No. 3427. L. M. 23-7 1929.
20 ,, 2916. L. M. 19-6-1929.
21 ,, 411. L. 3-3-1896.
22 ,, 52. L. 20-1-1920.
23 ,, 411. L. 3-3-1896.
24 ,, 52. L. 10-1-1920.
25 ,, 3290. L. M. 12-7-1929.

the subscribers were permitted to contribute any sum up to 15 percent but not less than 6¼ percent of the salary drawn.

Finally, no provision was made at first for the payment of advances to a subscriber from the subscription amount to meet emergencies. In 1930, the President was permitted to sanction temporary advances to a subscriber from the amount standing to his credit in the fund provided, the pecuniary circumstances of the subscriber justified the grant of an advance; that the amount advanced should in no case exceed the amount of subscription and interest thereon, standing to the credit of the subscriber.[26]

So far about Provident Fund scheme. We now come to the third kind of superannuation scheme viz. gratuity. In 1871, the Government informed the circle boards that they were prepared to consider on their merits applications from boards for gratuities on behalf of persons who were not admitted to any other benefit.[27] At first, the rules framed for the grant of gratuity were vague. They did not specify the minimum amount of service which one should render so as to be eligible to draw gratuity. They simply stated that cases of those with long and good service would be considered.[28] But in 1893, it was definitely laid down that only those who had rendered service of not less than 20 years would be eligible for gratuity.[29] But the board could recommend the cases of others to the Government for consideration.[30] Subsequently, this minimum period was reduced to five years.[31]

The classes of persons eligible for gratuity varied from time to time. We had already noted that persons who had already been admitted to the benefits of provident fund or pension were not eligible to gratuity. In regard to others, the principle that was followed was that those "whose services could be obtained by private employers should not be paid any gratuity"[32] Further, those who were dismissed from service or called upon to resign or were removed from service or resigned without permission were not paid gratuity.[33]

The amount of gratuity that should be paid was also fixed by the Government.[34] The rates of gratuity fixed were the maximum rates and

26 G. O. No. 2198. L. A. 18-6-1940.
27 „ 1874. F. 7-8-1871.
28 „ 2927. L. 15-11-1890.
29 „ 343. L. 16-2-1893.
30 „ 2183. L. 11-12-1913.
31 „ 4309. L. M. 26-10-1928.
32 „ 343. L. 16-2-1893.
33 „ 4309. L. M. 26-10-1928.
34 „ 932. L. 27-7-1903.

the boards were at liberty to vary them. The basis of calculation was the pay drawn at the time of retirement. Further, it was sanctioned only when the service rendered was satisfactory. The service rendered under different local bodies was also taken into account in calculating the period of service and the liability for the payment of gratuity was apportioned among the local bodies.

The superannuation schemes so far considered related to the superior servants. As regards the inferior servants they were not entitled to the benefits of any one of the schemes mentioned above. They were given invalid or compensatory gratuity.[35] The grant of this gratuity was subjected to the conditions, similar to those noted above. It was only in 1942, a bonus fund was constituted for the benefit of the conservancy menials. A person admitted to the benefits of this fund was not entitled to gratuity of any kind.[36]

From the above survey it is evident that there was no uniformity in the superannuation schemes. All the three schemes were in operation in all the boards. The peculiarity was that in one and the same board, some were eligible to pension while others to Provident Fund. In 1926, pension system was in operation in 20 of the 24 boards and the Provident Fund scheme in all the boards. Lack of uniformity in the superannuation schemes was one of the obstacles to the transfer of employees from one board to another.[37] Since 1922, however, the Provident Fund scheme became popular and the pension scheme has been almost eliminated by the end of the period under review. In this connection, it may be stated that the Government itself encouraged the boards to adopt the Provident Fund scheme instead of the pension scheme.[38] Of the two, Provident Fund scheme was more popular with the employees.

35 G. O. No. 633. L. 16-3-1888.
36 „ 4024. L. A. 28-10-1937.
37 „ 1729. P. H. 5-6-1942.
38 „ 86. L. 16-1-1897.

CHAPTER VIII.

RIGHTS AND OBLIGATIONS.

The personnel of a well organised service are entitled to certain rights but they are also under certain obligations. The number and nature of their rights, however, depend upon the integrity and importance of the service. Invariably, however, all the services are entitled to certain minimum rights. One of them is leave with allowances. The general desirability of a liberal vacation policy needs no emphasis. "Not only is such a policy dictated by humane and social considerations but even more forcibly by considerations of the service. It is a bulwark against stagnation, staleness and dis-satisfaction and a positive means of improving attendance throughout the year."

The boards were authorised to frame regulations governing leave conditions subject to the condition that the regulations so framed by them should not be more liberal than the leave conditions to which the Government servants were subjected to. But the boards generally adopted the leave rules framed by the Government.

During the period under review three kinds of leave regulations were in force. Upto 31st December 1921, the Civil Service Regulations were in force. From 1st January 1922 to 14th September 1933 the Fundamental Rules were in force. Since 15th September 1933, the Madras Leave Rules were in force. Those who were under the Civil Service Regulations came under the Fundamental Rules after their adoption by the boards. But when the Madras Leave Rules were introduced the employees who were governed by the Fundamental Rules were allowed to continue under them. Therefore, at the end of the period two kinds of leave rules were in force.

The features common to all the three were, leave could not be claimed as a matter of right; the grant of leave was left to the discretion of the authority concerned; leave was earned by duty; leave was granted out of the balance of leave standing to his credit in the leave account; under extra-ordinary circumstances leave might be granted even though there was no leave to the credit of the person concerned; the amount of privilege leave was reduced by one month for each year of duty from the leave account of those employed in the vacation departments; and finally, whenever a servant was called on to attend office on authorised holidays, except as a punishment, he was granted another day in its place. But not more than seven such holidays should be allowed to accumulate. Such

holidays could be combined with casual leave or other holidays provided the period of absence did not exceed ten days.

We shall now describe the main features of the three systems of leave rules. Under the Civil Service Regulations, a person earned leave at the rate of 1/11 of the period spent on duty but ceased to earn leave if he had to his credit four months' leave; and leave taken both on medical certificate and without medical certificate should not exceed six months at a time. Under the Fundamental Rules, a person earned leave at the rate of two days for every eleven days of duty. Out of these two days, half was granted on full average pay and the remaining half on the half average pay or quarter average pay as the case may be. The difference between the Civil Service Regulations and the Fundamental Rules was that under the latter, accumulation of leave was permissible but not so under the former. Secondly, the maximum amount of leave that could be granted on full average pay was four months under the Civil Service Regulations and eight months under the Fundamental Rules. Thus the leave conditions under the Fundamental Rules were more liberal than under the Civil Service Regulations. The very liberality afforded opportunities to the parties concerned to abuse this privilege. For instance, leave preparatory to retirement should be limited to four months provided he had leave to his credit. In order to evade this restriction some of the servants were permitted to return to duty just a few days prior to the date of retirement after having been on leave for a long period on medical certificate. In order to prevent such evasions the Government ruled that a period of three months should intervene between the date of return to duty from leave on medical certificate and the date of retirement. Again, it afforded opportunities for the practice of nepotism and the liquidation of political debts. Further a good number of servants went on long leave just to escape punishment for their misdeeds. Finally, many of the servants did not avail of the provision and as a consequence the accumulated leave was not used. The Government, therefore, came to the conclusion that the only way by which the subordinates may be compelled to go on leave was to abolish the system of unlimited accumulation of leave. Accordingly, the Fundamental Rules were superseded by the Madras Leave Rules. The essential features of the Madras Leave Rules were, leave was of two kinds, earned leave and un-earned leave. Under the first, leave was earned at the rate of 1/11 of the period spent on duty but one ceased to earn leave if he had to his credit 90 days in his leave account.

The un-earned leave was of two kinds, leave to settle private affairs and leave on medical grounds. The maximum amount of leave that may be granted to settle private affairs was six months for the entire period of

service and at a time not more than three months' leave could be taken to settle private affairs but it could be combined with medical leave and such combination should not exceed six months. Leave on medical certificate could be granted to a permanent servant for one year in all. If one year's medical leave was exhausted, a further period of six months could be granted in exceptional cases. In addition, extraordinary leave could be granted when no other leave was available. A servant was paid full pay while on earned leave and half pay while on leave to settle private affairs or on medical certificate and no pay while on extraordinary leave. Female servants were entitled to two months' maternity leave on full pay, whatever may be the category of the service to which they belonged.

As regards the inferior servants, they earned leave at the rate of 1/22 of the period spent on duty and ceased to earn when they had to their credit 30 days in their leave account. They were also entitled to medical leave for a period of six months in all and extraordinary leave. They were paid average pay while on earned leave subject to condition that no substitute was appointed. But when a substitute was appointed, only half of the salary was paid. But when on medical certificate they were paid full salary, leave not taken within the year lapsed at the end of the year.

In addition, every servant, irrespective of the service to which he belonged was entitled to casual leave for a period of 15 days in a calender year. This provision was made to meet unforseen circumstances. But casual leave should not be taken to enjoy a holiday or to take rest. It should be availed of only when it was absolutely necessary for a servant to absent himself from duty. It should not be granted for more than seven days at a time. It may be combined with other holidays provided such combination did not exceed 10 days at a time. It was not permissible to combine casual leave with any other leave.

Next to leave comes the right of association. This right enables men of similar skills to come together for the inter-change of opinion, for the testing of views which are more essential than even intellectual gifts. The clash of personality which is inevitable when such meetings take place enables every one concerned to widen his outlook and enrich his stock of knowledge. But the history of unionism among the servants of the boards shows that it progressed at varying rates of speed. Prior to the dyarchic period no associations or unions were formed by the servants of the boards Only on two occasions, the District Board Engineers exchanged notes by post. Unionism was, therefore, a product of the present century. Principal of these associations were the Local Board Employees' Association, the Local and Municipal Engineers' Conference, the Health Officers' Conference and the Teachers' Federation.

The principal demands of these associations were tenure of office during the King's pleasure, judicial procedure in disciplinary cases and improvement in the scales of pay and working conditions

Of all the associations, the Local Fund and Municipal Engineers' Conference functioned most properly. It met annually without fail. It had a secretariat of its own. Papers relating to professional matters and administrative procedure were read at the conference. Next comes the Local Boards' Employees' Association. It carried on a vigorous campaign, on constitutional lines, for the improvement of the conditions of pay. The resolutions passed at its annual sessions were communicated to the Government for suitable action.

We need not go into the details of these associations. But one defect which we noticed in all these associations, with the possible exception of the Engineers' Conference, was that they were not placed on firm foundations The causes are not difficult to seek. In the forefront of them was the veiled hostility of the boards and the Government. They discouraged the formation of associations. Secondly, the boards' service was heterogeneous in the extreme. There were teachers, clerks, health inspectors and health visitors, midwives, overseers and supervisors. Obviously, they could not all pull together. This inherent weakness was the cause of their disunion. Above all, they existed as long as the Government recognised their existence. Before granting recognition to any association, several conditions were stipulated. One of them was that the Government may withdraw the recognition at any time without assigning any reason. But the most important condition was that they should not go on strike under any circumstances.

We think that instead of having separate associations for separate purposes, it is advisable to have one association for all local government officers, say a Federation of the Local Government Officers like the Indian Science Congress, with different branches. The Indian Science Congress, has separate sections for subjects like Physics, Chemistry, Zoology, Botony and Psychology but with a common secretariat and with a common end in view. On similar lines, it is desirable to have one association for all local government officers with a common secretariat and common Journal. The one obvious advantage resulting from this arrangement would be that, apart from the fact that it would improve the personnel of the service, the inclusion in its membership of a few eminent administrators would raise the outlook and character of the association.

Obligations:–There can be no rights without duties. Rights and duties go hand in hand. The nature of these obligations have not been specified

at first. Even in the later years, though some of these obligations have been specified, others have been left unspecified. But by common consent they have been observed. For instance both the sexes were expected to observe traditional proprieties and avoid publicity.

Explicit regulations were, however, framed forbidding the servants of the boards from canvassing or otherwise interfering or influencing in any way an election to a representative body except recording his vote. Even then he was directed to avoid as far as possible giving any indication beforehand of the direction in which he intended to vote.[1] Further, they were enjoined to be strictly neutral in political matters.[2]

The next obligation was that a public servant must dedicate himself to the service of the public. He is therefore a whole-time servant of the board. From this it follows that it was incumbent on him not to accept any appointment when on leave without the consent of the authority concerned. Any officer who violated this rule was liable to be discharged from service.[3] Furthermore, they should not undertake any private trade or employment.[4]

They were also enjoined not to give expression to their opinions or communicate them to the public through the Press. At first, the civil servants had no right to communicate their views to the Press. Later on, with the growth of the nationalist movement, disloyal and seditious propaganda was made by non-co-operators. To defend and explain the policy of the Government, public servants were permitted to communicate to the Press, facts, for the purpose of removing misapprehensions and for correcting mis-statements. But even then, he was prohibited from making any communication to the Press in regard to the policy or acts of the Government without the consent of Government. While communicating his views, he should refrain from making any reference to individuals who may be in opposition to the Government. But in 1937, the Congress Government

1. G. O. No, 1627. L. 24-12-1919.

2. G. O. No. 1503. L. A. 25-4-1938.

3. G. O. No. 499. L. 2-3-1888. Prior to 1888, the boards' servants took leave and accepted some other appointment. In 1888, this was prohibited. In 1893, they were permitted to work as village post-masters, (G. O. No. 1105. L. 19-5-1893) undertake private tuitions with the permission of the President (G O No. 810, L. 15-6-1918) or take part in the promotion of co-operative societies, (G. O. No. 3368 L. M. 18-7-1929) and accept remuneration for such work with the sanction of the President. (G. O. No. 692. L M. 1931.)

4 G. O. No. 1685 L A. 20 6-1941. An official was not responsible if his wife or any member of the family living with or in any way dependent on him carried on any trade or business. But if the employee financed the trade and shared the profits and if his interest in the trade interfered with the due discharge of his official duties, the President could take suitable action against the person concerned.

forbade such activities and the civil servants were prohibited from making any communication to the Press even under a psuedo-name. In 1940, however, these restrictions were removed and the servants of the boards were used for propoganda purposes.

Now the question is whether the official should use the Press for communicating his views. The writer thinks that both the public and the officials have certainly much to gain and little to lose by free mutual discussion. Each side has facts to communicate which the other may not possess. The officials, in a country where democratic ideals are followed, should explain the administrative difficulties which are not obvious to the lay mind, while the non-officials should tell him frankly what the people think and feel. But if the mouths of the public servants are sealed they will tend to form into a caste by themselves and their fellow citizens will regard them not as friends willing to help but as adversaries ready to hit when least expected. An official with a lively mind will naturally feel the need to widen his knowledge and develop his faculty of understanding by free discussion with the members of the public. Then only he can keep his mind open to realities. If such contacts are made punishable the quality of the service will deteriorate.

Further, public servants must not only be honest in fact but should not give room to any one to suspect their integrity. In other words, a servant of a board should not accept any gift, gratuity or reward from any person; nor should he engage himself in the collection of funds. He should furnish the President, a half-yearly statement of all the immovable properties held or acquired by him or by his wife or by any member of his family living in or in any way dependent on him. Finally, he was prohibited from having any pecuniary transactions with the local fund contractors.

Again, every servant was expected to observe utmost reticence in official matters. He should not disclose official information which had come into his possession in the course of his official duties. He was also under an obligation to point out to his superiors the mistakes they had committed from ignorance of relevant facts or from other causes.

Finally, he should not go on strike. In other words, he had no right to strike work to get his grievances redressed. In recent times, the employees appealed to the Government for the removal of this prohibition and at times they even threatened to go on strike. Such threats were met by disciplinary action. Recently five hundred elementary school teachers of a local authority went on strike. All of them were at first kept under suspension and were ultimately dismissed. The question is whether the employees should have the right to go on strike. The practice is that it

was not conceded in any state though it was recognised in the industrial world. We think that this right should nod be conceded, not because that the servants of the boards should be given a differential treatment from the industrial workers but because public welfare demands the uninterrupted operation of public services, such as water supply, lighting, medical relief and medical health services. But then equity demands that the reasonable demands of the public servants should receive due consideration. This can best be achieved by the establishment of an organization like the Whitley Councils consisting of the representative of the employer and the employees. These councils may settle questions relating to salary and working conditions. The greatest merit of the suggestion is the psychological satisfaction which a subordinate derives. He would feel that he had a right to urge his claims on a footing of equality and this feeling would eliminate a serious degree of discontent and would change the attitude of the staff towards the employer.

Conclusion :—We have so far surveyed the entire field of personnel administration in the boards. We may now legitimately ask a question whether it was efficient. A reference to facts clearly shows that it was inefficient throughout a major part of the period. In 1895, the Chief Secretary to the Government of Madras, Mr. J. F. Price wrote, "that many of the District Board Engineers were not worth the pay which they were getting". The Hon. Member in charge of the Department of Local Self-Government, Mr. Bliss, agreed with Mr. Price. He wrote "I am not prepared to say that the existing system is working well. To a very great extent this seems to me to be because Presidents of local bodies do not employ suitable persons as District Board Engineers and Assistant Engineers". Not because that competent men were not available but because they preferred the members of a particular race for the posts. Mr. Bliss continued "They (the Presidents) are always running after Europeans for the posts and of course for the pay they can give, commonly get very inferior Europeans. I think they had far better try to get good natives. Such men exist I believe.....Natives if properly selected and properly supervised do well enough as Divisional Engineers; and I cannot see why they should not do well in the local fund engineering department." This state of affairs prevailed not only in the engineering department but also in the ministerial and public health sections and this we had already noted. In 1920, the Financial Relations Committee reported that the services under the local boards were filled by men and women who did not fare well in any other service.

If these are the facts, one must inevitably come to the conclusion that the prestige of the service was almost nil and its morale was low at least

during the period 1885-1930. This may be attributed to several factors. Firstly, there was no dynamic or imaginative leadership. Leadership does not consist in the mere issuance of orders. Effective leadership depends upon personal contact with the employees and the confidence which it infuses in the subordinates. The over-worked Collector-President had no time to establish personal contact with the servants of the board and left the control of the staff to the Head-Quarters Deputy Collector who in turn left it to the control of the manager of the District Board Office. Thus the manager was the *de facto* authority that controlled the personnel.

Secondly, service under boards afforded no opportunities to grow in it. Further, unsatisfactory working conditions and absence of reasonable scales of pay impaired the morale of the service. In other words, there was no scope for the free play of the basic qualities of the most human beings, viz. to impress themselves and their peculiar qualities in the organization and develope these qualities in course of time. Again, there was a widely accepted opinion that service under Government afforded opportunities for financial gain, though we think that this was only a belief not based on firm foundations. Above all, some of the President viewed the control of personnel as a personal matter and not as an independent administrative problem and subjected the subordinates to daily insults. Under such circumstances, competent men and women did not seek service under the boards. A venerable book says, "Ye shall not live by bread alone". This ancient wisdom illustrates the fact that mere salary alone is not the deciding factor. Other factors such as respect for the dignity of the individual must also be present.

Probably all these factors influenced the Government to take the initiative for the improvement of the quality of the personnel. The first step it took was the provincialisation of the services of the heads of the departments. The second step was the assumption of power to introduce uniform scales of pay for all employees; thirdly, it assumed power to transfer employees from place to place and to hear appeals against the orders of the President inflicting punishments. These measures produced remarkable results. Not only did they increase the efficiency of the services they also brought about a high degree of contentment. Since 1932, the morale and prestige of the services slowly increased and most of the services were filled by competent men and women.

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Local Self-Government
IN THE
MADRAS PRESIDENCY
1850–1919

BY
K. P. K. PILLAY

CHAPTER I
INTRODUCTION
SECTION 1

It is indisputable that a traditional form of local self-government had existed in South India from ancient times.[1] Classical Tamil Literature of the so-called Sangam Age, assignable to the early centuries of the Christian Era, abounds in references to 'manram' and 'podiyil' - words which denote village assembly.[2] Naccinarkiniyar,[3] the celebrated commentator of 'Tolkappiyam', explains 'Manram' as the open place in the centre of the village where all people met under the shade of a tree. Further, it is clear from purananuru that it was at the 'Manram' that the villagers met to dispense justice.[4] Details concerning these early institutions are not known; but it is presumable that they were the primitive assemblies of the people where common matters of the village were transacted.

Beginning from the 10th century A.D. hundreds of inscriptions are available which throw light on rural institutions and their working. They reveal beyond any doubt that government by means of primary assemblies comprising the adult males of each village was the central feature of rural administration.[5] The organisation and activities of these institutions, as well as their democratic character, have evoked the admiration of many scholars.

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1. North India developed an autonomous system of rural administration beginning from the Vedic Age. See P. Banerjee: "Public Administration in Ancient India" (1916) pp. 290 et seq; "Arthasastra" ed. by Shama Sastry (1909) Book II, Chapter I; and Rhys Davids: "Buddhist India', (1903) pp. 49 et seq.

2. e.g. 'Purananuru' (a Sangam Classic, edited by Swaminatha Aiyar 1923) Stanzas 34. 128 and 390.

3. 'Tolkappiyam' is the earliest Tamil work extant. (ed. by S. K. Pillay 1934). Naccinarkiniyar is believed to have written his famous commentary in the Sangam Age.

4. 'Purananuru' Stanzas 46 and 220.

5. There are occasional references to women members on village assemblies; apparently, women were under no absolute prohibition. See Madras Epigraphist's Annual Report 1909-10. p 98.

But, in the first flush of enthusiasm that followed the publication of the famous Uttaramerur inscriptions,[6] writers were inclined to make hasty and unwarranted generalisations. The common tendency was to believe that the elaborate organisation found in Uttaramerur was typical of the whole of South India.[7]

In fact, the Chola inscriptions reveal that there were two types of village assemblies. By far the largest number of villages in South India had an assembly called "Ur". On the other hand, brahmadeya villages,[8] namely those bestowed as royal gifts on brahmins, had an assembly known as 'Sabha' or 'Mahasabha'. Difference in terminology apart, the organisation of the two types of assemblies presented certain variations. However, most of the available inscriptions pertain to brahmadeyas, and so, we have much fuller information about them than about ordinary villages. The 'Uttaramerur' and 'Ukkal'[9] inscriptions, as also the epigraph at 'Manur',[10] are the most outstanding records relating to brahmadeya assemblies.

Though the brahmadeya had within its confines agriculturists, craftsmen, potters, washermen and others, there can be no doubt that the Sabha or assembly consisted only of the brahmin inhabitants. This is clear from the Manur inscription specifically insisting upon a knowledge of the Vedas as a qualification essential for membership. Again, the fact that meetings of the Sabha were sometimes held in the Agrasala of the temple, that is the feeding-place of brahmins, precluded the possibility of the presence of any but brahmins.[11]

The Sabha had invariably an elaborate machinery for administering the affairs of the village. In many brahmadeyas, Variyams or Committees of the Sabha were constituted and entrusted with specific duties. By far the fullest knowledge about them is gathered from the Uttaramerur inscriptions. We hear of separate committees, responsible for the administration of gardens, tank, charities, justice

6. 'Uttaramerur' is a village in the Chingelput District of the Madras Presidency. The inscriptions were published by Ven ayya in the 'Archaeological Survey of India Report' for 1904–5, p. 135.

7. See, for example: Mukherjee: "Local Government in Ancient India" (1919) pp. 150 ff: Majumdar: "Corporate Life in Ancient India" (1922) pp. 176–77. Altekar: "Village Communities in Western India" (1927) p. 123; John Matthai: "Village Government in British India" (1915) pp. 27–29. A more discriminating account is given by K. A. N. Sastry in his "Colas" (1937) Vol. II, pp. 277–81.

8. Faith in the unique merit of the gift of land to brahmins induced kings to settle villages on Brahmin colonists. These brahmadeya (given to brahmins) villages were described also as 'chaturvedi mangalam'.

9. "South Indian Inscriptions" Vol. III, Part I, pp. 1–22.

10. "Epigraphica Indica" Vol. XXII, pp. 5–11.

11. Suchindram Inscriptions – Travancore Archæological Series Vol. IV, pp. 118–20.

and so on. It is most interesting to learn that the committees were elected by a machinery for casting lots. Bits of palm-leaf on which were written the names of eligible persons were thrown into a narrow-mouthed pot and well shaken in the presence of the whole assembly; and a child was asked to take out one after another as many of the bits as were required for the purpose of the constitution of the committees. The number of members in each committee varied from four to twelve.[12]

From the numerous references to Variyams in other inscriptions, it is legitimate to infer that the committee system was adopted in most of the brahmadeyas.[13] But it must be clearly observed that we do not have any knowledge as to how the committees in other brahmadeyas were constituted. There seems to be little justification for the conclusion that the manner of forming committees was identical in all the Brahmadayas. Much less it can be asserted that the same methods was employed in all villages-brahmadeya and non-brahmadeya.[14]

The information we get about Ur or the general assembly in villages other than brahmadeyas, is rather meagre. It appears that the Sabha and Ur coexisted in places where a new settlement of brahmins was superimposed on a more ancient community. The common people continued to meet as Ur and manage their affairs as before; the newcomers formed themselves into a Sabha. In such cases the Ur functioned alongside of the Sabha acting by itself or in collaboration with the Sabha according as the business on hand required.[15] But in the rest of the villages-and they formed the largest number-the Ur was the only assembly.[16]

12. See K. A. N. Sastry: "Studies in Cola History and Administration" (1932) pp. 107-117 for a concise and critical account of the Uttaramerur inscriptions.

13. See, for example, the inscriptions of Manur and Ukkal referred to above. Another interesting example is seen from the inscription at Amani narayana caturvedimangalam, where as many as nine Variyams were set up. cf. " South Indian Inscriptions " Vol. III no. 156. 11. 1–3.

14. Dikshitar's statement that " in the election of *village* officials such as the accountant, both election and lot on the Athenian model were made use of " ("Hindu Administrative Institutions" p. 361) is inaccurate in two respects. Firstly, there is the common mistake of attributing to all *villages* the system found in Uttaramerur, for which positive evidence is lacking. Secondly, the Uttaramerur practice itself was not exactly similar to the Athenian method. In the former, there was no election prior to the lot; on the other hand, certain men of each ward were *nominated*, from among whom the members were chosen by lot.

15 'South Indian Inscriptions' Vol. III, Nos. 180 and 186. See also Madras Epigraphist's Report No. 88 of 1926.

16. ' Ur ' of the Tamils corresponds to the 'Tarakkuttam' of the Malayalees of South India and to the 'Panchayat' of Northern India. On Tarakkuttam refer to K. P. P. Menon: " History of Kerala" (1924) Vol. I, pp. 251–2. ' Panchayat ' etymologically means 'group of five' ; but the village panchayat had apparently no connection with that number. It was a common noun denoting assembly.

The Ur does not seem to have been so compact or well organised as the Sabha. In all probability, the Ur consisted of all the inhabitants of a village. From the occurrence of the expression 'Urom' (meaning the people of the Ur or village)[17] in certain inscriptions, it is likely that the assembly was attended by all the male residents.[18] The Ur had an executive body called 'alunganam' literally meaning 'ruling group'. But there is no means of knowing either the normal numerical strength of this executive nor the manner of its appointment. One thing seems certain from the references in the inscriptions, that it could not have been appointed by the Government.

Concerning the procedure adopted in the deliberations of the assemblies, both of Ur and of Sabha, no light is thrown by inscriptions. There is no evidence that votes were taken. As each question came up, there must have been a general discussion in which the leading men took part and the final decision was reached by common agreement. A unanimous decision rather than the view of the majority was the thing aimed at and very often secured.[19] On the whole, it appears that the proceedings were rather rudimentary and were akin to those of early folk-gatherings.

In respect of duties undertaken by the assemblies, inscriptions tend to show that there was no fundamental difference between the Sabha and the Ur. The functions of both the bodies were of a wide and varied nature. Management of the temple, its properties, the tanks, gardens and charitable institutions - all connected directly or indirectly with the temple, as well as the settlement of disputes among the people, were some of the important duties. In the ordinary village, no less than in the brahmadeya, the temple formed the centre of life, and many activities of the assemblies were intimately connected with it. It has been rightly said of Hindu temples in the past, that "they were fortresses, treasuries, court-houses, parks, fairs, exhibition-sheds, halls of learning and of pleasure, all in one,"[20] and

17. 'Ur' in Tamil denotes village also.

18. There is clear evidence that there were village assemblies in the 10th century A. D. which comprised all the men of the village including cultivators, professionals and merchants. See Madras Epigraphist's Report for 1912-13 p. 28. Further, an inscription of Raja Raja (985-1013 A. D.) mentions 40 villages, where the villagers as a body seem to have managed their common affairs. See Archæological Survey of India 1904-05, p. 130.

Again, in the Private Diary of Anandaranga Pillay who served as agent to Dupleix in the middle of the 18th century, there is an entry referring to a village meeting to consider a case of desecration of the village temple, " in which people of all castes-from the Brahmin to the Pariah-took part." (The Private Diary of Anandaranga Pillay, J. F. Price Madras, 1914, Vol. I, pp.332-3)

19.. This is the procedure adopted by village gatherings of modern times occasionally summoned for settling common questions.

20. " Indian Antiquary " Vol. XXIV, p 256. n. 41.

unless the large place filled by the temple in the social and economic life of its neighbourhood is firmly grasped, it would not be easy to understand why the village assemblies were so much pre-occupied with the temple and its affairs.

Among other services performed by the assemblies were the preservation and maintenance of public health, protection against robbers, relief of the needy, watersupply, irrigation, public roads and education of the young.[21] Schools of higher learning, found mostly in brahmadeyas, were attached to temples and, 'mathas',[22] and were managed by the Sabha.[23]

A remarkable feature of the rural organisation was that some industries were owned and managed by the brahmadeya as well as by the ordinary village. Evidently, it was based on the idea that the artisans were public servants of the village. From inscriptions of the 10th and 11th centuries it would appear that each village owned a certain number of looms and the weavers who worked them were maintained out of a common fund.[24] Apparently, every village was a self-sufficient unit.

All the available sources of information indicate that the villages were allowed a free hand in the discharge of their functions. Both in the case of the Sabha and of the Ur, there appears to have occurred little interference from the Central Government, and that is what made these bodies really powerful. Even when the government officials appeared on the scene, it was only for regulating the constitutional arrangements of the assemblies in order to help their proper working or for collecting the royal revenue.

Though the royal dues were fixed by Government, every village was given complete freedom as to the nature and rate of taxes it levied for local needs. The virtual autonomy enjoyed by the villages is particularly seen from the supreme powers they exercised in the matter of granting exemption from local taxation. Numerous instances are found of assemblies granting remissions and assignments of dues without any reference to the King's government.[25]

21. For a full and lucid account of the duties undertaken by the village organisations, see John Matthai: " Village Government in British India" (London) 1915, p. 39 ff

22. A 'matha' was a religious association where philosophical and spiritual discussions were held. Mathas were found not only in brahmadeyes but in other villages as well. It is no exaggeration to say that the temple and the matha were the two great gifts of medieval Hinduism to Southern India.

23. For an account of the great efforts undertaken for promoting higher education see K. A. N. Sastry: "Colas", Vol. II, pp. 464-471.

24 e. g. Inscription published in 'Epigraphica Indica,' Vol. IV, p. 138.

25. See e. g. Madras Epigraphist's Report, No. 41 of 1898 and No. 321 of 1910.

While the villages had developed an autonomous administration suited to their needs, the towns which were few in number, had their own organisations. Reference occurs in the Tamil Classics to towns and the amenities they provided. Vanjikkaruvur, the capital of the Cheras,[26] Puhar or Kaverippattinam, the ancient capital of the Cholas,[27] Madura,[28] the renowned city of the Pandyas and Kanci,[29] which became the capital of the Pallavas later, are all described by the Sangam works. That great attention was paid to the development of towns may be inferred from the numerous references to their forts, broad streets, markets and parks. Remarkable is the mention made of a museum in the town of Kanci.[30]

Though urban life seems to have been all developed, it is extremely doubtful whether the towns had anything like a corporate municipal organisation in the Sangam Age. The mere occurrence of the word 'nagaramantar' in the Classics cannot be taken to denote, as supposed by some,[31] the corporate body of citizens in charge of the city's administration. Nor is the attempt of Dikshitar to connect the 'nagarattar' with the 'naigama' organisation of Sanskrit literature quite convincing.[32]

Undoubtedly we are on surer ground when we come to the age of the Imperial Cholas commencing with the 10th century A.D. Inscriptions refer to town-assemblies called 'Nagaram',[33] corresponding to the village Ur. There was, however, one difference; while most of the towns appear to have been inhabited by people of all castes, some were exclusively confined to members of a particular caste like weavers.[34]

Epigraphic evidence indicates that the 'Nagaram' was organised as one of the local assemblies in important trade centres, and that, it was

26 'Puranaauru' – Stanzas 11 and 387; 'Silappadikaram' (ed. by V. Swaminatha Aiyar 1920), Canto XXVI line 50 and 'Padirruppattu' (ed by V. Swaminatha Aiyar 1889), Stanza 60.

27. 'Silappadikaram', Cantos II and XIII.

28. 'Ahananuru' (ed. by R. Raghava Aiyangar 1920), Stanza 116.

29. 'Maduraikkanci' (ed. by V. Swaminatha Aiyar, 1889), 11.351 ff.

30. Ibid 11.351-52.

31. Jayaraman's statement that "full-fledged municipal life in the Tamil country has been testified to by the Sangam works" lacks support. Still more unsustainable is his attempt to establish a connection between South Indian town life and the famous municipal organisation of Pataliputra described by Megasthenes. cf. Article by Jayaraman in Quarterly Journal of Local Self-Government, Bombay. July, 1940.

32. V. R. R. Dikshitar: "Hindu Administrative Institutions" (1929), p. 363.

33 'Nagaram' is also the common noun denoting town.

34. The term 'Saliyanagarattom' means the 'nagaram' (town) of Saliyars or weavers. Cf. Madras Epigraphist's Report, 268 of 1921.

the only local assembly in places where the mercantile interests overshadowed all the rate.[35] The status and functions of the 'Nagaram' appear to show a marked resemblance to those of the 'Ur'. But it is not known whether the 'Nagaram' executed its activities by means of committees, and, if so, how they were constituted.

However, it is certain that the urban organisation had a much less uninterrupted history than that of the villages. On account of the Muslim incursions, and later, of the Vijayanagar invasions, towns were attacked and their institutions overthrown. Villages, on the other hand, enjoyed greater immunity, and, even when attacked, the rural organisations were not usually destroyed. There is positive evidence that the village assemblies continued to function more or less in the traditional manner even in the beginning of the last century. The encomiums bestowed on the village institutions of India by observant British Indian administrators of the early 19th century, though we may not accept them as literally true, are clear proof, that until then, the village continued to maintain its virile corporate existence.[36]

Before proceeding to examine the causes which led to the breakdown of these age-long institutions, an estimate of their real importance may be attempted. This is a matter of practical interest for recently, efforts have been made to revive the rural organisations.[37] Moreover, critics have often held that British administrators committed a blunder in allowing the village institutions to wither away without building up local self-government on the foundations of the traditional system.[38]

35. Madras Epigraphist's Reports: Nos. 243 of 1894; 40 and 66 of 1895 and 6 of 1897.

36. The oft-quoted observations of Sir Charles Metcalfe and Sir George Birdwood are reproduced in Mukherji's "Local Government in Ancient India" pp 2-3. Sir John Malcolm, Mountstuart Elphinstone & Sir Thomas Munro, among others, were admirers of the stability of Indian village life. The Hon. Mr. A. G. Cardew, I.C.S., in his evidence before the Decentralization Commission, (Vol. II, p 239) said "The village community in this (Madras) Presidency is a very important organisation even now, though its vitality has diminished under British rule."

37 Act XIV of 1920 in Madras sought to strengthen village panchayats. In 1947 bills for introducing "village self-government" were introduced in Madras and Bombay.

38. Royal Commission on Decentralization Report 1908, Vol. I, Para. 699 "It is probable, indeed, that the scant success of the efforts hitherto made to introduce a system of rural self-government is largely due to the fact that we have not built up from the bottom." See Evidence of Rev. A. Andrew, a Missionary, before the Decentralization Commission. He said "I think it is a great mistake that the simple Panchayat system has been allowed to die out." Decentralization Commission Report 1908, Vol. II, p. 215.

Concerning the merits of the time-honoured rural institutions, divergent views have been expressed. In the 19th century and early part of the present, several writers spoke highly of the indigenous organisation. From the days of Lord Metcalfe, the village communities of India have been frequently described as "little republics". And incidentally, it may be observed that some confusion has undoubtedly resulted by applying to them a term which bears certain concrete political associations. However, following the lead given by early British administrators, enthusiastic Indian writers lavished extravagant praise on the rural institutions and presented an over-drawn picture of them.[39] A tendency to idealize the time-honoured system appeared, and it looked as though to cast a doubt on the democratic nature of ancient Indian society and government was a mortal sin against patriotism.

While the euologies of early admirers overshot the mark, the criticisms of some recent writers seem to be irrelevant and meaningless. They ignore the background of the social and political conditions under which the institutions flourished. They try to judge the age-long system by modern standards and evaluate it in terms of modern terminology. For example, Coatman, writing on the early institutions of local self-government in India says that "they were not constructed on the elective principle, were not correlated with the institutions of superior administration, had few definite functions and were not regarded as representatives of the locality by the State, which was inclined to ignore them."[40]

Obviously, some of the criticisms like those relating to functions and correlation with the government are inapplicable to the South Indian system. Nor, need the absence of the elective principle be unduly stressed, for a direct assembly of the people is normally more

39. Among works of this category the following may be specially mentioned: S. K. Aiyangar:—

(1) Ancient India. (1911)

(2) "Evolution of Hindu Administrative Institutions of South India." (1913)

(3) Some contributions of South India to Indian Culture. (1923)

K. V. Subrahmonia Aiyar: "Historical Sketches of Ancient Dekkan." (1917)

See also Annie Beasant : " India, Bond or Free " (1926)

40. Moral and Material Progress Report of India for 1927-28, p. 346. Apparently his remarks are intended to apply to the whole of India including the South. A more or less similar view is expressed in the Imperial Gazetteer Vol. IV, pp. 281-282. A striking example of assessing the system in terms of modern conditions is seen in " Village Panchayats in India " (p. 5) by Drummond, I. C. S., where, he writes "Compared with– say – the London Transport Board, it may have been dilatory, unenterprising and far from impartial " A fantastic comparison indeed ! However, Drummond himself recognises that the old institutions fulfilled the peoples' needs.

democratic than one based on election and representation. Above all, the fundamental defect of the criticism is that it overlooks the fact that these institutions were eminently suited to the social, religious and economic conditions of the people. On the whole,it seems that, despite its imperfections and drawbacks, the indigenous system had served the needs of the people in a rough and ready manner and had become thoroughly harmonized to their ways of life.

Why did these hoary institutions decay? Several factors have directly and indirectly contributed to bring about their disintegration. In the first place, the establishment of a well-organised administration by the British brought even the remotest village under its comprehensive machinery. The Provincial Government through its officials controlled the entire region; and activities which were formerly carried on by the villagers came to be administered by the agents of government. Departments like those of Police, Public Works, Public Health and Education took over the respective branches of administration. True, the change has brought much good; but, incidentally the cohesion of the village has broken down.[41] Secondly, the establishment of civil and criminal courts, with their jurisdictions extending throughout the country, struck a fatal blow at the most important function of the assemblies.[42] The new courts of justice were resorted to more readily than the older system, not because the decisions of the former were always unobjectionable, but because the entire machinery of government was made available to them for giving effect to their decisions. Thirdly, the rapid improvement of communication hastened the transition. Further, the development of western education imperceptibly fostered an individualistic tendency among the educated classes. Simultaneously, there took place an ever-increasing emigration of the more advanced sections of the community to towns . Above all, the introduction of the Ryotwari settlement in Madras by Sir Thomas Munro tended to disintegrate the communal cohesion. Under

41. Sometimes it is believed that District Officers disapproved of Village Panchayats and positively discouraged them. See, for example, the evidence of W. F. Grahame, I C S. (Retd.). Decentralization Commission Report Vol. II, p. 179. Even if this charge were true, the real causes for their decay lay deeper.

42. It must be pointed out that the Madras Government tried to encourage the village courts to function. In 1816 the Madras Regulation V was passed which authorised the courts to try petty cases; Madras Act I of 1889 conferred on the village courts civil jurisdiction up to Rs. 200. But people preferred the courts of the Government.

However, when Sir T. Munro urged the Home Government to make the panchayats an integral portion of the judicial system, there was so much feeling against the panchayat both in England and in India on the ground that it might become an instrument of abuse that it was placed under such restrictions as to deprive it of all its utility. See Munro's Memorandum of 1824 quoted by the Rev. Gleig: " Life of Sir T. Munro " (1849) p 311.

the cumulative stress of these forces the inevitable happened: the old village system crumbled and very nearly collapsed. Consequently, when the British administrators tried to build up local self-government in the Province they had to start afresh; the new system introduced, was entirely a British creation.[43]

SECTION II

A history of modern local self-government may best be preceded by a brief survey of the economic and social conditions of the period. It is obvious that these fundamental factors of life determined, in a large measure, the success of the new experiment.

The Madras Presidency, the southernmost Province, extends over a large part of Peninsular India. If India as a whole is a subcontinent, this major Province itself is of vast size, comprising an area of 126,166 square miles. A considerable part of the region is endowed with fertile soil, and agriculture has been all along the principal source of income for the people. But rainfall is inadequate and unsteady. During summer most of the rivers become dry; and the inconstant supply of water renders them less suitable for permanent irrigation works. The result is that, except in the Deltaic regions, the yield from the land is poor. The average income is meagre, and a low standard of life is the natural outcome.[44] In its turn, the low standard of life has reduced the scope of further improvement of cultivation and the vicious circle has had a disastrous effect on the people.[45] Poverty and occasional famines, as well as frequent epidemics, have harassed the country. During the last hundred years considerable progress has been achieved in the direction of arresting these chronic evils; but the task is so tremendous that only a partial relief has been secured.

Unfortunately there have persisted some deep-seated obstacles to rural progress. Cultivation is still continued on primitive lines. Subdivision and fragmentation of land have reduced the size of the holding. Lack of adequate communications and of organised trade have arrested marketing facilities. The absence of suitable part-time

43. It is difficult to maintain that the Village Unions established by Act V of 1884 were identical with the old village assemblies. See Infra Chapter III, p. 84.

44. The official estimate of income per head in 1931, puts the average at 94 shillings. This may be compared with £94 estimated as the average English income for the year 1930, which suggests the convenient mnemonic that for every shilling in an Indian's purse an Englishman has a pound.

45. The Indian Industrial Commission points out how little the standard of living in rural India has been affected by the civilising forces now at work in the country. (Page 11 and 151 of the Industrial Commission Report 1919).

employment[46] for the cultivator, who does not find work on his land for more than three months in the year, has aggravated his difficulties and driven him into the clutches of the usurious moneylender. The cumulative effect of these circumstances is that the average peasant leads little better than a hand-to-mouth existence, with small means for meeting his limited needs.

On the other hand, the population of the Province has been steadily increasing. From about 22 millions in 1851 it rose to well over 42 millions in 1921.[47] The normal rate of increase is calculated to be 7.95 per mile per annum at which rate the population would double itself in 87½ years.[48]

The large size of the Province and of its growing population has influenced in no small measure the machinery of government, central as well as local. For the purpose of revenue administration, the Presidency is divided into Districts. The officers of other Departments are generally distributed according to the territorial divisions adopted by the Revenue Department.

In 1850 the Province consisted of 19 Districts and in 1871 two more were added. Administrative necessity, due to the growth of population on the one hand and of governmental activities on the other, has compelled an increase in the number of Districts from time to time, until at present the total has reached 26. On 5th January 1882, Anantapur was formed into a District out of Bellary. On 1st October 1904, the three Districts of Kistna, Nellore and Godavari were reconstituted into four Districts by the addition of Guntur. On 1st June 1910 a new District called Ramnad was formed out of older Madura and Tinnevelly. On 1st April 1911, a District called Chittor was constituted by the regrouping of units (taluks) in the North Arcot, Cuddapah, South Arcot and Salem Districts. Thus, in 1919 the total number of Districts was 25.[49] Each District in its turn has been divided into from two to six divisions, most divisions into taluks, and each taluk into a number of villages.

In a region so vast as the Madras Presidency with different varieties of climate and fertility of soil and inhabited by people of diverse religions and castes, it is natural to find villages of several types. On

46. Industrial development has been much slower in South India than in the North, largely due to lack of coal and iron. Excepting a few cotton mills in Madras, Madura and Coimbatore, there are few industrial concerns worth mentioning.

47. See Appendix Table No. I.

48. From 1856 to 1876 the rate of increase was even higher than normal; but the famine of 1876–78 took a heavy toll.

49. On 15th April 1925, two Districts, West Godavari and Kistna were formed out of the old District of Kistna. The then existing District of Godavari was renamed as East Godavari.

the one hand, there is the village common to the Agency Division "a tiny temporary affair, containing only a couple of huts and a cattle byre", perpetually shifted from place to place according to the exigencies of the season or the requirements of cultivation. On the other hand, there is the village typical of the Decan, fortified over a hundred years ago, and still presenting traces of the old stone-walls and circular watch towers. Compelled to live within fortifications, the inhabitants were forced to crowd their square flat-roofed houses so close to each other that in many such villages there are barely one or two streets wide enough to admit an ordinary country cart, the other thoroughfares being merely 'tortuous' lanes. Villages of this type are seen also in those portions of the Salem District, which were the scene of successive campaigns in the Mysore Wars. A third variety of village is that found commonly in the Tamil country of the extreme south. Such a village has 3 or 4 broad streets, each bordered by the houses of the richer villagers; these houses are, as a rule, substantial buildings of solid masonry with tiled or terraced roofs. Invariably at one end of these streets is found the village temple, tank and the grazing ground for the village cattle, beyond which stretches an expanse of arable land. Behind, or interspersed among the houses of the higher classes, or often a little farther away from them is found a shapeless cluster of thatched mud huts in which the humbler folk, the so-called "untouchables" carry on their dreary existence. It is in these quarters that congestion and overcrowding are seen at their worst; the houses are invariably huddled close together without any consideration of drainage or ventilation.

Entirely different from all the above-mentioned types of villages are those of the West Coast. The Malabar village is in a class by itself. The distinctive feature about it is that the houses are not built in a continuous array. They are not constructed in regular or even irregular streets. Except perhaps in the case of a few bazaars which are close to each other, there is no contiguity at all among the houses. Each house, even the humblest, stands in its own little compound or garden which is, usually, thickly planted with areca and coconut palms jack trees, plantains, betel and pepper vines and the like. The West Coast village really covers a wide area, and often, it contains a great number of isolated homesteads.

The average villager, whatever type of village he lives, is concerned primarily with rainfall or the irrigation supply from wells or canals, with his cattle and their feeding and with his dues to government. Thus his interests are very much limited in scope. True, there is the round of religious festivals and social cermonies, but they do not take him far, bound as he is by the very meagre income he gets. No doubt new forces have been at work in recent times. His horizon is widening. But any change from the immemorial preoccupations of the average villager is bound to come very slowly indeed.

A distinctive feature of the village peasant is that there is no obvious link between the home of the individual cultivator and the fields he tills. His house is in the village, and the fields which make up his small holding are scattered over the wide area of land attached to the village. And the ever-increasing evils of subdivision and fragmentation of holdings have made the position worse. The average extent of holdings is reckoned to be less than 5 acres. Holdings are not consolidated and may be scattered over 3,4 or perhaps more different places.[50] The consequences are obvious.

Equally noteworthy is the isolated self-sufficient type of rural life that has continued for ages. Every village tends to be self-contained. Most of them have not been connected by metalled roads, much less by railways; post offices are many miles apart and telegraph offices are still more so.[51] Things are gradually changing; but, in the main, the picture is true of even present-day conditions.

Though villages are most numerous in the Presidency, towns and cities are not wanting. However, the distinction between a town and a village is not always very easy to draw, for some of the towns are no more than overgrown villages. According to the Census Report of India, the definition of a town is held to include besides Municipalities 'every continuous collection of houses inhabited by not less than 5,000 persons.' But it has been urged that the minimum of 5,000 fixed for an Indian town is too high. The following comment on the point by the Commissioner of the Census of India in 1911 is instructive: "In Germany 'landstadte' or places with a population of 2,000 to 5,000 are included in the urban category; in America the same category is used to include all 'incorporated' places with a population of 2,500 and upwards and in England all sanitary districts with 3,000 or more inhabitants. In fixing the standard for India at 5000, however, we have certainly not erred in the direction of over-exclusiveness. The local conditions are wholly different from those prevailing in Western countries; and the great majority of places with that number of inhabitants, whether Municipalities or not, partake rather of the nature of overgrown villages than of towns as the term is understood in Europe. Trade and industry are still to a great extent monopolized by the larger towns."[52]

According to the Indian Census Report of 1911 which fixed 5,000 as the minimum population for a town and 100,000 for a "city", the Madras Presidency contained three cities, namely, Madras, Madura and Trichinopoly. Madras is the capital of the Province. Madura is the centre of a great indigenous dyeing industry and has also two large

50. Royal Commission on Indian Agriculture 1930, p. 133.

51. Indian Statutory Commission Report on Constitutional Reforms 1930, Vol. I. pp. 16-17.

52. 'Census of India' 1911, Vol. I, Part I, p. 29.

cotton mills which employ a considerable number of labourers. Trichinopoly is the headquarters of the South Indian Railway and is, besides, a thriving centre of trade.

In 1913 the Government of Madras decided that all towns having a population of 50,000 or more, were also to be classified as cities for administrative purposes; and by 1920, fourteen towns were thus included in the category of cities.[53] They are (1) Calicut (2) Salem (3) Coimbatore (4) Conjeevaram (5) Kumbakonam (6) Tanjore (7) Negapatam (8) Mangalore (9) Rajahmundry (10) Tinnevelly (11) Cocanada (12)Cuddalore (13) Vellore and (14) Bellary.

Three of these towns,—Mangalore, Rajahmundry and Vellore—were included for the first time in 1920 in the list of cities. Mangalore is an important commercial and educational centre on the West Coast and its population had increased by 11.3% during the decade 1911-21. Rajahmundry the principal trade centre for the Godavari Delta showed an almost equal proportion of increase of population between 1911 and 1921. Vellore, on the other hand, did not witness a substantial rise of population during the same period, but it owes its importance partly to the historic tradition connected with it and partly to the fact that it is the administrative centre of the North Arcot District.

The towns which have increased remarkably in size, population and importance since the middle of the 19th century are Cocanada, Rajahmundry, Madura and Tinnevelly. Of these, Cocanada had apparently reached the limit of expansion by 1921, for in the decade 1911 to 1921, a slight fall in its population was recorded, whereas till 1910 it had been steadily increasing. Rajahmundry, on the other hand, presented a fairly consistent growth all through, though the rate of expansion has somewhat slackened since 1911. Madura also showed a steady increase of population from about the middle of the 19th century, though between 1911 and 1921 the rate of rise was considerably less than normal.[54] Tinnevelly had a consistent growth, though its remarkable increase in the decade preceding 1921 was mainly due to the absorption of outlying suburbs. The town is an important commercial and educational centre and it adjoins Palamcottah, which is the headquarters of the Tinnevelly District.

53. Census of Madras 1921, Page 38. By 1941, seven more towns were elevated to the rank of cities. They are Bezwada, Guntur, Tuticorin. Vizagapatam, Ellore, Masulipatam and Dindugal. cf Tables of the Census of Madras 1941, page. 24.

54. This is primarily attributed to the fact that in 1920–1921, plague attacked the town and as many as 15,000 to 20,000 residents are said to have left the town.

The total number of towns of each class as recorded in 1921 is shown in the following table.[55]

Serial No.	Population	No. of Towns.
(1)	100,000 and over.	3
(2)	Between 50,000 & 100,000	14
(3)	,, 20,000 & 50,000	38
(4)	,, 10,000 & 20,000	109
(5)	,, 50,000 & 10,000	135
(6)	Below 5,000	19

Towns in Madras owe their importance to a variety of circumstances. Some like Tuticorin or Virudhunagar, depend largely on local industries. Some, like Bezwada and Erode, have risen to prominence because of their commerce. Others like Srivilliputtur, Srirangam and Chidambaram have grown up round large and famous temples, while some, like Nellore and Kurnool, have become important partly by virtue of their history and partly by their being headquarters of the local administration. Some towns, of course, combine several or all of these features.

When all is said, the fact remains that the urban population in the Presidency, as in the rest of India, was not much more than 10% of the total population even in 1921. This is in striking contrast to the corresponding figure of 79% which formed the urban population of England. The Montague-Chelmsford Report describing the predominantly rural character of India says "In England and Wales, four-fifths of the people live in towns. India has many ancient and historic cities but taken all together, they hold but a tiny fraction of her enormous population.....226 out of 244 millions of people in British India may be said to live a rural life; and the proportion of those who ever give a thought to matters beyond the horizon of their villages is very small".[56] If India is pre-eminently a land of villages, the Madras Presidency is perfectly typical of India in this respect. Within the Presidency, the proportion of the urban population has been highest in the city of Madras and the District of Tinnevelly; it has been lowest in South Canara and the Kurnool Districts. The fundamental factor governing the distribution of population is the facility for procuring food. In the last resort, the population of a region, at any rate in Madras, is determined, in a large measure, by the amount of food that its soil can produce.

55. In the Census of 1921, 19 places having less than 5,000 inhabitants were also classified as towns because they were rising in importance and, it was confidently expected that the population would not fall short of 5,000 in due course. The anticipation proved true, for in 1931 all these 19 towns had over 5,000 inhabitants each. In 1941, the total number of towns was 406.

The upland districts of the Presidency abound in forests and uncultivated tracts, while the cultivated areas also yield less food stuffs with the rusult that the population is more sparse. In the inland tracts of some Districts like Canara and Malabar, Vizagapatam and Godavari, owing to the humidity of the climate and the enormous development of vegetation inimical to the well-being of the human race, man has been barely able to hold his own in the struggle for existence.

Population, on the whole, is most thickly distributed in the southern Districts of Tanjore, Malabar, South Arcot, Trichinopoly, Chingelput and Tinnevelly (in the order of density). Nearly the whole of the Tanjore District is a large rice field irrigated by the Cauvery river, and the density of population is a direct result of the productivity of the soil. In the Tanjore District the Kumbakonam Taluk which has within it the town of Kumbakonam, contained 1009 persons to a square mile in 1881; by 1921 the figure rose to 1,231.[57]

The distribution of population is also dense on the seaboard of the northern Districts as in Chicacole and Bimilipatam; but the hilly portions of these Districts are thinly populated. The seaboard taluks of Malabar also have a dense population. The inland districts of Kurnool, Cuddappah and Bellary, being unfertile and susceptible to famines, are the most sparsely populated of all.

Regarding the density of population in the different parts of the Presidency, the figures of the 1921 Census may be taken as roughly indicating the normal proportion between the various regions. "Of the natural divisions in Madras the least densely populated is, of course, the Agency which has only 75 persons to a square mile. Next comes the Deccan with 139 persons; the East Coast North Division has 345 and the East Coast Central division 375, while on the West Coast there are 415 and the East Coast South is the most densely populated division with 442 persons to the square mile."[58]

Concerning the Presidency as a whole, the following table shows that, with the exception of the decade in which occurred the great famine of 1877, progress in regard to density has been fairly steady for a number of years.

Year	Mean density per sq. mile.	Year	Mean density per sq. mile.
1871	220	1911	291
1881	217	1921	297
1891	251	1931	329
1901	269	1941	363

56. Report on Indian Constitutional Reforms 1918, Para, 133.
57. The corresponding figure in 1941 was 1,239.
58. Census Report of Madras 1921, page 18.

As a background for studying the progress of local self-government, it is essential that the distribution of the population among various occupations be gauged. The exercise of civic rights and duties depends to a certain extent on the occupations of the people, the group consciousness they develop and the leisure they afford.

Of every 100 persons in the Madras Presidency in 1921, 71 were engaged in agriculture, 13 in industry (including mines and transport), 6 in trade and 10 in other occupations. Of the "other" occupations, the most important were 'pasture', fishing and hunting, public administration, professions and the liberal arts, each of which, supported 1%. A comprison of this distribution with those of earlier decades[59] shows that there has been practically little change in the proportion of people engaged in these particular occupations over a considerable period in the past.[60] Agriculturists have plenty of leisure, but, mostly living in villages and bound by custom, superstition and ignorance, they are slack in taking full advantage of modern institutions of local self-government. Industrialists lack the organisation and corporate spirit common in Western countries. Those employed in the service of government are diasabled from membership of local bodies. The only class of people who have actively paritcipated and continue to do so, in local government are those pursuing the learned professions like lawyers and doctors as well as retired officials.

The most striking feature regarding the occupational distribution is that in all the fields of employment open to the average citizen, excepting a very small percentage of people, the rest have been earning little above the minimum wage-level, some even much less. And it is noteworthy that town life, which people engaged in several professions are compelled to lead, has involved additional expenditure. Cost of living in towns has always been higher than in villages. The result is that a good many of the town employees are hardly above the subsistence level.

A survey of the social conditions as an introduction to the study of local self-government would not be complete without a reference to the distribution of the population on the basis of religion, caste and language. The Province of Madras, like the rest of India, is a land of different races, creeds and communities. And these differences have, generally, exercised a profound influence in political and civic life. The working of representative institutions in recent times has unmistakably revealed the dominant part that religion, caste and language have played in politics. Not to speak of separate electorates and communal representation, elections to political bodies have been influenced in a large measure by sectional differences.

59. See Appendix. Table No. II.
60. In 1941, the proportion of people engaged in industry and in administration and the liberal arts showed a slight increase.

Very often, schemes undertaken by Provincial or Municipal Councils have been vitiated by sectional interests. Petty squabbles and obstructionist tendencies have marred the smooth and efficient working of the local bodies in particular. It is a notorious fact that factious spirit and litigious tendencies have led to disastrous consequences.[61] It seems that the inability of the self-governing units of local government to rise to their full height has been not a little due to those ever-widening cleavages. This fact, however unseemly, is a stark reality.

In the field of religion, the Madras Presidency is a little more fortunate than several Provinces in the North, for here the Muslim population is not a powerful or aggressive minority. In 1881 the Muslims numbered 1,924,625 or only about 1/15 of the total population and by 1921 there was barely an increase of about 900,000.[62] What is more important, the majority of the Muslims, both in the Eastern and Western Districts of the Province are converts of a recent date, mostly subsequent to the 18th century. Hence, that bitter animosity between the Hindus and Muslims so painfully persistent in the North, is not, as a rule, found here. The present position subsequent to the organisation of the Muslim League should not hide the fact that in Madras, at any rate until 1919, the political cleavage between the two sections was not acute. However, the tendency for the Muslims to think of themselves as a group different from the rest, was always present.

The distribution of the Muslim population in the Presidency varies from District to District. It is only in Malabar, South Kanara, the Deccan Districts and Madras that Muslims number about 10% of the total population. They are fewest in the District of Ganjam and in the Agency, where they form less than 1% of the inhabitants.

Table III shows that in 1921 for every 100 persons in the Presidency, 89 were Hindus, 7 were Muslims, 3 Christians and 1 Animist. This proportion was broadly the same in 1871 also. Only the Christian population had more than doubled itself; most of them had become converts since the latter part of the 19th century. It is remarkable that the Indian Christians of Madras have not organised themselves in the political field as an uncompromising group hostile to the other sections. Nevertheless, they too, are bound by common ties which cannot but be reflected in politics.

As for other religions, the proportion of their followers is very low, practically negligible. The Jains of North Arcot constitute the largest majority among the smaller groups, their number amounting to 25,493 in 1921. But they have never played a distinct role; for the most part, they seem to have identified themselves with Hindus, though an uncompromising hostility towards Brahmins is always persistent.

61. Regarding factions in villages and towns which were reflected in the working of local bodies see " Proceedings of the Madras Native Association " 1883, Page 144 ; Decentralization Commission Report 1908, Para, 699; and Idem Evidence pp. 101, 268 and 274.

62. See Appendix-Table No. III.

More than religion, it is caste that dominates the Madras Presidency. It is no exaggeration to say that nowhere else in India has the institution of caste such a tight hold as in the south. Nowhere else does such endless subdivision of caste prevail. Nowhere else is the position of the "Untouchable and Unapproachable" classes so despicable as in Madras.

No doubt, during the last thirty years or so, forces have been working towards the disintegration of the exclusiveness of caste. But these tendencies should not be exaggerated.[63] A deeper analysis getting beneath the superficial changes reveals that caste feeling shows little sign of weakening. Attempts which have been made to improve the lot of the"depressed classes" have often aroused feelings of resentment in some who would prefer to keep them depressed and this subdued resentment has found expression in an intensified caste hatred. The multiplication of caste "Sangams" or associations to further the interests of their own communities has developed a feeling for the caste as a corporate body and what may also be called, a caste patriotism. Moreover, the scramble for jobs and other preferences under Government have tended to accentuate caste feeling.

A peculiarly South Indian feature is that during the last hundred years and more, a tendency for the multiplication of sub-castes has been evident. Naturally the cohesive bonds of Hindu society have been seriously weakened and petty caste disputes have often taken an unfortunate shape. Early in the present century, the non-brahmin communities have, to some extent, organised themselves as a separate group. Politics of the early part of the century were dominated by the non-brahmin or "Justice" party. But the centrifugal forces within the group are too strong to permit of a long-standing cohesion.

Like caste, language formed another barrier to common understanding and concerted action. It is true that Madras is pre-eminently the Presidency of Dravidian languages. Of every 1,000 inhabitants of the Province, 924 speak a Dravidian language, 70 speak an Aryan language, 5 a Munda language and 1 an European language. But, there are different Dravidian languages though there exist common features among them. There are only nine Districts out of the 26, in which 90% of the people speak one language, as shown below [64]

63. See, for example, Sir Edward Blunt "Social Service in India" (1938) p. 62 The author is inclined to overrate the effect of educational progress on caste.

64. Before 1925, only 8 out of the 25 Districts spoke one language.

District	Language
(1) Vizagapatam	Telugu
(2) East Godavari	"
(3) West Godavari	"
(4) Kistna	"
(5) Guntur	"
(6) Nellore	"
(7) Tanjore	Tamil
(8) Tinnevelly	"
(9) Malabar	Malayalam.

It is noteworthy that there is far less mixture of languages in the Telugu Districts of the East Coast North Division than in any other part of the Presidency except Malabar. On the other hand, there are a considerable number of Telugu speakers in every Tamil District and even in the West Coast region; but the number of Tamil speakers in the Telugu Districts is insignificant.

The most disconcerting feature is that several of the Districts are notoriously bilingual or multilingual, and it is interesting to watch in these Districts the tendency of one language to obliterate another. The principal Districts presenting the feature are Bellary divided in allegiance between Kanarese, Telugu and Tamil, Coimbatore with Telugu and Kanarese competing with Tamil, the Nilgiris where practically all the main languages meet and where the tribal dialects of Badaga and Kurumba claim a wide acceptance, and South Kanara, where Kanarese, the official language of the District, is spoken by only 18% of the population, both Tulu and Malayalam being spoken by larger numbers. Above all, there is the 'Agency', a linguistic "Noman's land", where Munda, Dravidian and Aryan languages meet, and where primitive tribal tongues are found side by side with the more cultured languages of the country.

The presence of Musalmans in every District introduces another complication. Of course, the Mappillas of Malabar speak Malayalam: and in the southern Tamil Districts most Muslims speak Tamil. But "Hindustani" is returned as their language by Musalmans of every District. In fact, it is in most common use only in the Deccan Districts, in Guntur, Kistna, Nellore and North Arcot.

One general feature noticeable throughout the Prsidency, more prominently than in the rest of India, is that the intelligentsia and the educated people, whatever their mother tongue, employ the English language. In Municipal and District Boards too, whatever the bilingual or multilingual problem arises, English invariably comes to the rescue. It is when people with different mother tongues and ignorant of English, meet to deliberate on common business as in Taluk Boards and Union Panchayats, that the real difficulty arises.

Apart from the problem of common communication, language is a vital bond uniting people psychologically and emotionally. Where people of the same area have different mother-tongues, separatist and sectarian tendencies naturally persist. The power of the mother-tongue is so great that even among members of the same caste, linguistic differences have tended to keep them apart. Of the two forces, identity of caste urging unity and difference of language making for division, the latter is certainly stronger, with the result, that the difference of language has virtually the effect of splitting a caste into as many separate castes as there are languages spoken.

Finally, the progress in literacy has to be considered. It need hardly be stressed that civic or political activity is influenced in a large measure by the educational level reached by the people. And it is a notorious fact that the progress of literacy in India is disgracefully unsatisfactory even now. In 1921, only 86 in every thousand people in the Madras Presidency could read and write. This is said to represent an increase of 13 per mille over 1911 and a very considerable advance over the position of still earlier years. It is easy to imagine how woefully low the level of literacy was in the 19th century.[65]

Variation in the attainment of literacy is noticeable between the different Districts. Leaving out of account the city of Madras and the District of Nilgiris, the conditions of which are peculiar, the Districts with the highest proportion of literates are Tinnevelly, Tanjore, Malabar and Ramnad. The most backward Districts are Vizagapatam, Salem, Nellore and Cuddappah.

In cities and towns it is usual to find more literacy than in rural areas; there are more facilities for education, and in the strenuous life of a city the illiterates are more apt to feel the lack of the advantages which education gives them. In Madras city well over a third of the male population is literate, and it is remarkable that there are no less than 7 towns which contain a larger proportion of literate males than Madras. In 4 of these towns (Madura, Tanjore, Kumbakonam and Tinnevelly) more than half the male population is literate. Normally, a higher degree of public spirit and civic consciousness are found in towns than in villages.

In this connection, it is essential to remember the wide gulf that existed, and continues to exist, between literacy and education. Important as it is in other countries, in South India it is a crucial problem, for a considerable portion of the population returned in the Census as 'literate' has had no more education than that of the primary standard, Often, many persons who have attended only the first two or three classes of the Elementary School are returned as literate. And, after leaving school, the majority of them have no opportunity for improving the rudimentary knowledge acquired at

65 Appendix, Table No. IV.

the infant stage. No adult schools or continuation schools fill the gap. Moreover, factors like the newspaper, radio, cinema, libraries and exhibitions, which are of great educative value, have had a poor development until recently.

The low educational attainment of the people has vitally affected the progress of local self-government. An intelligent use of the vote and an active interest in local problems are basic conditions of success. But the inadequate development of education, coupled with the domination of custom and traditions, have stood in the way of adaptation to new conditions. Lack of adaptability is also partly traceable to the ascetic ideal inculcated by Indian religious teachings which exalt spiritual satisfactions over the material comforts of life and which engender a cynical belief in fatalism.66

Finally, it must be observed that public opinion has always showed a tardy development. The Press, the proverbial "fourth estate" of the democratic organisation has had a poor record of progress. No figures are available for the last century. But, judging from the statistics of the present century, it is evident that the role played by the press was anything but satisfactory. It is recorded that the number of newspapers and periodicals in circulation increased from 316 in 1911 to 463 in 1921 and that the estimated number of readers from 263,448 to 412,514.67 In the first place, this represents a very low number in relation to the total population of the Presidency. Secondly, the vast majority of the readers were English educated citizens of the towns. It can hardly be over-emphasized that the unsatisfactory development of public opinion has seriously retarded the promotion of an active and healthy interest in civic affairs.

66. What a discerning observer says about India as a whole seems perfectly applicable to the Madras Presidency as well. "The mass of its (India's) people live in mediaeval squalor—underfed, diseased, illiterate, the slaves of custom and of fate". Penderel Moon "The Future of India" (Pilot Press, 1945) page 8.

67 By 1941 considerable progress was witnessed. The number of newspapers and journals rose to 718 and the readers to 823,818.

CHAPTER II

THE DEVELOPMENT OF THE CENTRAL GOVERNMENT'S POLICY.

The key to the history of local self-government in the Madras Prsidency, and in India as a whole, is to be sought in the policy pursued by the Government of India. It was the Central Government which determined all questions of policy. Indeed, the most striking feature of British Indian administration from about the middle of the 19th century was the ever-increasing domination of the Central Government.

In 1833, 'the Governor-General of Bengal in Council' became 'the Governor-General of India in Council', and the subordinate Provinces of Madras and Bombay were deprived of the power to legislate. Though legislative power was restored to the Provinces in 1861, it was of a very limited nature. The local Legislatures could make laws for the 'peace and good government' of their respective Provinces; but no such law was to affect or run counter to any Act of the Governor-General's Legislative Council. Every local government submitted its legislative measures to the Government of India and the Secretary of State for their approval.

Nor were the Provinces allowed freedom in evolving new methods in the administrative or financial sphere. True, the routine administration was run by the Provincial authority, but all questions involving new principles were settled by the Central Government.1 In financial matters all powers were concentrated in the hands of the Governor-General ever since 1833. The entire revenues from the Provinces were treated as belonging to a single fund, expenditure from which could be authorised by the Governor-General in Council alone.2 The all-pervasive authority of the Central Government was correctly described by the Montague-Chelmsford Report thus: "In the past, the Government of India have regarded themselves as distinctly charged with the duty of framing policy and inspiring

1. Viscount Morley said: "The tendency in India is to override local authority, to force administration to run in official grooves". "Indian Speeches" by Viscount Morley, (Macmillan & Co. 1909), p. 21.

2 "The Provincial Governments could carry out no improvement, great or small, for which an actual expenditure of money was required. If it became necessary to spend £20 on a road between the local markets, to rebuild a stable that had tumbled down or entertain a servant on the wages of 10 shillings a month, the matter had to be formally reported for the orders of the Government of India." Sir John Strachey: "India: its Administration and Progress" (1911), p. 121.

reforms for the whole of India."[3] Under such circumstances, the introduction and extension of local self-government in any Province depended entirely on the Central Government.

In its turn, the Government of India was dominated by the Secretary of State, who was responsible to the British Parliament. Though the extent of influence wielded by the Secretary of State varied with the strength and personality of the holder of the office, generally, during the latter half of the 19th century, the tendency was for the office to grow in stature.[4] His position was, no doubt, complementary to that of the Governor-General; nevertheless, the last word naturally rested with the representative of the British Cabinet.

If we examine the views held by successive Governors-General and Secretaries of State in the 19th century, we find that, with a few remarkable exceptions, they had no definite aim in the matter of developing a progressive scheme of local self-government. Occasionally a tendency to introduce some elements of the British system is noticeable. Evidently this accounts for the first attempt made in Bengal by the Act of 1842 to extend municipal government outside the Presidency towns. The object of the Act was to enable the inhabitants of any town to make better provision for purposes connected with public health and convenience.[5] But the scheme rested entirely on a voluntary basis, for it could take effect only on the application of two-thirds of the householders, and as the taxation was to be direct, the law nowhere met with popular acceptance. In fact, it was introduced only in one town, and there, the inhabitants when called upon to pay the tax, not only refused but prosecuted the Collector for trespass when he attempted to levy it.[6]

Another Act followed in 1850, which allowed the establishment of municipal institutions in any town of British India. But, this Act too, was only of permissive nature. The Provincial Governments were empowered to bring the statute into operation only in those towns where the inhabitants were keen on having a municipal organi-

3. Report on Indian Constitutional Reforms. 1918, p. 99, para. 118. About 10 years earlier, the Decentralization Commission observed: "The essential point to be borne in mind is that, at present, even in matters primarily assigned to the Provincial Governments, these act as agents of the Government of India, who exercise a very full and constant check over their proceedings." Report of the Royal Commission on Decentralization (1908), Vol. I, Para. 44.

4. The telegraph as well as increased facilities of maritime communication resulting from the opening of the Suez Canal in 1869, provided ample scope for the "Home Government" to exercise an effective control over Indian affairs

5. M. M. Report 1882-83, p. 52

6. Imperial Gazetteer of India, Vol. IV, p. 286

sation. The Government was then authorised to appoint the Magistrate and a certain number of inhabitants, as might appear necessary, to be Commissioners who could administer the public health of the place.[7]

Though the Act of 1850 was freely used in the North-Western Province (now the United Provinces of Agra and Oudh), and to some extent in Bombay, it remained practically ineffective in Madras and and Bengal.[8] It was only when the Royal Army Sanitary Commssion of 1863 urged the extension of municipal administration, that Acts were passed to that effect in Madras, Bengal and the Punjab. The Acts, no doubt, authorised the employment of election for constituting municipalities, but, in fact, election was not actually introduced anywhere, except in the Punjab and the Central Provinces. Nor were the Municipalities entrusted with any substantial power; all that they could do was to concern themselves with the improvement of sanitation.

Such half-hearted and sporadic attempts did not carry local self-government far. In fact, the idea of promoting political education through training in local bodies did not seem to have weighed with the Governor-Generals before the time of Lord Mayo (1869-72). On the other hand, all the early Viceroys were engrossed in the improvement of the people's material prosperity. This all-absorbing aim is stressed by the Queen's Proclamation of 1858. It lays emphasis on the promotion of peace and good government, the improvement of the economic conditions, the establishment of religious toleration, the protection of rights already enjoyed by the princes or people and so on.[9] Not a word is found in the entire Proclamation about the rights of free citizenship, of liberty, nor of self-government for the people even as a remote ideal and the need of preparing the subjects for it through a systematic development of local self-government.

Indeed, it is clear that the ideal of benevolent paternalism animated the early British policy towards India. Apparently the British Government of those days acted on the principle of 'enlightened despotism' common in the 18th century, which had as its maxim: "everything for the people, nothing by the people". This is clearly evident from the aims underlying the policy of Sir Charles Wood, the first Secretary of State for India under the new regime. He effected a series of important reforms in the fields of education, public works and irrigation. And, according to the chronicler of his administration, these reforms emanated from his policy, which was

7. M. M. Report 1882-83, p. 52.

8. It is noteworthy that in 1860 Sir Charles Wood, the Secretary of State sent a Despatch (No 41 dated 30th April 1860) to the Governnor-General of India enquiring about the progress of municipal administration. But the enquiry by itself did not lead to any marked municipal progress.

9. Keith: Speeches and Documents on Indian Policy, I, p. 386.

"to govern India for the good of the greatest number of 180 millions consigned to the care of England."10

This dominant aim of improving the material prosperity is seen again from a description of the Government of India given by Sir William Hunter, a great Anglo-Indian administrator and a famous historian of British India. He said that the Indian Government, besides being the chief land holder, was also a great mineral proprietor.11 Again, Sir George Chesney, another prominent administrator, explained his ideal that a wise government and growing prosperity were the two ends he had in view.12 Then, that great champion of administrative efficiency, Lord Curzon, most enthusiastically advocated the ideal of beneficent paternalism to be achieved through administrative improvement.13

If from Conservative Secretaries of State, Viceroys and other administrator, we turn to Liberal statesmen, we find the same objectives and ideals actuating them too. The normal views of Liberal administrators were summed up by Sir Henry Fowler, the Secretary of State, in a speech on Indian affairs.14 He said:—"The policy of England in India is, in one word to develop the resources—agricultural, mineral, manufacturing and commercial—of that vast empire, to preserve to the Indian people the priceless privilege of the nation's guarantee of the individual freedom, the individual liberty, the individual right of every subject of the Queen, to uphold a rigid, stern, unbending impartiality in the administration of justice and to defend the people of India from the calamity of foreign wars and the still greater curse of intestine civil war." Thus, we see that ideas of preparing the people for ultimate freedom through sound training

10. Algernon West – " Sir Charles Wood's Administration of Indian Affairs from 1859 to 1866 ", (1867) p. 116.

11. W. W. Hunter: Life of the Earl of Mayo (Smith Elder and Coy. London, 1876) Vol. II, p. 329.

12. Sir George Chesney: " Indian Polity " (1894). pp. 394-395.

13. His aim was to make "India better equipped to face the many problems which confront her, stronger and better guarded on her frontiers, with her agriculture, her industries, her commerce, her education, her irrigation, her railways, her army and her police brought up to a higher state of efficiency, with every section of her administrative machinery in better repair, with her credit re-established, her currency restored, the material prosperity of her people enhanced and their loyalty strengthened. " Sir Thomas Raleigh: " Lord Curzon in India " (1906), p.147.

See also Ronaldshay: Life of Curzon Vol. II, 1928 pp. 163-165 for an elaborate account of his aims.

14. The speech was reported in the Times of 8th February 1895.

in local administration were conspicuous by their absence.15

The question naturally arises as to why there was such a remarkable omission of the aim of training Indians for free citizenship through a well-planned system of local self-government. England is the classic land of local self-government and of municipal home-rule; why did not her statesmen instictively think of implanting the system in India? There were substantial reasons.

In the first place, the era immediately succeeding the Mutiny of 1857 was most inopportune for experimenting on such innovations. A feeling of nervousness appeared and a tendency to slow down even social reform was the immediate consequence. Sir George Otto Trevelyan, assessing the influence of the Mutiny observes:—"Two months of Nana Sahib brought about an effect on the English character at the recollection of which Englishmen at home have already learnt to blush, but the lamentable consequences of which will be felt in India for generations yet unborn or unthought of".16 A certain amount of wariness, hesitation, fear and distrust concerning the political education of the people must have resulted from the Mutiny. During the succeeding years, therefore, no systematic policy of organising local self-government appeared. On the other hand, there continued only the tendency to concentrate upon material advancement ignoring all aims of moral or spiritual inspiration.17 Roads, bridges, canals, hospitals, railways, the maintenance of peace, the administration of justice, the organisation of famine relief, the encouragement of productive agriculture—these were tangible and safe things, obviously beneficent, obviously worth doing. The intangibles such as the deve-

15. Some Provinicial Governors like Sir Thomas Munro, Mountstuart Elphinstone, and Sir Charles Metcalfe had a great admration for the indigenous system of rural adminstration of the past; at the same time, they believed that Indians would have to be trained to govern themselves. For example, Elphinstone wrote in 1819 thus: " If we can manage our native army and keep out the Russians, I see nothing to threaten the safety of our Empire—until the natives become enlightened under our tuition, and a separation becomes desirable to both parties. " Munro wrote in 1824: "Whenever such a time shall arrive (that is, when the natives become sufficiently enlightened to frame a regular government for themselves and to conduct and preserve it), it will probably be best for both countries that the British control over India should gradually be withdrawn.....We shall in time so far *improve the character of our Indian subjects as to enable them to govern and protect themselves*". These are wise and statesmanlike words. Local self-government was the natural sphere through which the training of the people could have been attempted. But unfortunately, neither Elphinstone nor Munro, nor other Governors for a long time, thought of this important sphere of reform.

16. Sir George Otto Trevelyan: " Competition wallah", p. 283 (Macmillan & Co. 1864).

17. Thompson and Garrett: " Rise and Fulfilment of British Rule in India " (Macmillan 1934) – " The decade which followed the Mutiny was the heyday of the paternal system", p. 476.

lopment of Indian nationlity or the encouragement of political integration were left to the people themselves.18 Apparently, political education through local self-governing institutions was also considered one of the intangibles!

Yet another circumstance was responsible for this concentration on material welfare to the exclusion of political training. This was the doctrine of Benthamism dominant in England during the latter part of the 19th century. Bentham's Utilitarian theory, compendiously expressed in the maxim, "the greatest happiness of the greatest number" laid great stress on the promotion of material prosperity. And, there was no necessary connection between Benthamism and the democratic creed.19

It is noteworthy that Austin, one of the ardent disciples of Bentham, had profound influence over Indian administrators like Sir Henry Maine and Sir James Fitzjames Stephen. Furthermore, Bentham's philosophy was the dominant creed at the Universities of Oxford and Cambridge from which the Indian Civil Service was largely recruited. No wonder, therefore, that Englishmen going out to India as Viceroys or as members of the Indian Civil Service, steeped in Benthamism. concentrated on promoting material welfare to the exclusion of all other aims.20

In fairness to the British statesmen must be noticed an extenuating circumstance which partly explains the absence of a steady policy of local self-government. The British have never been devotees of a-priori theories and political maxims. Even in respect of their own country the practically-minded British have always thought of reform or innovation only when circumstances compelled their adoption. Therefore, local self-government might have been introduced into India if the people themselves had been keen on it. In fact, no demand on the part of the people appeared for quite a long time.

Finally, the most important factor responsible for the absence of a steady and progressive policy of local self-government was the sincere conviction of many British administrators and politicians of the period that Indians were by nature incompetent for working democratic institutions. That was why, even when the machinery of

18. Rushbrook Williams: "What about India", (1938) p. 101.

19. Dicey, A. V. "Lectures on the relation between Law and Public Opinion in England during the 19th century" (1914) p. 163

20. The conclusions of Thompson and Garrett seem sound. They observe: – "The two main defects of British rule during the latter part of the 19th century were the lack of any definite aim and the failure to associate Indians with such work as was being carried on The bureaucracy, while unsuited for evolving any general policy, was remarkably effective in passively resisting any innovations of which the majority of the officials did not approve."—"Rise and Fulfilment of British Rule in India", (1934), p. 535 See also Sir R. Temple "Oriental Experience", 1883, p. 117.

local administration was set up, the elective element was introduced most gradually. British students of political theory were nurtured on the doctrine of Aristotle who believed that freedom was not a transferable commodity but was the birthright of born-free men and could not be given to "barbarians". Even such an eminent protagonist of modern democracy, like the late Viscount Bryce, honestly believed popular institutions to be unsuitable to India. He says "The idea that the government of subject races is to be regarded as a trust to be discharged with a view of responsibility to God and to humanity at large has become generally accepted. There was under Rome and there is in British India no room for popular institutions or popular interference with the acts of rulers from the Viceroy down to a District Official".21

Several administrators sincerely believed that democratic institutions were totally alien to India. Sir George Chesney held that the country was not and would not be fit for an indefinite time for the adoption of representative institutions.22 Sir Fitzjames Stephen, Legal Member of the Governor-General's Council in January 1872 said amidst other things that "their ((Indian) ideas about government are wrong. They are proved to be wrong by experience, which shows that they led to anarchy and demoralisation; and secondly because they have produced men and institutions unfit for government."23 Even the fair-minded historian and sympathetic administrator, Sir Alfred Lyall, was not enthusiastic about the prospects of self-governing institutions in India. He believed that in the subconscious mentality of the Indian people bureaucracy holds the place which self-government occupies with the Westerners, and stressed the commonplace argument that Indian spirituality is against the ideas and institutions of self-government.24

None can deny that certain circumstances like the low level of education, the prevalence of superstition, and the existence of numerous castes, creeds and religions all stand in the way of successful working of representative institutions. Several Indian thinkers and politicians themselves have admitted these drawbacks.25 But,

21. James Bryce: "Studies in History and Jurisprudence", (1901) Vol. I. pp. 29–30.

22. Sir George Chesney: "Indian Polity" (1894) p. 390.

23. Quoted in Leslie Stephen's Life of Sir James Fitzjames Stephen, (1895) page 286.

24. "The introduction of representative government of the democratic principle is a radical interference with the ancient institutions of the country. It remains to be seen whether the attempt to impose such an essentially Western system upon an Eastern population will prove successful." Mortimer Durand: Life of Sir Alfred Lyall, (1913) p. 262.

25. E. g. see Speech of Mr. Sen Gupta: Chairman of the Reception Committee of the National Congress, Calcutta, 1928. (Quoted by Edward Thompson "The Reconstruction of India", 1930 p. 268–69.) See Speech of Sir Syed Ahmed. I. L. C P. 1883, page 13.

the question is whether there existed any other alternative. Since there was no satisfactory alternative, local self-government had to be tried and worked with care.

It is curious to note that, even some of those who were officially associated with the introduction of political reforms did not conceal their pessimism about the success of representative institutions in India. That famous Liberal statesman Morley, despite the momentous reform with which he was actively connected, gave expression to his sincere conviction thus: "Not one whit more than you do" he wrote to Lord Minto, "I think it tenable or possible or even conceivable to adapt English political institutions to the nations who inhabit India. Assuredly not in your day or mine".26 Again, Sir Henry Maine the savant, permitted the adoption of representative institutions while definitely believing all the time that popular government was impossible in India.27

But, there is the other side to the picture. In the midst of these views there appeared another strand of political thought, not so thick as the one described above, but still running in and out and hanging on till it grew and became as important as the other. It is this view which gave a real shape to the policy of local self-government in India.

The credit of initiating a scheme of local self-government, however imperfect it was at the start, goes to Lord Mayo, Governor-General between 1869 and 1872. It is his famous Resolution of 1870 that employed for the first time the expression 'local self-government' and stressed the need for promoting municipal institutions. But it is essential to notice that Lord Mayo's scheme of local self-government was intimately connected with his proposal for financial decentralisation. In fact, it seems that the latter purpose was the more important objective. The Resolution urged the imperative need for decentralisation and the increase of the powers and responsibilities of the Provincial Governments in respect of public expenditure.28 Nevertheless, it does not seem correct to say, as has been done, that the Resolution aimed only at decentralisation and administrative efficiency and that the concern for local self-government was a negligible factor.29

26. Letter in John Morley's "Recollections" Vol. II, pp. 172-73. On another occasion he said "If my existence, either officially or corporeally, were prolonged twenty times longer than either of them is likely to be, a Parliamentary system in India is not at all the goal to which I would for one moment aspire." Viscount Morley: "Indian Speeches" (Macmillan 1909), Page 92.

27. He advocated the introduction of representative institutions which "are in strict accordance with neither self-government nor responsible government, but appear to do something to gratify aspirations which are constantly growing up in the more elevated minds of every race." His conviction was that local self-government had little prospects of success in India. He said "It was surprising that the Native of India should be fit for municipal government at all.....But, if it was surprising that municipal institutions should flourish at all in this country, still more wonderful was it that they should in any case be based on a system of popular representation.....Considering how native society was divided into castes and sects and religions and races, it was surprising that there should be practicable anywhere, a system of municipal election at once fair and free." "Life and Speeches of Sir Henry Maine" by Sir M. E. Grant Duff (London 1892)—(Speech on Indian Municipalities delivered on March 13, 1868), Page 264.

The Resolution belies such a presumption, for, while it states that by the contemplated decentralisation, economy and efficiency are expected to result, it sets out the other aim of developing local self-government with equal, if not greater force. The resolution runs thus: "But beyond all this, there is a greater and wider object in view. The operation of this Resolution in its full meaning and integrity, will afford opportunities for the development of local self-government, for strengthening municipal institutions and for the association of natives and Europeans to a greater extent than heretofore in the

28. That Mayo's main object was to secure financial decentralisation, that is, relief for Central finance through local taxation, is evident from the following facts. Between 1860 and 1868 the imperial finances were put to a severe strain (See Indian Legislative Council Proceedings 1868, pp. 163-4). From 1866-7 to 1869-70, every year was one of deficit and but for the drastic measures adopted by Mayo in 1870-71 that year also would have ended with a deficit.

Speaking on the Income tax bill of 1869, Mr. Strachey stated that "permanent relief to the Central Exchequer was possible only when it was recognised that imperial resources should not be expended for purely local purposes". I. L C P. 1870, pp. 292-3. How Mayo's policy of local self-government formed a corollary to his scheme of financial decentralisation is very clear from the discussions on the Local Fund Bill of 1870, Madras. This aspect of the matter was prominently referred to in the debate, so much so that Mr. Brown, one of the members of the Legislative Council, wanted to make the objects of the Bill more explicit by a statement in the Preamble that it was to relieve the imperial exchequer that the legislation in question was proposed. (M. L. C. P. 1870, p. 21).

The Despatches of the Secretary of State are equally emphatic in giving expression to this aspect of the subject. (Para. 4, Despatch of May 12, 1870).

29. See Quarterly Journal of the Local Self-Government Institute: Bombay Vol. XI. Issue No. 41, p 7, and M. Venkatarangayya: "The Beginnings of Local Taxation in the Madras Presidency", (1928) pp. 22-23. See Contra: W. W. Hunter: The Earl of Mayo, 'Rulers of India' (1891) p. 185. "Lord Mayo summed up his main purpose in undertaking the reforms in the following memorable words: "the object in view being the instruction of many peoples, and races in a good system of administration."

administration of affairs."[30] Nor was it a mere platitudinous statement or expression of a pious wish. The practical difficulties in enforcing the scheme are borne in mind and the local governments are given a note of warning. He exhorts all the Provincial authorities to enlist the active assistance of educated Indians in organising and working the institutions of local government.[31]

However, the progress achieved in the period immediately following the Resolution of 1870 was not as great as was expected.[32] No doubt, a large income from local rates and cesses had been secured and in some Provinces the management of income had been freely entrusted to local bodies. Municipalities had been established which tended to increase in number and usefulness. District Boards were created to look after rural sanitation, communication and education. Nevertheless, there appeared a remarkable inequality among the various Provinces in the organisation and working of local institutions. Even in the Bombay Presidency,where the greatest advance was made, it left much to be desired.[33] Indeed, it was not until the great impetus given to local self-government by Lord Ripon, that a substantial development was witnessed.

Already as a private member of the House of Commons, Lord Ripon had evinced his sympathy and generosity in Indian affairs in a speech on 20th May 1858, when he put up a spirited defence of Clemency Canning and "celebrated the name given in derision as his highest title and honour."[34] Soon after he arrived in India, he seems to have turned his attention to the subject of local self-government and begun considering how best to implement the scheme.[35]

30. Resolution of the Government of India. No 3324 dated 14th December 1870.

31 A comparative estimate of the contributions of Mayo and of Ripon may be gathered from the following reference made by Dr. T M Nair: "I remember the time when Lord Ripon visited Edinburgh in 1891, and the Indian students then in that city met his Lordship and presented him with an address. In that address they had referred to Lord Ripon as the father of local self-government in India. That claim said His Lordship " belongs to Lord Mayo. He planted the municipal institutions in India, though I must admit, " said Lord Ripon, " that they were very, very tender plants indeed when I took charge of them. " T. M. Nair: " Principles and Practice of Municipal Government " (Madras, 1916), p. 30.

32. The statement that 'Municipal institutions, the first practical step in political education have been established in all considerable towns in British India' is an exaggeration. See Sir John Strachey and Richard Strachey: "The Finance and Public Works of India" (1882), p. 8.

33. Generally speaking, the idea of local self-government had languished in default of active sympthy from above. This, as Ripon wrote to Gladstone, was really inherent in the Indian system. See Lucien Wolf: "Life of the First Marquess of Ripon" (1921), Vol. II, pp. 95-96.

34. Ibid. Speech quoted in Vol. I, pp. 114-15.

35. Ibid. Letter to Harrington the Secretary of State dated July 13th, 1882, quoted in Vol. II, p. 96.

Though his policy of local self-government is expounded in all its fullness in his comprehensive Resolution of 1882, yet in a Resolution issued in the previous year, he reveals his ultimate aim. This Resolution of 1881 reviews the progress made since 1871, records the inequality in the development of local self-government in the various Provinces and urges a more generous allocation of funds for local bodies. "The Provincial Governments while being now largely endowed from Imperial sources may well in their turn, hand over to local self-government considerable revenues at present kept in their own hands."[36]

This Resolution of 1881 forms the prelude to his epochmaking Resolution of 18th May 1882 on local self-government. The latter document constitutes, as it were, the Magna Carta of municipal liberties in India. The transparent sincerity as well as the firm determination of Lord Ripon to carry through the scheme of local self-government in spite of existing difficulties, are clearly seen in every word of the Resolution, which makes a series of recommendations.

In the first place, Municipal Committees are to be extended wherever feasible. Secondly, the formation of a District Board for each District consolidating all other bodies into a homogeneous unit is recommended. Third comes the creation of ancillary subordinate committees working in each subdivision of a District. The need for having local bodies with small jurisdictions is clearly stated. "The Governor--General in Council considers it very important that the area of jurisdiction allotted to each Board should in no case be too large. If the plan is to succeed at all, it will be necessary to secure among the members both local interest and local knowledge."[37]

Next, the Resolution lays down the Government's considered views on the organization of District Boards, Taluk Boards and Municipal Councils. It urges that all the local bodies, both urban and rural, are to have a large preponderance of non-official members. Under no circumstance should officials form more than one-third of the whole strength. However, the Resolution makes exception in respect of localities where suitable non-officials cannot be elected; but even in such cases the officials are to be elected and not nominated. Apparently the Governor-General thought that this arrangement, wherever necessary should be purely a temporary step.

36. Parliamentary Papers (East India) Vol. LI, 1883, pp. 8-13.

37. Resolution of the Government of India dated 18th May 1882. Parliamentary Papers (East India) Vol. LI, pp. 29-32. The Resolution goes on to add that past experience had shown that the District Committees were very badly attended by members not actually residing in the vicinity of the headquarters' station. Hence, modifying earlier arrangements, it lays down that the smallest administrative unit, the subdivision, the taluka or tahshil is to form the maximum area as the jurisdiction for a Local Board. In fact, Ripon advocates even smaller units, if possible and convenient.

Regarding the selection of non-official members, the Resolution strongly advocates the adoption of election, though it allows a certain amount of discret on to the Provincial Governments in the matter. Elections are to be employed in the bigger towns to start with: but it is believed that ultimately election should prevail in all local bodies, urban and rural. The enthusiastic earnestness and the robust optimism of the liberal-minded Viceroy are clearly evident from the way he exhorts the District Officials to tackle the question with patience and sincerity. The Resolution runs thus: "Even as regards these last (namely the rural tracts), however, the Governor-General in Council is disposed to think that if the Government Officers cordially accept the principle and set themselves to make it successful, a great advance might be made with comparatively little difficulty. Thus, when the Local Governments had determined the nature of the qualifications suited to such a District (and these might ordinarily at first be fairly high) each Sub-Divisional Offcer might be instructed to prepare a list or register of candidates qualified to sit upon the Local Board and might invite all those residing in any particular area, such as a Police (thana) jurisdiction, to meet him on a day fixed at some convenient spot near their homes. He might then explain to them the objects of Government and the nature of the duties they are invited to undertake and call upon them to elect then or on a future day the number of representatives that had been fixed for the area in question."[38]

Concerning the particular form of election (for constituting the various bodies), the Resolution provided a large measure of latitude. Whatever system was suited to the particular place was to be adopted. Since conditions varied from Province to Province and District to District, the Governor-General did not prescribe any hard and fast rules. He exhorted the Provincial Governments to adopt the system most suited to the local conditions—the simple vote, the Cumulative Vote, election by wards, election by the whole town or tract, or election by castes or occupations.[39]

Ripon was no visionary. He was fully aware of the difficulties. He knew that the result of previous attempts had not been encouraging. He realised that the best men did not come forward as candidates for the Local Boards. Further, he was painfully aware of the poor percentage of voters who polled in the elections. He felt that this unsatisfactory response was, mainly due to lack of earnestness on

38. Ibid., pp. 25–32.

39. The Resolution adds: "New methods unthought of in Europe may be found suitable to India; and after a time it will probably be able to say what forms suit best the local peculiarities and idiosyncrasies of the different populations. The Provincial Governments should, through their District Officers, consult the leading natives of each locality ..... as to the arrangements most likely to meet their local circumstances and should use every effort to make the schemes adopted as consonant as possible to the feelings and habits of the people."

the part of District Officers. He appealed to them fervently: "The remedy must lie in ascertaining by patient and practical experiment how best to call forth and render effective the desire and capacity for self-government." Moreover, in order to attract respectable and influential men as candidates for Local Bodies, the shrewd Viceroy introduced the courtesy titles of Rao Bahadur or Khan Bahadur to be bestowed on members of all Local Boards during their tenure of office.

The Resolution then proceeded to determine the degree of official control which could be exercised over the self-governing local institutions. The policy was to discourage, as far as possible, official domination or interference with the working of these self-governing bodies. The Resolution laid down the maxim that control should be exercised from without rather than from within. Over and above this the executive authorities of the Province could exercise two methods of control. The previous sanction of the Government was to be obtained for any extraordinary measure affecting finance or general policy. Also, in the event of gross neglect of any important duty the Board could be temporarily superseded by an official till that duty was satisfactorily performed; but this absolute power of supersession was to be resorted to only with the consent of the Supreme Government.[40] Excepting for this possible check, the official control was to be reduced to a minimum.

Lord Ripon expressed himself unequivocally against District Officers presiding over District Boards and Municipalities or Sub-Divisional Officers over Taluk Boards. He stated wisely that so long as officials presided over local boards there would be little chance for the popular representatives gaining experience in self-government.

Indeed, the kernel of the entire Resolution rests on the emphasis laid on political training. The Viceroy makes it perfectly clear that it is not with a view to improve the administration that the measure is undertaken, but primarily to serve as an instrument of political

40 It is interesting to note the genesis of the provision for sanction and supersession. The Resolution of 188 did not contain these provisions. But the Provincial Governments became nervous and impatient on the question of the large amount of freedom conceded to local authorities. It was as a result of their pressure that Lord Ripon was obliged to include these precautionary steps in the second Resolution. See Sir R. Temple "Oriental Experience" p. 119ff. The Government of Bombay stated that Ripon's policy was premature. But the Government of India sent a stiff reply. Cf. Letter of the Governor of Bombay No. 3584 dated 19th September 1882 and letter of the Governor-General No. 1521 dated 4th October, 1882.

education.[41] He is aware that mistakes might be committed; but he exhorts the officials not to be disheartened by disappointments and urges them to identify themselves wholeheartedly with the Government's policy. Finally, he meets the charge of the "indifference of the people themselves to self-government." He dismisses the accusation as baseless and attributes such a view to official prejudice. He believes that, in any case, with the advancement of education, intelligent men endowed with public spirit would come forward and rise equal to their responsibilities. His conviction is that local self-government had not been properly tried till then and hence the failures and shortcomings in the past are not to discourage them.[42]

During the three years following the publication of the Resolution of 1882, a series of Acts were passed laying down the constitution and functions of Municipal and Rural Boards. Muncipal Acts were passed in 1884 for Madras, the Punjab, Bengal, North Western Provinces and Oudh. Local self-government Acts in respect of rural areas were passed in 1883 for the Central Province, North Western Provinces, Oudh and the Punjab, in 1884 for Bombay and Madras and in 1885 for Bengal. These various Acts embodied, in a large measure, the general principles of organization laid down by Ripon's Resolution.[43]

In the succeeding years some minor changes were introduced. Among these mention may be made of two Resolutions Nos.146-164, dated the 24th October 1896 and Nos. 18-37 dated the 20th August 1897, both passed during the Viceroyalty of Lord Elgin. These Resolutions reviewed the progress achieved and laid down further conditions of improvement.[44]

The working of the local bodies, both urban and rural, during the period 1884 to 1909 is said to have been satisfactory on the whole.[45] There was undoubtedly a tendency on the part of the Provincial

41. It is noteworthy that the Secretary of State was in complete agreement with the aims of Lord Ripon as well as with the details of his scheme of local self-government. Cf. "Financial Despatches to India" No. 48 dated 9th February 1882; No. 51 dated 11th February 1882; and "Public Despatch to India" No. 107 dated 5th October 1882.

42. Lord Ripon's enthusiasm for local self-government has won for him the abiding affection of Indians. At a meeting of the Madras Native Association, a speaker said that the Viceroy deserved to be considered as one of God's incarnates. "Madras Native Association Proceedings," 1882, p. 66. Though the statement represents an unbalanced euology, it indicates the unique popularity of Lord Ripon's reforms.

43. Though some Englishmen in India and abroad were sceptical of the success of Ripon's reform, enlightened opinion in Britain seems to have viewed it with favour. See article in Contemporary Review, March 1883, contributed by Sir Richard Temle—reproduced in the author's "Oriental Experience" (1883) pp. 116-130.

44. M. M. Report 1896-97. Appendix I.

45. Parliamentary Papers (East India) 1909, Vol. LXII, p. 481.

Governments to be excessively cautious. Most of them failed to share the optimism of Ripon. Particularly in the matter of extending elections the Provincial authorities proceeded too slowly. Nor were they inclined to reduce the control of District Officials over local boards. Nevertheless, the observation made by the Annual Reports that, within the prescribed limits, the local authorities functioned satisfactorily may be broadly accepted as true.[46]

But, towards the end of the 19th century there appeared a new factor which imposed a serious check on the development of self-government. This was the Viceroyalty of Lord Curzon, a period noted for excessive centralisation. An ardent believer in high standards of efficiency, Lord Curzon sincerely believed that Indians did not possess the necessary ability to be entrusted with any considerable measure of self-government.[47]

Closely allied to this policy of centralisation was that of officialising popular institutions, like the local bodies and the Universities. He had no faith in the idea of educating Indians for self-government. Nor was he prepared to sacrifice efficiency in the present for the sake of freedom in the future. In fact, the keynote of his government was that "the bureaucracy knows what is for the good of the people."[48] No wonder, the share of the people in the country's administration diminished considerably during his Viceroyalty. The policy of developing local self-government received a serious setback at his hands. Sir Henry Cotton rightly observed: "Lord Curzon had weakened and discouraged the beneficent schemes of local self-government, which Lord Ripon introduced and did so much to foster."[49]

Soon after his assumption of office, Lord Curzon introduced the Bengal Act of 1899 by which the number of popular representatives in the Calcutta Corporation was ruthlessly curtailed. The size of the Corporation Council was reduced from 75 to 50 by cutting out 25 of the elective seats. Under the new constitution, the British element secured a difinite majority. Sir Surendranath Banerjee, a contemporary popular leader of Bengal, exclaimed that "the Act marked the extinction of local self-government in the City".[50] The influence

46. This estimate was endorsed by the Decentralization Commission. See Report of the Royal Commission on Decentralization (1908), Vol. I. paras. 736 and 807.

47. In his farewell speech at Simla on September 30, 1905, Curzon said: "If I were asked to sum up my work in a single word, I would say "efficiency". That has been our gospel, the keynote of our administration." Sir Thomas Raleigh: "Lord Curzon in India" (1906), p 564. See Nevinson: "The New Spirit in India" (1908), p. 13, for an estimate of the effects of his policy of centralisation. See also P. Sitaramayya: The History of the Indian National Congress (1935), Vol. I, p. 100.

48. Sir Henry Cotton: "Indian and Home Memories", (1911), p. 13.

49. Ibid., p. 316.

50. Banerjee: "A Nation in Making" (1925), p. 131.

of Curzon's policy was felt in other parts of British India as well.[51] Lord Curzon carried too far his efforts at centralising and officialising the administration. Indeed, as a result of his policy, there arose a grave danger of the Government of India becoming "a pure bureaucracy, honourable, faithful and industrious.....; but if the present system is persisted in.....likely to become rather mechanical, rather lifeless.....rather soulless."[52]

Viscount Morley the Secretary of State for India (1905-10) was alarmed at the stupendous growth of overcentralization. He called it "a great mischief" and he attributed to it the widening gulf between the officials and the people in India.[53] Hence, through his influence, a Royal Commission was appointed in December 1907 with Mr. Charles Hobhouse as Chairman. The Commission was expected to suggest ways and means of relieving the Central Government of a large part of its excessive powers and entrusting them to local bodies. In fact, the appointment of the Commission marks an important stage in the history of local self-government in India. In the comprehensive Report which the Commission published, they dealt with the relationships between the Government of India and the Provincial Governments on the one hand, and between the Provincial Governments and the local authorities on the other, and made a series of recommendations with a view to relaxing the central control and simplifying the administrative methods.

The most important recommendations regarding the development of local self-government were the following:—

(1) The creation of Village Panchayats for the administration of certain local affairs pertaining to each village.[54]

(2) The establishment of sub-district boards (ordinarily for each taluka or tahshil) which should constitute the principal agencies in the administration of rural boards. The sub-district boards were not to be mere subordinate organisations under the District Board; they were to have independent resources and clear-cut spheres of duty, while the District Board, besides undertaking some direct functions for which it was specially fitted, was to possess co-ordinating powers in respect of the District as a whole.[55]

51. See for example its effect in Madras. Infra Chapter III, pp. 34-35.

52. Speeches of John Morley (Macmillan 1909), p. 21.

53. Popular leaders demanded an extension of local self-government One of the resolutions passed by the Calcutta Congress of 1906 ran thus: " The powers of local and municipal bodies should be extended and official control over them should not be more than what is exercised by the Local Government Board in Britain over similar bodies". P. Sitaramayya, History of the Congress, (1935) Vol. I, p. 85.

54. Royal Commission on Decentralization—Report (1908), Chapter XVIII, Para. 699.

55. Ibid., Chapter XIX, Paras. 736 and 737.

(3) The Municipalities were to be given full powers in regard to taxation within the limits of the specific laws; furthermore, they were ordinarily to contain a substantial elective majority and were to elect their own Chairmen.[56]

(4) The Corporations of the Presidency Towns were to have powers as large as those of the Bombay Municipality and, moreover, were to adopt the Bombay system of having an elected Chairman vesting the executive administration in the hands of a separate Commissioner.[57]

The Decentralization Commission also recommended several suggestions for removing existing defects. In the main, the Government of India accepted the proposals recommended by the Commission. Nevertheless, they took an unduly long time (from February 1909 to April 1915) in examining the suggestions and taking action on those which they approved.[58] The time involved in communicating with the Provincial Governments was largely responsible for the inordinate delay. Nor did the bureaucracy in India share the enthusiasm and broad outlook of the commission. In fact several recommendations of the Commission were whittled down in the process of transmission into the Resolution of 1915.

The Government of India's Resolution.[59] Nos. 55-77 dated the 28th April 1915, began by stating that though substantial progress was achieved in the field of local self-government, there existed certain factors operating against quick and effective success. These obstacles were:- (1) the smallness and inelasticity of local revenues; (2) the difficulty of devising additional sources of taxation; (3) the indifference prevalent in many places towards all forms of public life, and particularly, (4) the persistent reluctance of many persons to submit to the troubles, expense and inconveniences of election, (5) unfitness of many candidates, and above all, (6) the prevalence of sectarian animosities.

The Government of India, while realizing the gravity of the above-mentioned obstacles, declared themselves in favour of a general policy of further progress and set out in their Resolutions the following lines of advance. Regarding Municipal Boards, it was laid down that (1) they should have a substantial elective majority (2) the Municipal Chairman should usually be elected non-officials; (3) wherever possible, liberty of taxation within the limits fixed by the law should be granted; (4) a free hand with regard to budgets should be the policy in view, and that, (5) the governmental control over

56. Ibid., Chapter XX, Para. 839 and Paras. 849–52.

57. Ibid., Chapter XX, Paras 867 and 869.

58. Naturally there were frequent interpellations in the Central Legislature on the cause for delay. I. L. C. P. 1913, p. 317.

59. The Gazette of India, 1st May, 1925, pp. 1175-91.

the lower posts in the Municipal service should be relaxed, sanction being confined to the posts of secretaries, engineers and health officers. As for the Presidency Corporations and the bigger Municipalities, the system adopted by Bombay was recommended.

Regarding Rural Boards, while the Decentralization Commission recommended the universal establishment of sub-district boards, the Resolution gave a considerable latitude to the Provincial Governments to act in accordance with their local conditions. The Resolution approved the recommendation that the District and sub-district Boards should contain a large preponderance of elected members. The Commission and the Government of India agreed in recommending the continuance of official Chairmen for the District and sub-district Boards. On the other hand, while the Commission were generally for the removal of external control in respect of finance and staff, the Government were not prepared to go so far. " In the opinion of the Government of India, which has the general support of Local Governments, the grant to rural boards of full powers in the allotment of funds and the passing of estimates cannot, for the present at least, be conceded, but the extent of the necessary financial control might depend in the case of rural boards on the competence of the staff employed, and where this varies, it would not be desirable to lay down hard and fast rules for the whole Province."[60]

Finally came the question of village organisation. The Commission had enthusiastically urged the creation of village Panchayats endowed with certain administrative powers and with jurisdiction in petty civic and cases. The Resolution of 1915 favourably commended it and left the matter in the hands of Local Governments and suggested some general principles to be adopted in implementing the scheme.

On the whole, this Resolution, while favouring an advance over the existing position, was undoubtedly more halting and retrograde in comparison with the Decentralization Commission's recommendations. Further, as noticed earlier, the Government of India took several years in making up its mind on the whole question, with the result that by the time the Resolution was issued, the proposals were already out of date.[61] Within one year of the issue of the Resolution, correspondence on the question of political reform had commenced between the Government of India and the Secretary of State; and it was agreed that the first step was to be taken in the domain of local self-government.

60. Ibid.

61. It may be noticed that a Memorandum submitted to H. E. the Viceroy on 19th January 1917, by 18 elected members of the Imperial Legislative Council included the demand that "a full measure of local self-government should be immediately granted".

Meanwhile, there appeared the momentous Declaration of 20th August 1917 concerning the future policy to be pursued in India.[62] It was announced that "the policy of His Majesty's Government in respect of the future of this country, was that of increasing the association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire." In commenting on this pronouncement in the Imperial Legislative Council on the 5th of September 1917, His Excellency the Viceroy explained that the most important direction along which an advance could be made for realising the goal was through local self-government. "Of these, the first road was in the domain of local self-government, the village or rural board and the town or municipal council. The domain of urban and rural self-government was the great training ground from which political progress and sense of responsibility have taken their start, and it was felt that the time had come to quicken the advance, to accelerate the rate of progress and thus to stimulate the sense of responsibility in the average citizen and to enlarge his experience."[63]

Therefore, the Government of India again set to work and evolved a more advanced policy of local self-government, which was approved by the Secretary of State. It was embodied in a new Resolution and issued on 14th May, 1918. The Government of India's Resolution, No. 44 of 1918, after reviewing the progress made thus far, laid down the general principle that local bodies should be as representative as possible of the people whose affairs they were called upon to administer. Further, it urged that the power given to local authorities should be real and not nominal and that they should not be subjected to unnecessary control. The Resolution rightly realized that by far the wisest policy was to allow local authorities to profit from their mistakes.[64] With this object, the Resolution made the following proposals:—

First, that there should be substantial elected majorties on both the Municipal and rural boards as recommended by the Decentralization Commission.[65] The Resolution of 1918 stated that ordinarily three-fourths of the seats should be filled by election, that special representation of the minorities should be effected by retaining the practice of nominations (rather than by introducing some system of communal or proportional representation), that a few officials should be nominated purely for giving expert advice and that they should have no right of voting.

62. Keith: "Speeches and Documents on Indian Policy" (1922), Vol. II, pp. 133-34.

63. I. L. C. P., 1917-18, p 17.

64. The Gazette of India, May, 25th 1918, pp. 981-93.

65. The Resolution of 1915 accepted this recommendation only in respect of Municipalities.

Secondly, the electorate should be increased by lowering the franchise qualifications considerably so as to make the boards really representative of the ratepayers.

Thirdly, it was laid down that the Chairmen of the Municipalities should be elected by the Boards and should ordinarily be non-officials and that if any Board wanted to choose an official, he should be elected by the majority of non-official votes only. In the case of District Boards, though the Decentralization Commission had favoured the retention of official Chairmen, the Resolution of 1918 made a striking advance by urging upon the Provincial Governments the desirability of having elected chairmen wherever possible, or alternatively, of encouraging the appointment of non-official chairmen.

Fourthly, the Resolution gave the local authorities increased powers of taxation. The Municipal Councils, except those which were heavily indebted, were authorized to vary taxation within the limits prescribed by statute. What was more important, this privilege was extended to the Rural Boards as well.

Fifthly, all the Boards, urban and rural, should be given a free hand in regard to their budgets, the only condition being the maintenance of a minimum standing balance.

Sixthly, concerning outside control of services paid by the Boards, the Government of India accepted in 1918 the recommendations of the Decentralization Commission in full, although they did not do so in 1915. The Commission had proposed that, if a municipal or rural board had to pay for a service, it should control it and that where expediency demanded Governmental control the service should be made a provincial one. This recommendation was accepted in its entirety by the Resolution of 1918.

Seventhly, it approved the proposal of establishing Departments of Local Self-Government in the Provinces. Finally, the Resolution favoured the establishment of Village Panchayats on the lines suggested by the Decentralization Commission.

On the whole, the above-mentioned recommendations, though mainly based upon Decentralization Commission's proposals, discarded the halting attitude adopted in regard to them by the Resolution of 1915. Legislation was passed on the basis of the recommendations of 1918 by the various Provinces during the succeeding years. When the Montague-Chelmsford reforms of 1919 were introduced and partial Provincial autonomy was granted, Local Self-Government formed one of the Departments under the charge of an elected Minister, and that provided a further impetus for real popular advancement.

Reviewing the Central Government's development of policy during the period 1850 to 1919, it is found that there was an absence of steady progress, particularly till the end of the last century. Ripon was undoubtedly the creator of a far-sighted scheme; but his successors at the centre and the Provincial Governors failed to implement his system in all its entirety. On the other hand, it must be admitted that the popular response was not encouraging for quite a long time. After all, it must be remembered that modern local self-government is an exotic growth; it takes time to get rooted to the soil. And the development of education and public spirit is an essential condition of its success. The indifferent success achieved before 1919, is not a little due to the low level of education and the marked absence of a civic spirit among the people.

CHAPTER III

THE MAKING OF THE NEW STRUCTURE.

Local authorities in the Madras Presidency may be grouped into three categories: (i) the City Corporation of the Provincial capital, (ii) the District Municipalities of the various provincial towns,[1] and (iii) the Rural Boards.[2] Of these three, the City Corporation was the earliest to be established; much later appeared the District Municipalities and last of all came the Rural Boards. Till 1871 these Rural Boards were known as "Local Fund Boards", each of which had jurisdiction over a District Circle.[3] By the Act of 1884[4] the Local Fund Boards were supplanted by District Boards coterminous with Revenue Districts. Below the District Boards were organised the Taluk Boards,[5] corresponding to the Sub-District Boards in other parts of India, and at the lowest rung of the ladder were the Union Boards. A Union Board, or Union Panchayat, as it was called, consisted of either a single large village or a group of two or more small contiguous villages.[6]

If a comparison with English local organisation were to be made, the Rural District Councils of England would correspond to the Madras Taluk Boards, the County Councils to the District Boards, the Borough Councils to the District Municipalities, and lastly, the Government of the Metropolis (London) to the Presidency Corporation. The parish in England corresponds very roughly to the Indian village; but there is no organisation parallel to the Union Boards.[7]

1. They are commonly spoken of as 'Mofussil Municipalities' as distinguished from the Metropolitan or City Corporation of Madras.

2. The term 'Rural Boards' employed by the Royal Commission on Decentralization (1908) is self-explanatory, and hence, is adopted here in preference to the term "Local Boards" used by the Madras Government. The latter usage is misleading.

3. Each Revenue District was organised into one, or, in certain cases, two Circles.

4. See infra Pages 159 of Chapter III.

5. The Madras Sub-District Boards were styled 'taluk boards'; but the appellation was misleading, as their jurisdictional area was not in the taluk but in the district subdivision, which usually covered two or more taluks. See Royal Commission on Decentralization (1908) Vol. I. p. 248, Footnote.

6. A 'Union' is defined as "any revenue village or villages or any portion thereof which may be declared to be a Union by the Governor-in-Council"

7. Since 1920, when the "Village Panchayat Act" of Madras was passed, the 'Union Boards' have gradually given place to Village Panchayats, which comprise single villages.

(I) THE CITY CORPORATION OF MADRAS

Among all the cities and towns of India Madras bears the unique distinction of having been the earliest to be established as a Municipal Corporation. For some years after the foundation of the British settlement in Madras (1639), the indigenous rural institutions continued to function,[8] in those parts of 'Madrasapatanam' outside the area of the Fort. The traditional Headman, Accountant and Watchman administered the region as in other villages of South India. But, when Madras became the chief commercial centre on the Coromandel Coast, the consequent attraction of a large population resulted in the transformation of the village into a Township. Sanitary improvement was felt necessary and Streynsham Master, President of Fort St. George (1678-81), first made an attempt at arranging for the conservancy of the streets. In 1678 he levied a house-tax for this purpose and appointed a person to collect the tax and to hire coolies as scavengers.[9] Here we find the rudimentary beginnings of a municipal administration.

The rough and ready attempt made by Master at providing a scheme for improving the sanitation of the town was soon followed by a more systematic effort. In 1688 a royal Charter was procured by the East India Company for the organisation of a Corporation at Madras.[10] The Charter provided for the organisation of the town into a Corporation under a Mayor, 12 aldermen and 60 or more Burgesses, all appointed by the Governor-in-Council of Fort St. George.[11] The Corporation was to function not only as a municipal body in the narrow sense of the term; it was also expected to be a judicial institution. For dispensing justice the Mayor and Aldermen were to form a Court of Record, while the Mayor and three of the Aldermen were to be Justices of the Peace.[12]

The Corporation was reorganised by a Charter issued by King George I in 1726 which granted additional judicial powers.[13] The normal life of the Madras Corporation was interrupted by the capture and occupation of Madras by the French during the period 1746 to 1748. Consequently the Charter of 1726 became inoperative, and

8. "Fifth Report from the Select Committee of the Affairs of the East India Company" 1812. pp. 84–5.

9. See the Consultation of 13th July 1678 quoted by Henry Davisdon Love: "Vestiges of Old Madras" (Indian Records Series), 1913, Vol. I. pp. 442–43.

10. Madras was the only Presidency town to receive this mark of royal favour, because Madras, and not Bombay, was then "urbs prima in Indis".

11. Love: Vestiges of Madras. Vol. I, p. 498.

12. The functions we now call municipal were not then divorced from the judicial and administrative activities of the State. This was the practice in 17th century England, and naturally, it was introduced into Madras.

13. It is noteworthy that this Charter set up Corporations in Bombay and Calcutta also.

a fresh one was issued in 1753.[14] It is interesting to learn that this Charter authorised the employment of election for choosing the Mayor. Nine aldermen were to be chosen, of whom 7 were to continue in office for life. From among the Aldermen, two were to be elected annually by the Corporation, one of whom was appointed Mayor by the Governor-in-Council.

Though the Corporation had been established as early as the 17th century and though it had all along undertaken certain municipal functions, it was predominantly a judicial organisation. A more distinctly municipal activity may be said to have commenced in 1792,[15] when the Justices of the Peace were empowered not only to appoint scavengeres for cleansing, repairing and watching the streets but also to levy a property tax for meeting the necessary expenses.

While the Corporation continued to render valuable service for several decades, no systematic effort had been made to introduce local self-government. An attempt in this direction appears to have been made in 1841, when an Act was passed by the Governor-General of India in Council for amending the law concerning the municipal organisation of Madras.[16] The striking feature of the Act is that it authorised the ratepayers, of particular sections of the town to be entrusted with the assessment, collection and management of the rates of their divisions.[17] On paper this was undoubtedly a provision for an enlarged share of local self-government. But, unfortunately, none of the available sources of information indicates whether or not this privilege was actually conceded to the ratepayers.

Whatever the measure of local self-government achieved, the Corporation of Madras undoubtedly rendered useful service to the citizens by attending to conservancy and the cleaning of streets. The Act of 1841 was even more ambitious, for it stated that the assessments were to be applied to "lighting and watering the roads and streets and cleansing and repairing the same and the drains".[18] But it is not definitely known how far these expensive activities were actually carried out. From the repeated complaints about the filthy conditions in later years, it may be inferred that the practical achievement was not great. One thing is certain; by about the middle of the 19th century, the Corporation had set before itself certain duties which may be definitely termed 'municipal', as distinuguished from 'judicial'.

14. Love: Vestiges of Old Madras. Vol. II, pp. 439–441.

15. An Act of Parliament passed in 1792 provided "for the good order and government of the towns of Madras, Calcutta and Bombay". Act 33rd George III, c. 52.

16. Act XXII of 1841.

17. Clause 4 of Act XXII of 1841.

18. Clause 1 of Act XXII of 1841.

Till 1856, however, it was only the Justices who attended to municipal duties in addition to their judicial work.[19] That year an Act was passed which replaced the old Bench of Justices by a body of three Commissioners, called "the Municipal Commissioners for the town of Madras".[20] But there was no attempt at associating prominent citizens in the administration of the Corporation, for the three Commissioners were salaried servants appointed by the Governor-in-Council. They were entrusted with control over the sanitation and improvement of the city. The duty of assessing and collecting the municipal taxes was also vested in them.[21]

This new body does not appear to have functioned either smoothly or efficiently. It was a sad blunder that responsibility was divided among three Commissioners; naturally, unnecessary delay and mismanagement followed. The three Commissioners, with equal powers but divided responsibility, almost unavoidably obstructed and counteracted one another. Nor was any arrangement made for auditing the accounts. In these circumstances the administration of the three Commissioners proved to be anything but satisfactory. The town remained filthy, and the cumbrous organisation set up by the Act of 1856 seemed unworkable.[22]

After 1856 the somewhat uniform constitutional development of the three Presidency towns, Calcutta, Bombay and Madras, ended. Each Province, now armed with legislative powers, tried to remedy the constitutional defects of the Municipal Corporation in its own way. In Calcutta, the Justices, who numbered a hundred and twenty, were vested with a general control over municipal expenditure; but, by far the most important change effected was the concentration of executive powers in the hands of the senior Commissioner. In Bombay, the failure of the old arrangement led to the passing of an Act in 1865 which settled the supreme executive power on a highly paid government official, designated the 'Municipal Commissioner

19. Clause 4 of Act XXII of 1841 says "The Justices at their Quarter Sessions shall publish accounts of expenditure and collections during the preceding quarter."

20. Act No. XIV of 1856 — Government of India — This act also applied to all the Presidency towns.

21. When the Justices handed over the executive charge of the town to the Commissioners appointed under the Act of 1856, there was a balance of Rs. 2,60,000 of unexpended Municipal funds. See Census Report of the Town of Madras. 1871, p.61.

22. The condition of Bombay and Calcutta was no better: See Cambridge History of India, Vol. VI, p. 525. R. P. Masani: "Evolution of Local Self-Government in Bombay", p. 154.

for the city of Bombay'.[23] Another salutary feature of the Bombay Act was the appointment of a special Controller of accounts.

But Madras took a longer time in adopting the sound system of concentrating the executive responsibility in the hands of one official.[24] In the meanwhile an attempt was made to introduce a non-official element into the Corporation by an Act in 1865,[25] which provided for the appointment of three Honorary Commissioners to co-operate with the three paid Commissioners. While this marked a desirable beginning in the association of leading citizens in the administration of the city,[26] the lack of administrative centralisation was not remedied. The Act also empowered the Commissioners to raise the assessment on houses, buildings and lands to 10% and to impose a tax licence on carriages and animals as well as on trades and professions, and to increase the tolls on carriages and animals entering the Municipal limits. These enhanced sources of revenue served to place the Corporation on a stable basis.

It was in 1867 that a radical change was effected in the constitution of the Madras Muncipality and the defective diffusion of executive authority was overcome. Moreover, a larger non-official element was introduced into the Corporation. By the Act of 1867[27] the management and supervision of the City Municipality were vested in a paid President and 32 Honorary Commissioners, the President being the executive head. The city was divided into 8 wards or divisions, each of which was represented by 4 Commissioners appointed by the Governor-in-Council from among the inhabitants of the respective divisions. Though election was not yet employed, it is noteworthy that about a third of the Commissioners were non-officials. The rest were high officials of the Provincial Government. Two of the Commissioners who were already in the service of the Corporation became paid servants and were entrusted with the administration of certain departments. Act IX of 1867 also specified the manner of utilising the Municipal funds to the maximum advantage.

23. While the importance of the Act of 1865 should not be underrated, Masani's description of it as the 'Magna Carta of local government in Bombay' seems to be an exaggeration. The Act of 1888, which was held up by the Decentralization Commission. as the ideal to be imitated by other Presidency towns, was a far more important enactment.

24. Lindsay's statement that Madras could not afford to appoint a highly paid official on account of financial reasons (Cambridge, History of India, Vol. VI, p. 526) is not convincing. If three Commissioners could be paid salaries, a much larger sum would not have been needed for making one of them the Chief Officer.

25. Act IX of 1865 Madras — Section 2.

26. It is. interesting to learn that in 1862, a private member Mr. Sadagopacharlu introduced a bill to substitute a popularly elected body in place of the existing Municipal Board. But the Secretary of State was opposed to the idea of introducing election and the bill was dropped See Speech of Mr. Philips. Madras Legislative Council Proceedings, 1865, p. 35.

27. Act IX of 1867, Madras.

The constitution of the Madras Municipality continued practically unchanged till 1878. An Act passed in 1871[28] extended the scope of its activities by making the Municipal authorities responsible for the management of certain hospitals, vaccine establishments and primary schools. This was unquestionably a move in the proper direction, for it was but appropriate that gradually the local authority should develop an interest in furnishing increased amenities to the citizens.

More important was the constitutional provision included in the Act[29] that, with the previous sanction of the Governor-in-Council, election of a certain number of Commissioners might be adopted. But the privilege remained a dead letter for several years, because this permission was not granted by the Governor-in-Council.

The real change came in 1878 when the structure of the municipal organization established in 1867 was radically altered by a new Statute.[30] Traceable to the influence of Lord Mayo's famous Resolution of 1870, the epoch-making Act of 1878, inaugurated a new era in the history of the Corporation. The most outstanding provision was that 16 out of the 32 Commissioners were to be elected from among the ratepayers, the remaining 16 being nominated by Government. Thus, for the first time the elective principle was introduced in the selection of members.[31]

Though Madras was the earliest of the Presidency Corporations in origin, it was the last to employ election. Bombay had adopted it in 1872 and Calcutta in 1876. It is also remarkable that the proportion of the elected members was higher in these two cities. In Bombay out of 64 Commissioners only 16, that is, one-fourth of the total number, were nominated by Government, while 32 were elected directly by the ratepayers, and 16 by the resident justices.[32] In Calcutta the strength of the popularly elected members was still higher, for 42 out of the total 72 members of the Corporation, nearly two-thirds of the entire number, were elected by the ratepayers.[33]

The question naturally arises why Madras lagged so far behind the other two cities in adopting election and subsequently in increasing the proportion of elective seats. That there was a demand for making the municipal structure democratic, is evident from the

28. Act No. V of 1871, Madras.

29. Section 3, Act No. V of 1871, Madras.

30. The City of Madras Municipal Act No. V of 1878.

31 It is noteworthy that the elective system was adopted in the City Corporation even before the Resolution of Ripon appeared.

32. Bombay Municipal Act of 1872.

33. Act IV of 1876 (Bengal).

proposal made by a private member in the Provincial Legislature.[34] But, the demand was not followed by a consistent agitation on the part of either the Legislature or the public at large. It must be remembered that before the middle of the 19th century, Calcutta and Bombay outstripped Madras in commercial development. They became richer and, therefore, their citizens were generally more educated and public-spirited.

A far more important cause for the slow adoption of the elective principle in Madras appears to have the reluctance of the Provincial Government to give the experiment a fair trial.[35] The Governor-in-Council, largely influenced by members of the Civil Service, was sceptical of the success of election. Thus the cautious policy of the Provincial Government, coupled with the comparatively inadequate development of a public spirit among the citizens, seem to have accounted for the slower progress in Madras.

Even after 1878 the elective system was not extended rapidly. The next forward step resulted from the Municipal Act of 1884.[36] Following in the wake of Lord Ripon's Resolutions Act I of 1884 increased the number of elected members on the Council. Out of 32 non-official members 24, that is, three-fourths of the total were to be elected and the rest nominated. This marked an advance on the existing position and the composition of the body became even more democratic than those of contemporary Calcutta and Bombay. By the Bengal Act of 1882 the Calcutta Corporation had 50 elected members out of a total strength of 72, while Bombay continued to maintain the same proportion of elective seats as in 1872. Unfortunately in 190437 drastic changes were introduced in the constitution of the Corporation Council, as a result of which the proportion of popularly elected members was diminished. The total number of Commissioners was raised from 32 to 36, of whom only 20 were to be elected by rate-payers, while 8 Commissioners were to be nominated by Government and the remaining 8 by Institutional bodies connected with trade and industry. The Chamber of Commerce, the Trades Association, the Port Trust and the Railways, which constitute the great business concerns of Madras, had been inadequately represented on the Municipal Council. It was with a view to remedying this drawback that these bodies were required under the new Act to send 8 nominees to the Council.

34. See supra note (26) on page 91.

35. See Speech of Mr. Philips M. L. C. P. 1865, p. 132.

36. Act No. I of 1884, Madras. In the meanwhile minor amendments to Act V of 1878 were passed by Act No. VI of 1879 and Act No. III of 1881. But they effected no change in the elective system.

37. The Madras City Municipal Act No. III of 1904. Between 1884 and 1904 there appeared Act II of 1892 and Act II of 1899; both of them contained minor amendments only.

It is indisputable that the commercial and industrial interests should have been given representation; but that was no reason why the proportion of popularly elected diyisional members should have been reduced. In fact, the Act of 1904 appears to have been the outcome, direct or otherwise, of Lord Curzon's pronounced views on municipal administration in India. Lord Curzon, the Governor-General, was responsible for imposing the definitely reactionary Act of 1899 on the Corporation of Calcutta.[38] By that statute the proportion of elected members was reduced from two-third to to one-half of the total strength. Very probably the reconstitution of the Madras Municipality was modelled on the Bengal Act of 1899.[39] When the proposed legislation was introduced in the Madras Legislative Council in 1903 it was vehemently opposed by non-official-members.[40] For some years after 1904 there was a continued agitation for increasing the elective seats and widening the franchise..[41]

During 1906-8 the Royal Commission on Decentralization reviewed the position of the Presidency Corporations as part of their enquiry, and recommended a definite advance towards making them more democratic.[42] Both the Resolutions of 1915 and of 1918 issued by the Government of India endorsed the Commission's recommendation and urged its adoption.[43]

38. Act III of 1899. Bengal.

39. See M. M. Report for 1911–12, p. 111; Sir S. Banerjee: 'A Nation in the Making' (1925) pp. 130–31. Lord Curzon's policy raised a storm of protest in Bengal. However, there is no need to doubt the real purpose of Curzon. He was keen on efficiency in municipal administration, and it was with that aim that he made the body smaller and more compact. It is interesting to note that Curzon in one of his speeches said that after his Viceroyalty, he would like to become the Chairman of the Calcutta Corporation, and that given the required equipment he "would undertake to make this city the pride of Asia and a model for the Eastern World" Sir R. Raleigh "Lord Curzon in India" (1906) p. 271. Lord Curzon might have achieved his goal; but it would not have been 'local self-government.'

40. See Speech of Hon'ble G. S. Forbes M. L. C. P. 1903. pp. 213-14. "Much has been made of the argument that the proposals regarding the constitution of the Commission are in direct contravention of the principles of what is known as local self-government." See criticisms of the measure by Messrs. Prakasa Mudaliyar and Krishnan Nair. Ibid pp. 218–223.

41. It is interesting to note that the press and the public joined in the condemnation of the measure. See M. L. C. P. 1903, p. 239. His Excellency the Governor in his speech mentioned that several leading newspapers criticised the bill and that "there was also very wild cirticism of the bill by the general outside public.".

42. Several witnesses before the Decentralization Commission urged a revision of the municipal constitution so as to make it truly representative of the citizens. See Evidence before the Royal Commission on Decentralization Vol. II, pp. 157–58. See also the recommendations of the Commission-Report Vol. I, p. 284.

43. Gazette of India, May 1st 1915, pp. 1175–91 and Idem May 25th, 1918, pp. 981–93.

All these forces eventually led to the important Act of 1919.[44] Synchronising with the epoch-making Montague-Chelmsford Reforms, which inaugurated partial self-government in the Provinces, this Act constituted a distinct landmark in the history of the Madras Corporation. It effected substantial changes in the constitution of the Corporation. The main object in view was to popularise the municipal organisation and to associate a much wider circle of citizens in the administration of the City. In the first place, the Act widened the franchise and gave practically every taxpayer the right to vote.[45] Secondly, the Council's constitution was liberalised. The total number of members was raised from 36 to 50, of whom 41 were to be elected. The elected members were composed of 30, one from each of the 30 Municipal Divisions and 11 from Institutional bodies.[46] The nominated element was reduced to 9, the bare minimum necessary to provide for the representation of Muslims and other minorities as well as technical experts. All Councillors were to hold office for three years, ten of the 30 Divisional Councillors vacating their seats every year.[47]

Thus, by 1919 the Corporation Council became, for the most part, a popular body representative of the ratepayers. The nominated element which formed 18% of the total strength continued, but this was inevitable under existing conditions.[48]

A history of the constitutional development of the Corporation would be incomplete without an account of the electoral franchise adopted from time to time. Since election by ratepayers was actually permitted for the first time by the Act of 1878, it laid down the qualifications necessary for a voter.

He had to be 21 years of age, and a resident in the particular Division of the Municipality of which he was a voter. For the year preceding that in which he voted he should have paid at least Rs 25 in municipal taxes. If non-resident, he should have paid Rs. 25 as house-tax on his property in that Division, or, for the preceding six

44. Madras City Municipal Act of 1919. Between 1904 and 1919, Acts III of 1907 and II of 1911 were issued; but they effected only minor amendments.

45. The occupancy qualification was lowered from Rs 240 to Rs 60 per annum. See infra p. 137.

46. Most, if not all of the institutional representatives were to be elected — 3 by the Madras Chamber of Commerce, 3 by the Madras Trades Association, and 2 by the South Indian Chamber of Commerce. The remaining 3 members could be elected or appointed by such other bodies as the Government might direct. In fact all the 11 Institutional members have been elected from 1923 onwards.

47. For changes effected in the executive organisation of the Corporation by Act IV of 1919 see infra p. 141.

48. An amendment of 1938 reduced the nominated members to 3. See infra p. 141.

months he should have occupied a house in the Division at a monthly rent of Rs. 25. It is obvious that the franchise, with its stress on a rather high property qualification, was a restricted one.

Act I of 1884 did not introduce any important change, except the extension of the vote to University graduates independent of the tax or rent they paid. A notable extension of the franchise was effected by Act III of 1904, which reduced the minimum level of tax and rent from Rs 25 to Rs 20. Though nominally small, this reduction was substantial in effect because, according to the distribution of income in Madras at the time, the class paying rent or tax between Rs 25 and 20 formed quite a considerable section of the population.[49] Another change introduced by the Act was that a Company or association of individuals paying a tax of Rs 20/— or more was entitled to a vote.

A great advance was effected by Act IV of 1919.[50] In the first place, the minimum period of residence qualifying a person for a vote was reduced. From 1878 onwards a residence of one year had been a necessary condition of eligibility. The Act of 1919 reduced this minimum to 120 days in a year.[51] Secondly, and more important, a substantial widening of the franchise was secured by this Act. The minimum qualification was reduced to the payment of a monthly rent of Rs.5/— for at least six months in the year.[52] Equally noteworthy is the fact that, for the first time, women were included in the list of voters.[53]

Thus the history of the municipal franchise in the city of Madras shows that progress was rather slow and halting. The explanation is that, partly through the apathy of the electors and partly through the hesitancy of Government, the franchise was widened slowly in Madras, as was the case in other Indian cities. In Bombay, as late as 1922 a monthly rental of Rs.10/— was fixed as the minimum qualification for a voter. Till 1923, in Calcutta, the biggest city of India, a minimum tax of Rs. 25 or rent of Rs. 24 alone entitled a person to vote.[54]

If the franchise was undemocratic in the beginning, the stringent qualifications demanded of candidates eligible for election were much more so. The Act of 1878 laid down the minimum

49. This lowering of the minimum resulted in the inclusion of 9175 voters in 1906.

50. In the agitation for reform after 1905, the demand for widening the franchise figured prominently. See, for example, M. L. C. P. 1918, p. 87.

51. Clause (a) of Section 49. Madras City Municipalities Act IV of 1919.

52. Ibid. Section 49, Clause (b).

53. Section 48 of Act IV of 1919 does not restrict the vote to males.

54. It must be remembered that the cost of living and the average income in Bombay and Calcutta were considerably higher than in Madras.

qualifications for a person to be elected a member. A candidate had to be (a) of the male sex (b) 25 years of age (c) acquainted with the English language (d) resident in Madras or within two miles of it and (e) he should have paid Rs. 100 as Municipal taxes for the year preceding the election.

Doubtless, these qualifications unduly restricted the class of eligible candidates. The provisions were anything but democratic, for the imposition of a Municipal tax of Rs. 100/— excluded all but the well-to-do. Further, the demand of an acquaintance with the English language ruled out a number of persons otherwise eligible.[55]

Unfortunately, even some of the later Acts did not improve the position. For well over 40 years the restrictions imposed in 1878 continued to operate. The Act of 1884 did not modify the provisions except to add another restriction preventing any officer or servant of the Municipality from being a candidate. This, however, was a desirable and necessary precaution against nepotism and administrative inefficiency. The Act of 1884 also laid down that any person sentenced to imprisonment, a bankrupt or anyone interested in a Joint Stock Company otherwise than as a shareholder should be disqualified from being a candidate.[56] These provisions too were wholesome and necessary for maintaining a high standard of integrity.

Nor did the Act of 1904 do anything to liberalise the qualifications. On the other hand, the Act of 1919 removed the qualification requiring a knowledge of the English language. What is more important, the high property qualification was discarded. In fact, any person who was a voter was declared eligible to be a candidate.[57] The only restraints-perfectly legitimate-were the disqualifications of imprisonment in the past, bankruptcy and an active share in contracts or the holding of office in the Corporation. Even this Act did not remove the restriction on women becoming candidates.

The constitutional provision for actively associating the elected members with the Corporation's business was not satisfactory till 1919. It is universally accepted that working through Committees increased the efficiency of all deliberative bodies. Not only does it secure speed and efficiency, but it provides for more effective popular control over the administration.

In the City Municipality the earliest attempt at organizing a Standing Committee was made in 1878. The functions and

55. Perhaps these restrictions should not be overstressed, for the Act of 1878 made the first venture in the adoption of election.

56. Section 43.

57. Sections 51 and 52 of Act IV of 1919.

responsibilities, and the revenue of the Municipality had increased, necessitating the employment of a smaller body within the Council to grapple with the numerous financial and administrative problems. This need was fulfilled by the creation of Standing Committee[58] consisting of five Commissioners, in addition to the President and two Vice-Presidents, who were to be ex-officio members. The five ordinary members were elected annually from and by the Commissioners. The Standing Committee had access to the Corporation accounts, and the President was bound to furnish them with any information they might require concerning receipts and disbursements. Further, the Standing Committee had power to hear appeals against orders of dismissal in the case of employees whose pay was Rs.25/— or over, and also against orders refusing licences for dangerous and offensive trades, timber depots and slaughter houses. Besides, they were authorised to dispose of applications for pensions and gratuities, to consider and settle contracts, and also to assist the President in acquiring and disposing of lands.

The constitution of the Standing Committee was not modified by Act I of 1884. On the other hand, the Act of 1904 not only raised the strength of the Committee from 7 to 8, but, what is more important, made it a more representaive body than before. While formerly the two Vice-Presidents, both Government officials, were ex-officio members of the Committee, now their places too were filled by elected members.

A wider use of the Committee system was adopted after 1919. Act IV 1919 provided for the creation of 4 Standing Committees, in order to enable the Councillors to associate themselves increasingly in the day to day administration and to make full use of the expert knowledge possessed by particular members. The four Committees were to deal respectively with (i) Taxation and Finance(ii) Public Works (iii) Health and (iv) Education. Each of the Standing Committees was to be composed of 7 members elected by the Councillors.[59]

Thus, in several respects, the Municipal Act of 1919 introduced important changes. But, perhaps none of these was so vital as the change effected in the position of the President. Ever since 1887 the President of the Council, who was also the executive head of the Corporation, had been a Government official. The most intriguing feature in the history of the Corporation is that, none of the Acts prior to that passed in 1919 made any alteration in the position of the President.

As early as 1882, Lord Ripon had recommended elected Presidents even for the District Municipalities and Rural Boards.

58. Sections 78 to 80 of Act No. V of 1878.

59. Sections 6 and 19 to 22 of Act IV of 1919.

Legislation introduced in 1884 in respect of these bodies had provided for elected Presidents. Members of the Provincial Legislature had repeatedly urged the adoption of this essential reform in respect of the Corporation. The sister city of Bombay had introduced it by 1888.[60] Finally, the Decentralization Commission of 1908, and the Central Governments' Resolutions of 1915 and of 1918 recommended an elective Presidentship.[61]

It appears that the over-cautious attitude of the Provincial Government was the sole reason why Madras adhered for so long to the old system. In their view, Madras, the capital of the Province, with its vast resources and increasing responsibilities, was too important to be entrusted to popularly elected chairmen. Moreover, the position in Calcutta, the biggest city of India, might have served as a pretext, for there too, the official President continued.[62]

At last, the Madras Act IV of 1919 effected the long awaited change.[63] Members were authorised to elect one of their number as the President for each year. The duties of the President were to preside at meetings of the Council and to conduct official correspondence with the Government. As a corollary to this change came the creation of the Official Commissioner who was placed in charge of the executive responsibility.[64] Thus, the Bombay system of a nominated Official Commissioner with an eletced Chairman of the Corporation, was finally adopted.

After various trials and errors, therefore, a system of administration was evolved for the Presidency towns by 1919, which had more or less the same essential features, namely, a large Corporation with a high proportion of elected members, an elected President and a strong independent executive authority vested in a Government nominee.[65]

A NOTE ON CONSTITUTIONAL CHANGE SINCE 1919

(1) An amendment of 1923 permitted women to be nominated or elected to the Corporation Council.

60. Act III of Bombay 1888, section 57.

61. See supra Chapter II, pp. 123–125.

62. In Calcutta, after the drastic changes introduced by Lord Curzon in 1899, a prolonged controversy ensued, with a result that for the time the question concerning the Presidentship was not taken up.

63 Section 28.

64 Section 8.

65 Bombay had a paid Commissioner so early as 1865; since 1935, there has been in addition a Deputy Commissioner. Calcutta has had a Commissioner since 1919 and a number of Deputy Executive Officers in charge of various Departments.

(2) An amendment of 1933 changed the designation of the President into "Mayor" of the Corporation.

(3) From 1933, a convention has been established of electing the Mayor on the basis of communal representation from the Brahmin, non-brahmin, Muslim, Indian Christian and the Depressed classes. Non-brahmins, because of their large number, are entitled to have two turns in a rotation.

(4) By an amendment of 1938 the number of members in the Council was raised to 64, of whom 40 were elected by general wards, 21 by separate electorates and 3 were special nominated Councillors. The practice of electing 5 aldermen by the whole Council was also introduced by an amendment in 1938.

(5) By the amendment of 1938, two more Standing Committees were to be constituted. Now, there are 6 Standing Committees, namely (1) Taxation and Finance; (2) Public Works; (3) Health; (4) Education; (5) Accounts and (6) Town Planning and Improvements.

(II) THE DISTRICT MUNICIPALITIES

The earliest attempts at introducing Municipal organisation into the Province outside Madras city was made by Act XXVI of 1850 which, with some modifications, extended to the Madras Presidency the Bengal Act of 1842.[66] The Act of 1850 provided for the creation of a corporation in towns, the inhabitants of which were eager to improve their sanitation, roads and other amenities, and at the same time, were prepared to bear the necessary taxes. The Commissioners of the municipal body were to consist of the Magistrate as President and such of the inhabitants as the Governor-in-Council might appoint. This Act was only permissive in character, for the establishment of a municipal body was entirely left to the option of the citizens. For this reason very little appears to have been done. The apathy of the citizens, coupled with their reluctance to bear additional taxation, accounted for their failure to take advantage of the Act.[67] But the appalling condition of some over-populated towns impressed on enlightened citizens the need for some organisation, and by degrees there arose, without the sanction of any legislative Act a number of purely voluntary associations for sanitary and other Municipal

66. Imperial Gazetteer, p. 286.

67. It was put into operation in a few places such as Berhampore, Adoni, Kurnool, Bellary and Coimbatore; but little success was achieved. "Madras Administration Report", 1855–6, p. 25. In the Bombay Presidency the Act did not meet with success mainly because of lack of enthusiasm on the part of local officers of Government. See "Bombay Administration Report" 1855–6, p 46. It is not known if this was true of Madras also.

purposes. In 1859-60, two towns had set up organisations[68] of this nature, and by 1863-64 the number rose to five.[69] In the two succeeding years more towns followed suit. Each of these institutions raised by means of subscriptions a sum towards municipal expenditure. In addition, they were supported by a Government grant equal in amount to the sum raised by private subscription.

Till 1865 the Municipal bodies were all organised on a voluntary basis. An enactment which placed them on a statutory basis was the Towns Improvement Act of 1865. The original purpose of the Act, however, was to make the inhabitants of towns bear a part of the increasing cost of the Police.[70] The Act made it optional for the citizens to raise money for conservancy and other Municipal purposes. Eventually it was decided by Government that the amount compulsorily raised was to be spent not only on the Police, but also on purposes of public welfare such as the construction of drains, the making of roads and the cleaning of tanks.[71] The Government selected what towns were to be brought under the operation of the Act and settled the amount to be raised by the inhabitants. One-fourth of the sum fixed for each town was paid by Government as a grant-in-aid. Besides, the Commissioners were empowered to raise additional sums for other municipal services such as lighting, prevention of fire, and water supply.[72] In essence, therefore, the Act of 1865 restored the optional provision contained in Act XXVI of 1850, but with this important difference that some towns were compelled to raise a fixed amount for the Police and essential purposes. Option was given to those towns only in the matter of increasing the collections and providing additional amenities. Thus the Act of 1865 marked a real advance in the creation of a municipal organisation.[73]

The constitution of the Minicipal Board was also improved by the Act of 1865. The Commisioners nominated by Government were to consist of not less than five inhabitants of the town. In addition, three officials, namely the District Magistrate,

68. M. M. Report 1859–60, p. 21.

69. Nellor, Kurnool, Vizagapatam, Bimilipatam and Vizianagaramt An attempt made in Salem in 1862 proved unsuccessful. M. M. Report 1863–64, p. 36.

70. Police expenditure had mounted up and some of the towns were found richenough to share the charge. See the Speech of Mr. Arbuthnot—'Madras Legislative Council Proceedings' 1865 p. 32.

71. Section 25. Towns Improvement Act of 1865.

72. Section 29. Ibid.

73. It is interesting to note that election was suggested by some legislators. The Governor of Madras in his speech on the Bill said that he did not believe in the possibility of transplanting in India representative institutions. M. L. C. P. 1865, p. 32. See also speeches of Mr. Philip. and of Mr. Ellis emphasising the dangers of introducing elections M. L. C. P. 1865, pp. 39–45.

the local magistrate and the Range Officer of the Public Works Department, were appointed as ex-officio members. The District Magistrate was the President and he was authorised to nominate Vice-Presidents for all the Municipalities within the District. The power of appointing the staff needed for the execution of municipal functions was also vested in the President. Moreover, in cases of emergency the President could exercise supreme powers, except those which the Act expressly reserved to the Commissioners acting as a body.[74]

It is clear that the Commissioners had only a limited power. Besides, they were bound to raise the amount fixed by Government; if they failed to do so, the District Magistrate, who was the President, was authorised to raise the sum.

This type of municipal organisation was introduced into 29 towns by 1866, and in the next year 18 more were added. Though some opposition was shown in two or three towns, the general attitude on the part of the people appears to have been one of indifference.[75] It is however, gratifying to learn that as time passed, a greater interest was evinced by the people in the working of the Municipalities.[76]

Soon it was felt necessary to introduce certain modificaions into the Act of 1865. It was found that the optional provision for raising money for purposes like lighting, sanitary inspection, vaccination and medical relief, was practically inoperative and that these services were either starved or were totally neglected. Moreover, it seemed necessary to include education as an essential service to be undertaken by Municipalities. It was to meet these needs that an Act was passed in 1871, which, besides introducing other changes, relieved them of the charge for the Town Police[77] so that funds might be available for municipal services.

The Act of 1871 introduced important constitutional changes. The number of ex-officio members was reduced from three to two, the Collector being substituted for the District Magistrate as President and the local Revenue Officer taking the place both of the local Revenue Officer and of the Range Officer. The right of appointing Vice-Presidents was taken out of the President's hands and vested in Government, who could authorise their election by the Commissioners in suitable cases.[78]

74. Section 9 of Towns Improvements Act of 1865.

75. Madras Administration Report (M. A. R.) 1867–68, p. 34.

76. Government observed with satisfaction that the people's attitude was changing for the better. "It is evident that the feeling in favour of the Municipal institutions is strengthening" M. M. Report 1869–70, page 76.

77. Sections 27 and 28 of the Act of 1865, which gave that power, were not reenacted.

78. Section 10 of Act III of 1871.

ency, in its turn, was bound to weaken the sense of self-reliance of the popular representatives.

The Act of 1884 was amended in 1897 when some minor changes were adopted. A provision of considerable importance introduced by the Amendment Act of 1897 was the creation of a separate officer in charge of the routine official work.[102] All Municipalities were authorised and the bigger ones were compelled to appoint a paid Secretary as the chief executive officer. This step was a desirable move, for it tended to free the Chairman from routine responsibilities, while at the same time, it helped to elevate administrative management above the pale of party politics.

A remarkable advance in municipal progress began in 1885. In the beginning of the present century, as for instance, on 31st March 1904, there were 60 Municipalities in the Presidency, consisting of 944 members of whom 450 were elected by ratepayers, 426 nominated by Government[103] and the remaining 66 ex-officio members. Of the total number of members, 208 were officials and 736 non-officials, while by race 172 were Europeans and 772 were Indians. In 38 of the Councils the Chairman was a non-official, though among them only 27 were elected by Commissioners.[104]

The constitution of Municipalities practically remained unchanged from 1884 to 1920. But during this period, and particularly in the early years of the present century, several suggestions were made to modify the constitution. The most important document after 1884 concerning Municipal development was the Report of the Royal Commission on Decentralization (1908), which reviewed the progress achieved,[105] and made several recommendations ragarding future development. They pleaded for a substantial elective majority in Councils and added that the latter should usually elect their own Chairmen. Government officers should be debarred from election and where a nominated Chairman was found necessary he should be a non-official.[106] They held that the Vice-Chairman of the Municipal Council, if one was required, should be an elected non-official. Another important recommendation was concerning the constitution of Committees, they stated

102. This amendment was based on Lord Elgin's Resolutions of 1896-cf. appendices to M. M. Report 1896-97.

103. Thus the statutory proportion of elected members ecured. See Infra Chapter IV, p 184.

104. See Municipal Report 1904-05, pp. 8-10.

105. The Commission observed that, in comparison with other Provinces, there was a higher average of population in the Municipalities of the Madras Presidency. Out of 60 Municipalities in 1906-7, as many as 57 had a population of over 10,000. See Report — Royal Commission on Decentralization (1908) Vol. I, p. 271, para. 811.

106. Ibid. Vol. I, p. 282, para. 852.

that committees consisting of Councillors and of outsiders should be set up and entrusted with certain branches of administrative supervision.[107]

The importance of the recommendations of the Decentralization Commission can hardly be over-estimated. Though they suggested certain restraints on the freedom of Councils, which they felt necessary for ensuring the smooth and efficient working of these bodies.[108] On the whole, their recommendations were liberal and sympathetic. In fact, the constitutional progress of municipal organisation in the Presidency for several years amounted to nothing more than implementing the recommendations of the Decentralization Commission.

The undue delay of the Central Government in taking action on the proposals of the Commission has been already noticed. In 1915 they issued their Resolution, which, however, did not incorporate all the suggestions made by the Commission. The Government of India accepted the principle of elective majority in the case of municipal councils but advised caution in introducing it. Regarding substitution of a non-official in place of an official chairman, again, they suggested caution, and required the Provincial Government to exercise their discretion in the matter. But they agreed with the Commission that the District Officer should be relieved of executive control over municipal bodies. They commended to the Government of Madras the suggestion that in the larger towns the executive administration should be vested in a full-time officer, while in smaller towns the executive functions should be delegated to responsible municipal officers.[109]

There was a widespread feeling among the educated citizens of the Madras Presidency that the Central Government's Resolution of 1915 was not liberal and progressive in its recommendation. Nor was the attitude of the Madras Government appreciated by the people. Public opinion expressed its dissatisfaction through the press and the Provincial Legislature.[110]

Hence the Government of Madras appointed a special officer in 1916 to draft a revised District Municipalities Bill and ascertained the views of various Municipal Councils as to what amendments were necessary. A Committee consisting of officials and non-officials, was possessing long experience in municipal administration, was appointed to examine the Bill.

107. Ibid. Vol. I. p. 283, para. 856.

108. See infra, Chapter VII, page 380.

109. M. M. Report 1917618, pp. 173-74.

110. M. L. C. P. 1915, p. 124; Idem 1916, p. 232-34; Idem 1917, pp. 564-566. See also T. M. Nair: Principles and Practice of Municipal Government" (Madras) 1916), pp. 31-34.

Meanwhile the Government of India revised their earlier suggestions and issued their Resolution of 1918 on local self-government..[111] The bill prepared by the Madras Government was re-examined in the light of the new Resolution and was, with some modifications, introduced in the Legislative Council on 19th November 1919. It became the District Municipalities Act of 1920, which among other far-reaching changes, widened the franchise and provided for an increase of the average citizen's share in Municipal administration.

Indeed, the Municipal franchise had been unduly restricted till 1918. In the beginning the minimum qualification for a voter was fixed at a lower level than in the case of the City Corporation. This was perhaps natural, because the average income-level was lower in the District Municipalities than in the City. Rules concerning Municipal franchise were first framed by Government in 1877, and they fixed the minimum qualification at a rather high level.[112] The right to vote was given only to citizens paying a municipal tax (on land and buildings) of Rs 12 and above. Apart from the high minimum, the system was defective in that it did not include non-propertied classes like those receiving salaries or pensions or those possessing educational qualifications.

The rules were modified in 1886, according to which the following persons were qualified to vote at elections for councillors:—[113] (a) Every owner of houses and lands situated within the limits of the Municipality who was liable to pay a house or land tax or aggregate house and land taxes amounting to Rs. 3-12-0 and upwards; (b) All persons liable to the payment of a profession-tax of Rs.6 per annum and upwards; (c) All persons liable to the payment of income-tax (d) All Government pensioners drawing Rs. 15 per mensem and upwards (e) All persons drawing a salary of Rs. 30 per mensem and upwards; (f) All persons who paid a house rent of Rs. 5 per mensem and upwards and (g) All graduates of a recognised University.

Though most of the rules were liberal, the tax level of Rs. 3-12-0 was really high. Many of the poorer classes were denied the privilege of franchise; barely 2½% of the municipal population had the vote. Public agitation pressed for a revision of the franchise,[114] and, after a prolonged consideration, Government issued new rules in 1918, by which the franchise was extended to all persons paying an aggregate property and profession tax of not less than Re 1 per annum.[115] This marked a substantial advance, and

111. Supra Chapter II, p. 79.
112. "Municipal Manual" Madras 1883, p. 7.
113. Municipl Report 1886-87. Appendix A.
114. T. M. Nair : "Principles and Practice of Municipal Government" (Madras 1916) pp. 34-35.
115. Municipal Report 1918-19, page I.

the change resulted in increasing the electorate from 2.6 to 5.4% of the total municipal population.[116]

More stringent than the restrictions of franchise were the qualifications demanded of candidates. The qualifications fixed for candidates to be elected to Municipal bodies were high in the early period. In 1877, it was laid down that only those who paid a municipal tax of Rs. 50 or land revenue of Rs. 75 were eligible.[117] Obviously this precluded a large number of persons othrewise suitable. Nor were the qualifications revised in 1886 when the franchise was widened. It was not until 1918 that all those who paid a municipal rate of Rs. 10, and those who paid income-tax, as well as pensioners drawing Rs. 50 per mensem, were included.[118] Even this was not liberal enough; but a proper revision was effected by the District Municipalities Act of 1920.

Notwithstanding the slow progress in making the District Municipality democratic, by 1919, it had attained a considerably stable position in the scheme of local self-government. Starting from humble beginnings as a creation of Government, municipal administration had gradually expanded over the Presidency. Dominated by government officials and nominated members in the early stages, gradually, though very slowly, it became an elected body, with an elected chairman, and a growing institution of local self-government.

NOTE ON CONSTITUTIONAL CHANGES AFTER 1919

I. THE ACT OF 1920

(a) The Councils were normally given perfect freedom in the choice of their Chairmen.
(b) The emergency powers entrusted to the Revenue Divisional Officer were withdrawn.
(c) The right to vote was given to all rate-payers, including women.
(d) Any voter was entitled to be a candidate for elections.
(e) Normally Councils were given a free hand in regard to their budgets.

II. AMENDMENT ACT OF 1930

The most important change effected was the abolition of the system of nominations and the provision made for the reservation of seats for minority communities by a system of election by all the voters in each ward.

116. Ibid 1919-20, p. I.
117. 'Municipal Manual' (Madras 1904), p. 8.
118. 'Municipal Manual' (Madras 1919), pp. 14-15.

The Select Committee had recommended adult suffrage, but this was not adopted.

III. AMENDMENT ACT XV OF 1933

Amendment Act XV of 1933 made it obligatory on the part of Government to appoint paid Commissioners as executive officers in the case of 10 advanced municipalities and authorised them to appoint such Commissioners in all other municipalities, if found desirable. Government have since 1934 appointed Commissioners to all Municipalities.

IV. In 1938 the Government adopted the electoral roll of the Madras Legislative Assembly as the Municipal electoral roll. This means that all adult literates can vote in Municipal elections.

(III) RURAL BOARDS

The establishment of boards for local administration in rural areas came much later than in the case of towns. Even when set up, they progressed less rapidly than Municipalities. The Local Fund Board, the precursor of the modern District Board, was the first rural body to be organised in the Madras Presidency, and it originated under rather peculiar circumstances.

In 1853 the Collector of South Arcot(Mr. Edward Maltby) observed that there was not a single road for over 5,000 miles in the District and that some organisation was necessary to remedy this defect. Hence, he requested the Government to allocate a small fraction of the Land Revenue as a District Road Fund.[119] The suggestion was sanctioned by the Government in 1854 and a substantial progress in the layout of roads was achieved with the aid of the fund, which was managed by the Collector and the District Engineer.[120]

The experience of South Arcot encouraged other Districts to imitate it; in 1856 it was adopted by North Arcot, while in the succeeding years several others followed suit. Thus, the idea of a Local Fund for promoting the welfare of the District became common. In 1859 we find the system prevalent in 16 Districts. and among them, it proved quite successful in South Arcot, North Arcot, Bellary, Salem and Malabar.[121]

Meanwhile, the need for promoting education in rural areas began to engage the attention of the Government, particularly after the publication of Sir Charles Wood's famous Despatch on Education (1854). In 1855 liberal grants were given by the Provincial Government in aid of schools started by private effort. The scheme, however, did not work well, since the people were

119. Madras Manual of Administration (1855), Vol. I. p. 483.
120. Administration Report of the Madras Presidency (M. A. R.) 1855-56, p. 26.
121. M. A. R. 1859-60, p. 20, para. 33.

generally indifferent to education. The levy of a compulsory rate for educational purposes was suggested by the Home Government in 1859;[122] but it did not find favour at Madras. Eventually it was realised that the grant-in-aid system, though useful in improving Higher and Middle Class Schools had done very little in promoting elementary education. Hence, Government passed the Madras Act VI of 1863 which gave legal sanction to District authorities to levy a cess for education; but still it was only permissive, dependent on the co-operation of the inhabitants. Wherever schools were opened, provision was made for the establishment of a Committee consisting of the Inspector and Deputy Inspector of Schools as well as prominent citizens of the locality nominated by the Collector.

When the Act came to be worked, it was still found illadapted to rural communities who were not keen on the development of education. At the end of 7 years after the Act was brought into force, only 9 out of the 19 Districts had schools which were established under the Act and the total number of schools was barely 104 with an attendance of 3,665 pupils.[123]

Act VI of 1863 having thus failed, Government realized that the imposition of a compulsory rate could no longer be postponed. But, instead of having a special tax for education it was considered desirable to merge the Road Cess Act 1866[124] and the Education Act of 1863 into a combined measure and to raise by a single rate the funds required for popular education, for roads, and other public objects of a local character.

It was with the aim of providing for the purposes mentioned above that the Act of 1871[125] was passed. This Act formed the first comprehensive measure which introduced an organisation for local management of rural areas. The entire Presidency, excepting the areas comprised in Municipal towns, was divided into 36 groups called Local Fund Circles over each of which a Board was set up. The Act laid down the various functions that Local Fund Boards were to undertake, fixed the sources of their income, and settled their constitutional framework.

Broadly speaking, the structure of the new Local Fund Boards was similar to that of Municipalities provided by Act No. III of 1871.[126] As in towns, the rural Board consisted of a President, a

122. Earl of Derby's Despatch in 1859. See also "Review of the growth of the education in British India" by the Auxiliary Committee of the Indian Statutory Commission 1929, p. 13.
123. M. M. Report 1870-71, p. 82.
124. See item (iii) Rural Boards under chapter VI
125. Act No. IV of 1871, Madras.
126. See supra p. 144. (Chapter III).

Vice-President and 3 or more nominated members who were owners or occupiers of land in the area.[127] It is noteworthy that, excepting the earlier participation of prominent citizens in the educational committee, this was the first time that non-officials were associated with rural administration. Government Officials could also be appointed, and there was the same proviso as in the case of Municipalities that the number of officials should not exceed one-half of each Board. But unlike the Municipality the Local Board had only one ex-officio member, namely the Collector-President.

The power of the President was different from that in the case of the Municipality, for the entire executive authority of the Local Fund Board was vested in the President and he was directly responsible for the due fulfilment of the purposes of the Act.[128] By far the most important difference lay in the fact that there was no provision in the Local Fund Act for the election of Vice-Presidents or members. Furthermore, Government could exercise a stringent control over Local Fund Boards through the Board of Revenue, to which was delegated the power to scrutinise and sanction their budgets.[129]

Soon it was found that reluctance to bear additional taxation was much marked in rural areas than in towns. Some of the Circles could not collect the required amount of money, and therefore, Government were obliged gradually to widen the area of the Local Fund Circle, until in 1882, the number of Circles was reduced to 30.[130] This, in its turn, lessened the interest of members in the affairs of the Board, because matters pertaining to a wide area were not of immediate concern to the average member. Attendance at meetings became remarkably poor.[131] The large size of the Circles and the long distance which some of the members had consequently to travel mainly accounted for this feature.

Moreover, the services undertaken by the Local Fund Boards were not very satisfactorily rendered. Sanitary work, which was most important, was still capable of vast improvement.[132] Nor was the condition of roads and of educational development found satisfactory. But the number of members in each Board was progressively increased. In 1882 there was a total of 774 members in the 30 Boards then in existence or an average of 25.8 members on

127. Sections 4 and 5, Act IV of 1871, Madras.

128. Section 23.

129. Section 71.

130. Report of the Local Self-Government Committee (Madras), p. 73.

131. Out of an average of 25.8 members the average attendance of non-officials was 3.3 and of officials 3.5.

132. M. M. Report 1879-80, p. 91 and Idem 1881-82, page 138.

each Board. Of these 366 members or 47.1% were officials and 408 or 52.9% non-officials.[133]

Nevertheless, there was, as yet, no attempt at local self-government. The only popular element consisted of the nominated members, and since they were appointed by Government, they were far from being real representatives of the people. The interest evinced either by the members or by the people at large was considerably less than in the case of the Municipalities. This marked disparity was due, in a large measure, to the comparative lack of educational advance and of public spirit. Partly also, it was due to the more widespread poverty of the population in rural areas.

When rural boards were passing through this stage, in 1881, there appeared the Resolution issued by Lord Ripon's Government, and in its wake followed the correspondence between the Governments of India and of Madras. The complacent view of the Provincial Government was rightly questioned by the Central authority, which stressed the need for having smaller units of local self-government, an increased elective element in rural boards, election of chairmen and reduction of official control.[134] The Madras Government, as noticed earlier,[135] appointed a Committee to report on the working of Rural Boards as well as of Municipalities and to suggest proposals of reform. Surveying the progress already made, the Committee put forward several recommendations for further advance.[136]

They suggested, first, the formation of each revenue village or group of villages into rural sanitary units called Unions,[137] secondly the creation of Taluk Committees supervising the Unions, and finally the establishment of District Boards controlling the Taluk Committees. Regarding membership of these bodies they recommended that the members of the Unions were to be appointed by the Taluk Committees, while the latter were to consist of members appointed by Government or elected by tax-payers wherever possible.[138] Ultimately three-fourths of the District Board were

133. Report of the Local Self-Government Committee (Madras), p. 73.

134. Parliamentary Papers — (East India) Vol LI, (1883) pp. 20-22 and pp. 126-128.

135. Supra pp. 147-48.

136. Report of the Local Self-Government Committee (Madras) 1882, pp. 86-101.

137. Two classes of Village Unions – Major and Minor were recommended. Groups of contiguous villages having a population exceeding 5,000 inhabitants were to form Major, and others, Minor Unions. The Major Unions were to be charged with performing the elementary duties of a Municipality and the Minor Unions with sanitary conservancy alone.

138. The Committee did not recommend the immediate adoption of election. It was to be employed later, though it was permitted in a few advanced places from the beginning.

to consist of representatives elected by Taluk Committees, the remaining one-fourth being nominated by Government.[139]

An advance on the character of the existing constitution of the Local Fund Board was recommended by restricting the proportion of official members to one-fourth of the whole strength. The post of the Vice-President of the District Board was to be abolished and his place taken by a Secretary to the Collector-President. However, a revision of the Local Fund Rules so as to bestow increased independence and powers of sanction to local bodies was urged.

On the whole, the recommendations of the Committee appear to have been rather reactionary in character, though they suggested advance in some directions. It is evident that the Committee did not share the bold spirit and robust optimism of Lord Ripon. For instance, they counselled a very slow and gradual adoption of election entrusting wide discretion in the matter to Government. Again, they permitted the continuance of the Collector as ex-officio President of not only the District Committee but also of all the Taluk Committees in the District.[140] Moreover, they added that the Divisional Officer was to be the Vice-President of the Taluk Committees within the area of his jurisdiction. This was a positively retrograde proposal, for even the Act of 1871 had empowered the Governor-in-Council to nominate any member of the Board, official or non-official, as Vice-President.

The Committee's recommendations appear to have been vitiated by excessive caution. The very fears commonly entertained by officials, which Lord Ripon had so ably tried to allay, haunted the Committee.[141] They made much of the earlier failure of the elected Temple Committees established in the Presidency by Act XX of 1863 and held that a similar fate might befall the local boards if election was freely adopted. But, in fact, the Temple Committees had failed more on account of their defective legislation than because of any inability of the people to work elective systems.[142]

139. In the first instance the entire District Board was to be nominated by Government and election was to be adopted gradually

140. They stated categorically that it would not be expedient, for many years to come, to have non-official Presidents for either District Boards or Taluk Committees. The Collector's wide administrative experience and a knowledge of all parts of the District would be invaluable assets for the Boards. See L. S. G. Committee Report, p. 120.

141. It should be remembered that the Committee was presided over by a Member of the Governor's Council and that the majority of the members were officials of Government.

142 See (1) Minute of Dissent to Local Self-Government Committee, Madras (1882) by S. Subramonian, Vol. I, page 123, and (2) Proceedings of the Madras Native Association on the (Local Self-Government) Resolution of the Government of India 1883, page 4.

Having considered the entire position, the Madras Government eventually passed the Act of 1884 which embodied, for the most part, the recommendations of the Committee. The threetier system of rural institutions was accepted and there were to be District Boards coterminous with the Revenue Districts, Taluk Boards each comprising one or more Revenue Taluks and Union Panchayats each consisting of one or more villages.[143]

The District Board was composed of a minimum of 24 members.[144] Every Revenue Officer in charge of a division of the District was to be an ex-officio member of the Board.[145] The other members were to consist partly of officials and partly of non-officials; and it was laid down as a general rule that the officials were not to form more than one fourth of the total strength of the board.[146] But, where election was permitted no proportion was fixed by statute between the official and non-official elements; any number of officials could be returned by election. Concerning the proportion between the nominated and elected members where election was permitted, it was required that the elected persons, should 'unless the Governor-in-Council otherwise directs, be three-fourths of the whole strength.'[147] Where election was adopted, they were to be elected by the Taluk Board members from among themselves, or where there was no Taluk Board, by the Union Panchayats.[148]

The executive authority was vested in the President who was generally the Collector of the District.[149] However, a theoretical provision was included in the Act authorising the Governor-in-Council to permit any Board to elect a President from among its members.[150] But, in practice, the permissive clause was a dead letter for well over a quarter of a century. Every Board had its Vice-President who could be either nominated by the Governor-in Council, or elected, with his permission, by the Board from among its members.[151]

The structure of the Taluk Board was framed by the Act on similar lines. The members of the Board, the minimum strength

143. The distinction between Major and Minor Unions was not adopted.

144. Section 8.
145. Section 10
146. Section 12.
147. Section 13.
148. Section 11.
149. Section 9 (i)

150. Section 9 (ii). This theoretical provision was more liberal than the recommendation of the Committee.

151. Section 14. In this respect also the Act was more liberal than the recommendation of the Committee.

of which was to be 12, were to consist partly of officials and partly of non-officials. The proportion of officials was normally fixed at one-third of the total strength.[152] The method of selecting the members was left to be settled by the Governor-in-Council in accordance with the level of education and public spirit prevalent in each Taluk. They could all of them be nominated, or partly nominated and partly elected. Where election was permitted, the electorate consisted of either the members of the Panchayat Unions or the entire body of taxpayers in the Taluk.[153] The Revenue Divisional Officer was an ex-officio member of all Taluk Boards within his jurisdiction, and generally he was their ex-officio President. The Act contained a provision that the Governor-in-Council could decide in particular cases whether the President was to be elected by the Board or nominated by Government.[154] The Vice-President of the Taluk Board also could either be nominated by Government or elected by members.[155]

The constitution of the Union Panchayat was simple. It was to consist of a minimum of 5 members, of whom the village headman was an ex-officio member.[156] The other members were to be either wholly nominated by Government or partly nominated and partly elected by the taxpayers of the Union.[157] The Chairman, again, could be nominated by Government or elected by the Panchayat wherever authorised.[158]

The whole scheme formulated by the Act of 1884 appears to have assumed a middle course between the bold policy of Lord Ripon on the one hand and the reactionary course suggested by the Local Self-Government Committee on the other. In recognising the need for employing election of members as well as of the Presidents, and Vice-Presidents, Lord Ripon's views were adopted: but, in conferring ultimate power of introducing it on Government, the reactionary attitude of the Committee prevailed.[159] Indeed the dominant feature of the Act was the wide discretion it gave to Government in the matter of employing nomination or election in constituting the

152. Section 17.
153. Section 16.
154. Section 15.
155. Section 20. This, again, was in advance of the Committee's recommendation.
156. Section 119. The Village Headman was the hereditary official of the village from pre-British days.
157. Section 121.
158. Section 123.
159. When the Local Boards Bill was submitted to the Central Government for approval, Lord Ripon expressed his view that Sections 5, 19, 20, 24, 59 and 160 conferred excessive powers on the Government and suggested that they should be amended at the earliest opportunity. See Home Departt. Proceedings 1884.

several Boards. The provincial authority alone could decide where, when and to what extent, election should be adopted.

Everything therefore depended upon the character of those who guided the counsels of the Provincial Government and on the Collectors who tendered advice to them. When it is remembered that almost all of these, the members of the Governor's Council, and of the Board of Revenue, as well as the District Collectors, were senior members of the Indian Civil Service whose outlook and convictions were none too favourable to the encouragement of self-government, the result can be imagined.

Moreover, the elective system adopted in the case of District Boards was not democratic. Provision was made for electing one-half the members of each District Board. But the electorate, as well as the candidates eligible for election, consisted only of members of Taulk Boards. And the latter were, for a considerable time, entirely nominated by Government. Obviously, members "elected" to the District Boards were far from being real representatives of the people.

This constitution worked till 1920. The most remarkable feature of the history of Rural Boards for over twenty-five years after the Act of 1884 came into operation, was, that the permissive clauses relating to the employment of election were not used at all. No elective element appeared in either Taluk Boards or Union Panchayats. This was in marked contrast to the development in Bombay, Bengal and other leading Provinces. The Government of India observed: "It will be seen from a comparison of these details (pertaining to Madras) with those relating to the other Provinces that Madras is behind most of the other Provinces in the matter of elective representation on the local boards."[160] Nor were those sections of the Act which authorised the use of election for choosing Vice-Presidents of District and Taluk Boards adopted. The Provincial Government pursued an extremely cautious and conservative policy. The Government of India were obliged to draw the attention of the Governor-in-Council to the desirability of introducing election for choosing the Vice-Presidents.[161]

In the meanwhile, non-official members of the Provincial Legislature drew repeated attention to the need for granting the local bodies a large measure of real self-government.[162] They clamoured for an extension of popular election in the organisation of local bodies. By the end of the 19th century, education had spread and particularly ideas of western democracy and local self-

160. Parliamentary Papers. (East India) XLVI. 1913, page 690.
161. Letter from the Government of India dated 25th March 1898, quoted in Local Boards Report 1899–1900, p. 3.
162. M. L. C. P. 1897, pp. 213-17 and Ibid pp. 347-59.

government had permeated the enlightened sections of the community. The oft-repeated argument in favour of learning by trial and error was stressed. "If people were ever to be trained in the art of self-government there was no alternative left except the introduction into the country of those western methods of election, which in their theoretical aspects at least were now influencing the thought of Indian leaders".163 It was rightly urged that the grounds on which the elective system was found unsuited in 1871 or 1884 were disappearing and that the time had come for a bold adoption of the experiment. The employment of the elective system in the Municipalities gave an additional impetus to the clamour for its introduction in the Rural Boards.164

As a result of pressure from the Central Government and from the popular representatives in the Legislature, the Madras Government was eventually constrained to make some concessions. The privilege of electing Vice-Presidents was granted to six Taluk Boards in 1898-99.165 Moreover, the Madras Government introduced in 1898 an amendment to the Local Boards Act of 1884, with the object of permitting the nomination of non-official Chairmen for Rural Boards.166 Although the final decision concerning the particular boards to which the provision could be applied rested with Government, the amendment did mark an advance over the existing position. Nomination of a non-official as Chairman was a half-way house to election by members.

During the consideration of the bill by the Legislative Council, non-official representatives stressed the need for employing election in choosing members.167 But the Executive Councillor in charge of Local Self-Government stoutly opposed the proposal on the oft-repeated ground that efficiency would suffer. It was also emphasised by him that democratic institutions in the hands of an ignorant and ill-organised electorate might result in the growth of corruption and nepotism. The differences of caste and religion among the people, together with the factious spirit prevalent among them, were indicated as possible sources of danger to the smooth and stable working of rural boards.168 There was nothing new in

163. Speech of Mr. Vijayaraghavachary (ex-President of the Indian National Congress). M. L. C. P. 1900, p. 278.

164. Excepting interpellations and speeches in the Provincial Legislature as well as occasional articles in the newspapers, one fails to see popular agitation on an organised scale. It was some time before the Congress itself realised the need for practical improvement in local self-government.

165. Local Boards Report – 1898-99, p. 3.

166. Amendment Act VI of 1900, Madras. Section 11 – Sub-section 2 (b).

167. M. L. C. P. 1898, pp. 60-63.

168. M. L. C. P. 1900, pp. 282-83.

these hackneyed arguments against the adoption of election. The question is whether a possible chance of training the people in self-government did not make it worth while trying the experiment. The non-official members in the Legislature were not strong enough to compel the Government to adopt their suggestions.

Several amendments were moved by members, but they were all rejected. A proposal to exclude officials from being elected to District Boards was discarded. An amendment urging the introduction of elective Vice-Presidents for District Boards was rejected on the grounds that the financial responsibility of the office was too great to be entrusted to non-officials and that a deadlock might be created through lack of cordial co-operation between the Collector-President and an elected Vice-President.169 Thus, even two decades after Lord Ripon's Resolutions, the realisation of local self-government in rural areas seemed a distant ideal.

Then came the proposals of the Decentralization Commission. They urged that there were to be elected majorities in both District and Taluk Boards.170 Nomination was necessary in their opinion in order to secure representation of minority communities; separate electorates for that purpose were considered harmful.171 The Commission, however, did not approve of the proposal to have elected Presidents for either District Boards or Taluk Boards. Far from adopting Lord Ripon's view that control should be from without and not from within, they declared themselves in favour of the Collector continuing as President of the District Board, and the Divisional Officer of the Taluk Board.172 Apparently, in this matter, the Commission was influenced by official opinion that the removal of the Collector from the Presidentship would make him a mere tax-gatherer and divorce him from contact with non-official opinion and that his continuance as President would place his rich administrative experience and knowledge of the District at the disposal of the Board.173 On similar grounds the continuance of

169. M. L. C. P. 1900, p. 271.

170. Decentralization Commission Report Vol. I, page 264. Para. 789.

171. "Separate election by castes and creeds is not known elsewhere in the British Empire and would introduce a new element of discord and disunion if introduced in India", Ibid Vol. I, p. 264, note. But once the principle of communal representation is conceded, election is a more democratic method of securing it than nomination.

172. Ibid, p. 265, para. 794. They did admit that the preponderence of non-official opinion, especially in Madras and Bengal, was in favour of an elected non-official President.

173. The Commission failed to realise that the over-worked Collector would hardly find time to take an active interest in the problems of the Board. Moreover, Collectors were frequently transferred; hence their knowledge of the needs of different parts of the District were not always intimate.

the Divisional Officer as President of the Taluk Board was approved. It is significant that besides non-official witness, Mr. Dutt, a member of the Commission, was definitely against the retention of official chairmen.[174] The Commission, however, recommended that both District and Taluk boards were to have elected non-official Vice-Presidents.[175]

Their most important proposals were those concerning Village Panchayats. They urged the establishment of Panchayats in as many villages as possible and in all of them, as also in the existing Union Boards they favoured complete election.[176]

Generally speaking, however, the Commission's recommendations in respect of the Rural Boards, except in the case of Village Panchayats, were not conspicuously liberal. At any rate, they were definitely retrograde in certain respects compared with the proposals of Lord Ripon. Their recommendations did not solve the fundamental defects in the organisation of rural boards, namely, extension of elective representation, and the establishment of elected chairmen.

However, it took a long time before the Commission's recommendations were implemented. Meanwhile public opinion, fostered by the educated classes, was constantly pressing for a revision of Act V of 1884 and for a real extension of local self-government. The agitation for Home Rule and national independence lent colour to the demand for making local bodies democratic. The Press and the Provincial Legislature played their part. The Legislative Council, thanks to the constitutional changes of 1909, had a non-official majority and this advantageous position was used to a remarkable extent in drawing the Government's attention to the urgent need for reform. Moreover, several of the non-official members continued to be, or had previously served, as members of local bodies. Hence they knew the real defects of the machinery and their views were bound to have an effect on Government. They moved resolutions urging the Government to exercise its discretionary power, concerning the organisation of Rural Boards, with greater boldness and liberality than previously shown.[177] In almost every session of the Legislature interpellations were made concerning cases of Government interference with the working of local bodies.[178] A favourable circumstance after 1911 was that in the Executive Council of the Provincial Government there was an

174. Mr. Dutt held that "the want of success of the present system of self-government is largely due to the executive power being centralised in the Collector-President and not to any defects in the system of election." Ibid p. 264. Footnote.

175. Ibid. Para. 797.
176. Ibid. Vol. I, p. 240-41, para. 705.
177. M. L. C. P. 1911, pp. 32-39; Idem 1912, pp. 173-78.
178. M. L. C. P. 1912, p. 28; Idem. 1917, p. 168.

Indian member whose portfolio included Local Self-Government. Undoubtedly his counsel had its own influence on the deliberations and decisions of the Governor-in-Council.

As a result of all these forces a marked change appeared in the Government's use of discretionary authority. In several Taluk Boards the proportion of non-official members was increased, election was introduced and official Presidents were replaced by nominated non-officials. Thus, in 1909 Taluk Boards were allowed to elect one-third of their members for the first time;[179] and in 1911 the proportion of elected members was increased to one-half of the total strength.[180] It was progressively extended in the succeeding years until in 1919 the proportion of elected members was raised to two-thirds.[181]

Election of Presidents was first introduced in 4 Taluk Boards in 1911.[182] Though progress in this direction was not rapid in the succeeding years, official chairmen were substituted by non-officials in an appreciably large number of boards. By 1919-20, as many as 64 out of the 94 Taluk Boards had non-official Presidents, 13 of whom were elected.

The privilege of electing the District Board President was not conceded until 1919; but, commencing from 1914, non-officials were nominated as Presidents. By 1919-20, eleven out of the 25 District Boards had non-official Presidents, and in most of them the Vice-Presidents also were nominated non-officials.[183]

So far as Union Panchayats were concerned, in 1908 Government authorised the Presidents of Taluk Boards to nominate the Panchayatdars, that is, members of Union Panchayats.[184] For the first time some Panchayatdars were elected in 1912,[185] and the practice was continued in the succeeding years.

It is essential to notice that these developments did not involve any radical change in principle; they were only the result of a liberal exercise of the discretionary authority vested in them by Act V of 1884. So far, the Government had been diffident in the matter of permitting the use of the progressive sections of the Act; now, a gradual relaxation of that attitude was attempted.

Meanwhile, the famous Declaration of 20th August 1917 appeared. And close upon it came the Resolution on Local Self-

179. M. A. R. 1909-10, p. 34.
180. M. A. R. 1911-12, p. 146.
181. Local Boards Report 1919-20, page 1.
182. M. A. R. 1911-12, p. 146.
183. Local Boards Report 1919-20, page 1.
184. M. A. R. 1908-9, p. 32.
185. M A. R. 1912-13, p. 35.

Government of 1918,[186] which recommended a great advance on the existing position. Besides reiterating the liberal provisions of the Decentralization Commission, this Resolution urged the increased adoption of non-official, preferably elected chairmen, and an extension of the franchise.

For the major part of the period 1850 to 1919 the question of franchise in respect of rural boards had not assumed notable importance, because the adoption of election was limited. Election to District Boards was indirect, the members of Taluk Boards constituting the electorate.

Concerning elections to Taluk Boards, the Government framed rules in 1885, according to which,[187] the electorate consisted of either the members of the Panchayats in the Taluk or of the inhabitants in the Taluk who paid a land revenue of Rs 20 per annum. For a rural population with a low average income, this property qualification was high. But the question roused little interest, for election was not introduced for a long time.

According to the rules of 1885, the electorate of the Union Panchayats consisted of all residents in the Unions above twenty-five years of age who paid a house-tax of Rs 5 or land revenue of Rs. 10.

In the matter of qualifications for candidature in respect of Taluk Boards, the payment of a land revenue of Rs. 50 was required. This was indeed high, and therefore, Taluk Boards could have as members, when election was employed, only rich and middle class landowners. So far as Unions were concerned, any voter could be a candidate.

On the whole, the constitutional development of Rural Boards was unquestionably slower than that of District Municipalities or of the City Corporation. Election was introduced very slowly; the franchise was narrow and the minimum qualifications necessary for a candidate of the Taluk Board too high. Many more changes had to take place before local self-government could become a reality in the rural areas.

NOTE ON CONSTITUTIONAL CHANGES AFTER 1919

I. THE LOCAL BOARDS ACT OF 1920

(1) Election was accepted as the principal basis for the constitution of all the rural boards. At least three-fourths of every rural board was to be elected.

(2) The franchise was widened. For the Village Borads all adults 25 years of age were entitled to vote. For Taluk Boards all who paid a land revenue of Rs. 10 or held land

186. See Supra Chapter II, page 125.
187. Local Fund Code (Madras), 1903, p. 8.

of the annual rental vaule of Rs. 10 or paid income tax, profession-tax or tax on companies, were included as voters.

(3) Official members in all boards were reduced, and the domination of the non-official element was achieved,

(4) In respect of District Boards the Government could nominate a non-official President or permit the Boards to elect their own Presidents. In Taluk Boards and Panchayats the President could be elected.

II. THE VILLAGE PANCHAYATS ACT OF 1920

The Village Panchayats Act of 1920 enabled any village, however small, to have its own Panchayat.

III. AMENDMENT ACT OF 1930

(a) The rural boards were made completely elective. For securing minority representation, some seats were reserved to be filled by election.

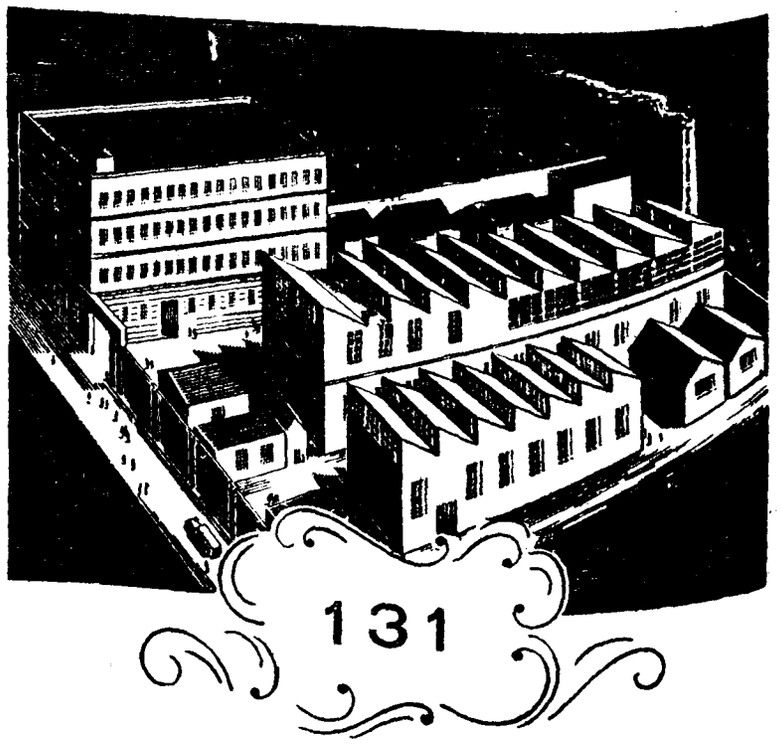
(b) District Board Presidents also were elected.

(c) Further widening of the franchise was achieved by including women and payers of any tax above 21 years of age.

IV. AMENDMENT ACT OF 1934

Taluk Boards were abolished, because (1) many Boards were unable to maintain their financial equilibrium and (2) taluk boards had proved an unnecessary link between villages and District Boards.

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AN EXPERIMENT IN THE CONSTRUCTION
OF
RURAL ROADS

India is a land of villages and one of the most urgent and vital problems in rural reconstruction is to provide a fairly good road to every village. This implies the construction and maintenance of a large number of National and State Highways, Major and Minor District Roads and Village Roads. The financial implications of this programme are so stupendous that, like several other plans of national reconstruction, it is generally shelved as an "insoluble problem" in the present financial position of the country.

The point may be illustrated with reference to the District of Kolhapur. The area of this District is about 2704 Sq. miles; it has 971 villages and towns and its population, according to the census of 1941, was 10,05.535. It has at present the following mileage of roads which are ordinarily accessible all the year round:—

Kind of Roads	Length in miles Ms. Fs	No. of villages & towns served	Population served
1. Metalled Roads (Vide Appendix I) ...	430 - 5	137	3,27,301
2. Murum Roads (Vide Appendix I) ...	31 - 4	11	26,111
3. Village Roads (Vide Appendix I) ...	25 - 1½	11	27,124
Total ...	487 - 2½	159	3,80,626

N.B.:— The population served appears so large because it includes the City of Kolhapur and other municipal areas. If the urban areas are excluded the rural population served by existing roads will be only 2,08,695.

If every important village is to be served by a road, the following mileage of new roads will have to be constructed:—

	Kind of Road		Length in Miles Ms. Fs.	Villages served	Population served
1	District Roads (Major & Minor)	...	590 - 0	238	2,00,001
2	Village Roads	...	409 - 2	389	2,79,777
		Total ...	999 - 2	627	4,79,778

N.B.:— Vide Appendices II and III for details.

If all these new roads are to be constructed, it is estimated that a cost of about Rs. 3 crores would be needed at the present prices. Obviously, it is not possible for the District Local Board to obtain this huge amount in the near future and one is tempted to leave the programme out as utopian and beyond the reach of practical finance.

It was with the object of cutting this Gordian knot and finding a way out of this apparent impasse that the District Local Board, Kolhapur, devised a novel experiment to provide roads in rural areas. The Board felt convinced that the orthodox and traditional procedure for the construction of new road was defective on the following important grounds amongst others:—

1. The preliminary procedure of surveying land for the purpose of fixing the road alignment and of preparing plans and estimates takes a long time; often, it requires special staff and no small amount of expenditure.
2. The land required for the road must be acquired compulsorily. In the case of main roads, several acres of land have to be acquired and the rights of hundreds of individuals have to be extinguished. For reasons that are well known, these proceedings are generally protracted and take as long as three to ten years for completion.
3. The cost of construction is generally heavy because every item has to be got done through contractors and has to be paid for in full.
4. The attitude of the villagers towards the contractors is one of hostility rather than of co-operation. This hinders the progress of the work and increases costs.

For these and other reasons, the construction of new roads becomes a costly and slow affair which tries the patience of every one and is particularly unsuitable for a democratic body which



The Gigantic Road excavation work done by the villagers of Belewadi and Pimpalgaon, through the hilly ghat portion in Kolhapur District.

changes every three years and where programmes which can be completed within a triennium are apt to get priority over those that are spread out over a longer time-span. What the District Board, desire, therefore, was a new methodology that would save both time and money, and with that objective in view put forward the following scheme before the public.:—

1. It is not possible for the District Board to construct new roads entirely at its own cost. No applications from villagers, therefore, will be entertained in this respect.

2. The Board is, however, willing to assist such villages as are prepared to bear a part of the cost.

3. No acquisition proceedings would be started, and the villagers would voluntarily have to surrender all the land required for the road.

4. Moreover, they will have to mobilise their man-power and, by a co-operative effort, construct a katcha road at their own cost. The staff of the Board will assist in aligning the road and will offer technical advice in the construction.

5. If any village fulfils the conditions in 3 and 4 above, the road will be taken over by the District Board, made pucca, and maintained entirely at its own cost.

An immediate response came to this proposal. The people of Masud Male (a village in Panhala Mahal) decided to construct a road of about 5 miles in length to connect their village to the Kolhapur-Ratnagiri Road on one side and the Hatkanangale-Borpadle road on the other. The work was finished with great zest and speed. It began in October 1949 and was completed in January 1950, implying thereby that a road of about 5 miles in length was completed in a short span of four months only. The villagers gave land worth about Rs.12,000/-free of charge and also put in voluntary labour valued at about Rs.18,000/-. In accordance with the above scheme, therefore, the Board has decided to make the road pucca at an estimated cost of Rs.26,000/-. It will thus be seen that in this first venture under the new scheme, the Board gained immensely in time and was required to spend only Rs.26,000/- on a scheme that would have cost about Rs,56,000/- in total.

This splendid lead given by the people of Masud Male proved to be infectious. Their enthusiasm and success soon got known in other villages where the need of a road was greatly felt and several other projects were immediately taken in hand. In the short period of less than a year, as many as 9 major road schemes were well under way and 25 village roads were constructed. Brief notes on some of these projects are given below:—

GADHINGLAJ-GARGOTI ROAD:—This is an important Major District Road connecting Gadhinglaj and Gargoti two Taluka places in the District. It was planned as far back as in 1870. Later on, some patches of the road were also constructed at different periods. At one end, a road of about 3 miles was constructed to join Gadhinglaj to the village of Kadgaon; and at the other end, another patch of 3 miles was constructed to join Gargoti to the village of Pal. But hardly any attempt was made to tackle the road in the middle portion where it crosses the river Chikotra and where a Ghat road has to be constructed for a distance of nearly 4 to 5 miles. As far back as 1896, a length of about two furlongs was constructed in the Ghat portion near the village of Belewadi; but the project was not pursued further. Owing to the enthusiasm shown by the villagers of Kadgaon, Mummewadi, Uttur, Pimpalgaon, Belewadi and Chavanwadi-all of which lie on this road-the Board decided to undertake this huge and difficult project. The success was almost phenomenal. About 7¼ miles of road length has already been constructed. The road was pushed on from Kadgaon and after reaching Mummewadi was joined to the Ajra-Nipani Road (length about 2¼ miles). Then it followed the existing road up to Uttur where the construction of a new road was again started. The case of Uttur was rather peculiar. It is already situated on a main road and hence the people were not very keen about this new road. It was, however, an extreme pleasure to find that the agriculturists of the village were prepared to make sacrifices and work on a road which was to be of primary use, not to them, but to other villages, and gladly constructed that portion of the road which lay within the limits of their revenue village (length about 1¼ miles). Then came the most difficult part. The road had now to climb a hill and descend it and another hill in succession till it reached the Chikotra valley and joined the small patch of Ghat road constructed in 1896. The length of the road was about 3¾ miles. Most of it was a Ghat road and its construction prsented immense difficulties. The soil was hard; huge stones had to be unearthed, broken and removed; the hill side was often so steep that it did not even provide a foothold for the worker to stand on; and above all, the whole work had to be done by the people of three villages only Chavanwadi, Belewadi and Pimpalgaon (The total population of these villages is 2217 and its adult working population may, therefore, be estimated at 887 only). But they showed an inestimable ethusiasm and perseverence. Men and women, young and old, all people came to struggle on this labour of love. The work went on for four months; as many as 40,000 man-labour days were expended; but the villagers did not rest



View showing the katcha road constructed by the villagers of Belewadi and Pimpalgaon through hilly portion.

until an excellent Ghat road of about 3 miles in length was constructed.

It is estimated that the price of land given by the people is about Rs.20,000 and that the money-value of the labour put in by them is about Rs.80,000/- The Board has now decided to make this road pucca; and at the other end, to repair the existing road from Gargoti to Pal (three miles) and to make pucca the road from Pal to Mangnoor constructed by the villagers (3 miles). The work is estimated to cost about Rs.1,07,-000/-; but at the end of it a pucca road of 13¼ miles would have been constructed out of a total length of 22 miles. The remaining portion of the road is proposed to be completed by the end of the current year. Besides performing the important function of joining two taluka places, this road will open out a neglected area and serve 32 villages.

2. KERLE-BAJAR-BHOGAON ROAD: There was no road at all on the left bank of the Kasari River with the result that all the villages in this part were practically cut off in the monsoons. The length of the road is 16 miles and it opens out the whole valley and serves about 35 villages. A further advantage of this road is that it can be pushed on to Anuskura-the last village of this District on the top of the Sahyadri ranges-without constructing a bridge on the Kasari river.

From the construction point of view, this road presented some features different from those of the Gadhinglaj-Gargoti Road described above. Here the difficulties of a Ghat road did not exist. Moreover, the large number of villages served made the task of each village comparatively lighter. But in several places, the people had to surrender rich river-bank land and the important problem was not the labour required for construction, but the acquisition of essential lands. It is really creditable that the people voluntarily and enthusiastically came forward to offer this sacrifice and contributed land valued at Rs.50,000/- and labour valued at Rs.30,000/-.

About 10 miles out of a projected length of 16 miles has already been constructed and work on the remaining portion is in progress. The Board has decided to make the road pucca at an estimated cost of Rs.1,50,000/-.

3. GADHINGLAJ-ADKUR ROAD: This is also an important road joining Gadhinglaj to Adkur-a village of the Belgaum District-whence a road has already been constructed to join it to Belgaum. Out of the total length of 17½ miles, a metalled road of 6½ miles had already been constructed between Gadhinglaj and Mahagaon. But there was only a cart-track

beyond Mahagaon; and as a hill had to be crossed, all the villages in this area had no facilities of communication and were practically cut off from the rest of the District. Work was, therefore, started on this important road; the people of Mahagaon, Lakudwadi, Batkanangle, Shipur, Nesari, Talewadi and Arjunwadi constructed katcha roads in their areas and gave lands, free of charge; and a total road length of 11 miles was completed in about 12 months. It is estimated that the lands given by the people were worth about Rs.20,000/- and that their labour contribution was equivalent to Rs.30,000/-. The Board has decided to make the road pucca at an estimated cost of Rs.1,14,000/-.

As the main features of this methodology have been illustrated by the four cases given above, it is not necessary to describe the remaining 5 projects in detail. The following table, however, will give the essential details about all the nine projects undertaken so far:—

(*See Statement on page 175*)

Over and above these main roads, the Board has also decided to make pucca the following village roads which were constructed by the villagers themselves in the first instance:—

(*See Statement on page 176*)

It will be seen from the above tables that the Board has been able to construct roads with a total length of 84 miles and six and half -furlongs in the period of less than two years This shows an immense gain in the time-factor. Even on the financial side, the cost of construction has been reduced considerably. According to the orthodox procedure, the cost of these roads would have been about Rs. 9 lakhs; in the present scheme, it has been reduced to about Rs. 5 lakhs only. Great as these gains are, the Board attaches even greater importance to the psychological aspect of the problem. Under the old procedure, the villagers were only demoralised—they remained idle; sent petition after petition to the authorities; cringed before every officer or local leader to get the work done; remained hostile to contractors; and so on. But now the whole aspect is changed. They feel self-confident and proud; they have learnt to shape their own destiny in some form at least; they have learnt citizenship in its true form and have had a valuable lesson in a co-operative constructive endeavour which has actually helped in toning down the bitterness of local factions. In fact, it is not only a road that has been constructed anew. It is really the minds of villagers that are being reconstructed and a new vista of self-reliant developmental end-



The Hon'ble Shri G. D. Vartak, Minister for L.S.G., Bombay, inspecting the road constructed in the hilly portion with Shri. C. D. Barhivala, Director of Local Self-Government Institute, Bombay, the President, D. L. B. and the Chairman, Works Committee.

Statement showing the projects undertaken by the D. L. B., Kolhapur, in metalling the roads voluntarily constructed by the villagers in Kolhapur District.

S. No.	Name of the Road	Total length of the road Ms. Fs.	Mileage taken in hand Ms. Fs.	Approximate value of the work done by the villagers: Cost of land surrendered	Approximate value of the work done by the villagers: Cost of man-ual labour	Estimated Amount	Total amount	Remarks.
1	2	3	4	5	6	7	8	9
				Rs.	Rs.	Rs.	Rs.	
1	Gadhinglaj-Mahagaon-Nesari-Adkur Road	17—4	7—0	20,000	30,000	1,14,093	1,64,093	The work is in progress and will be completed during the current year.
2	Gadhinglaj-Uttur-Gargoti Road	22—0	13—2	20,000	80,000	1,06,580	2,06,580	Do. do.
3	Kerle-Bajar-bhogaon Road	16—0	16—0	50,000	30,000	1,49,435	2,29,435	Do. do.
4	Savarde-Khochi Road	5—2	5—2	2,500	17,500	23,514	43,514	The work will be completed during the next year.
5	Vaghbil-Male-Kodoli Road	5—3½	5—½	12,000	18,000	26,034	56,034	As per serial No. 1.
6	Koor-Akurde Road	6—6	6—6	10,000	15,000	27,949	52,949	The work will be completed during the current year.
7	Donavade-Katebhogaon Road	11—0	8—0	8,000	12,000	59,579	79,579	As per serial No. 1.
8	Sangrul Road	2—4	2—0	6,000	15,000	9,999	30,999	Do. do.
9	Vasagade-Mudshingi Road	4—0	2—4	4,000	10,000	20,000	34,000	Do. do.
	Total :—	90—3½	65—6½	1,32,500	2,27,500	5,37,183	8,97,183	

Statement of new village (Approach) Roads undertaken by the D. L. B., which were constructed by the villagers themselves in the first instance.

Serial No.	Name of the Road	Length of the Road Ms. Fs.	Approximate value of manual labour Rs.	Estimated amount Rs.	Total Amount Rs.	Remarks.
1	Nigwe Road ...	0—7	4,000	4,620	8,62)	Work is in progress and will be completed during the current year.
2	Chuye Road	1—0	5,000	5,280	10,280	Completed
3	Dindnerli ,,	1—2	2,000	7,500	9,500	do.
4	Wakare ,,	1—0	6,000	3,960	9,960	do.
5	Kiranjphen ,,	1—0	7,000	5,280	12,280	do.
6	Kuditre ,,	0—4½	8,000	4,620	12,620	do.
7	Sulambi ,,	0—2	3,000	660	3,660	do.
8	Koulav ,,	0—4	1,000	2,648	3,648	do.
9	Nartavade ,,	0—2	1,000	1,320	2,320	do
10	Talashi ,,	0—6½	4,000	3,960	7,960	As per Sr. No. 1
11	Borpadle ,,	0—2	500	1,820	2,320	do.
12	Avali ,,	0—4	2,000	3,750	5,750	Completed
13	Pargaon ,,	1—0	5,000	5,280	10,280	As per Sr. No. 1
14	Minche ,,	0—3	1,000	1,980	2,980	Completed
15	Shiroli ,,	1—1½	750	625	1,375	do.
16	Inchanal ,,	1—4	2,000	7,920	9,920	do.
17	Koulge ,,	1—1½	4,000	1,280	5,280	As per Sr. No. 1
18	Hamidwada ,,	0—7	1,500	4,620	6,120	Completed
19	Lingnoor ,,	0—2	500	1,320	1,820	do.
20	Khadakewada ,,	0—2	500	1,320	1,820	do.
21	Atyal ,,	0—2	500	660	1,160	do.
22	Nagaon ,,	1—2	5,000	7,499	12,499	do.
23	Poonal ,,	3—0	12,000	2,370	14,370	As per Sr. No. 1
24	Yamage ,,	0—3	2,100	...	2,100	The work is completed at the cost of the villagers.
25	Hanbarwadi Road	0-2	1,500	...	1,500	do. Only the Road Roller was spared by the Board.
	Total ...	19—0	79,850	80,292	1,60,142	



The Hon'ble Shri. Vartak, Minister for L. S. G., Bombay, with the villagers of Belewadi, President, D. L. B. and the Chairman, Works Committee.

eavours is being opened in the otherwise stagnant pool of rural life. The Board has also taken steps now to have the roads surveyed, to carry out the necessary corrections in land records, to remit the revenue assessment on the land use for the roads, and to vest it legally in the District Board.

With this achievement and practical experience at its command, the Board has drawn up the following scheme to complete the road programme of the District:—

1. The Board proposes to construct all the remaining roads in the total programme in a period of ten years. It is estimated that this part of the programme will include about 522 miles of main roads and 390 miles of village roads.

2. In the first phase(i.e. five years) of the plan, stress will be laid on the construction of main roads. It is proposed to construct about 350 miles of main roads. It is obvious that unless these roads are first constructed, there will be no possibility of constructing village roads as feeders. If the response of the villagers is forthcoming in a larger measure than anticipated even all the main roads may be taken up in the first phase of the plan. In this event, the cost will be adjusted by giving some main roads a murum surface only and by reserving the question of providing a metalled surface to the second phase of the plan.

3. In the second phase of the plan, the whole programme will be completed according to schedule.

The following assistance is sought from the Government of Bombay in order to enable the Board to complete the programme:—

1. Administrative Approval should be given to the plan as a whole;

2. A grant of Rs.3,00,000/- a year should be sanctioned for five years in the first instance;

3. A rigid programme schedule should not be insisted on. The priorities and programmes in such a scheme will be determined automatically by the enthusiasm and initiative shown by the villagers themselves;

4. The Board should be continued in charge of all the major roads in the District as at present. Unless this is done, the Board will not be able to carry out the programme for sheer want of equipment and technical personnel.

The Hon'ble Ministers for Local Self-Government and Public Works Department were kind enough to inspect the construction of the new roads undertaken by the District Local Board with the co-operation of the people. It was brought to their notice that, if causeways-cum-weirs to pass over the rivers in the District were not provided for, construction of new roads will be a little marred in their utility. The Hon'ble Minister for Public Works Department was particularly interested in constructing weirs which would serve as causeways because such a step would serve both irrigation and transport. In a conference held under his Presidentship on the 7th May 1951, he advised the sugar-cane planters to advance loans for construction of such projects which the Government would liquidate in course of time. The farmers have undertaken to advance the necessary loans. A survey has already been made to select sites for the projects and final decisions will be taken shortly. For the present, about fourteen such causeways-cum-weirs at a cost of about Rs. 23 lakhs are contemplated.

In conclusion, the Board desires to stress the point that this scheme should not be considered as purely local. It is a bold experiment to solve the problem of rural roads in India; and, if the experiment succeeds, it would have shown a practical way to provide roads to each one of the five lakhs of villages in our country. It is against this larger background that the work has to be viewed and assessed.

Kolhapur,
15-8-1951.

M. D. SHRESHTHI
President
District Local Board, Kolhapur.



The Villagers of Belewadi and Pimpalgaon are making the road through the hilly portion of the Gadhinglaj-Cargoti Road.

Appendix I

List of existing Roads which are ordinarily accessible all the year, in Kolhapur District.

(a) Metalled Roads.

S. No.	Name of the road	Length of the road Ms. Fs.	No. of villages and towns served	Population served
1	Poona Bangalore Road	29—1	7	114619
2	Kolhapur Amba Road	40—5	13	9380
3	Kolhapur Gaibi-khind Road	27—3	11	10066
4	Nipani Phonda Ghat Road	43—4	13	15590
5	Kolhapur Miraj Road	21—4	8	17208
6	Sankeshwar Amboli Ghat Road	36—4	6	17508
7	Narsinhwadi Jayasingpur Road	8—4	2	9039
8	Kolhapur Patgaon Road	52—2	23	18554
9	Kolhapur Gagan-Bavada Road	35—3	12	7441
10	Kolhapur Rendal Road	16—1	3	12834
11	Hatkanangle-Borpadle Road	24—6	7	21775
12	Waghbil-Panhala Road	4—0	2	1967
13	Kerli Giroli Road	7—0	1	1510
14	Top Shigaon Road	6—6	2	3799
15	Kapshi Lingnoor Road	6—0	2	3357
16	Atigre Ichalkaranji Road	7—1	3	21358
17	Kondigre Ichalkaranji Road	5—6	—	—
18	Madilge-Shipur Road	18—4	3	6281
19	Kale-Bajarbhogaon Road	6—4	2	1493
20	Hatkanangle-Kumbhoj Road	5—4	2	6605
21	Bambavade Vadgaon Road	3—6	4	4165
22	Hatkanangle Ichalkaranji Road	5—6	2	4871
23	Gadhinglaj Kadgaon Road	3—2	1	3034
24	Gargoti Pal Road	3—0	1	388
25	Chikhali-Prayag Road	2—4	1	1538
26	Khanapur Halkarni Road	3—1	2	5486
27	Gadhinglaj Mahagaon Road.	6—4	4	7435
		Total— 430—5	137	327301

(b) Murum Roads.

S. No.	Name of the road	Length of the road Ms. Fs.	No. of villages and towns served	Population served
1	Rendal Jangamwadi Road	3—2	1	269
2	Kurundwadi Nipani Road	5—0	3	11532
3	Ghosarwad Dattawad Road	3—4	2	5482
4	Alate Ramling Road	4—0	—	—
5	Bambavade Pishwi Road	3—0	2	1502
6	Ichalkaranji Lat ,,	4—0	2	6358
7	Kurundwad Shirol ,,	3—4	—	—
8	Gadhinglaj Samangad ,,	5—2	9	968
	Total—	31—4	19	26111

(c) Village Roads.

S. No.	Name of the road	Length of the road Ms. Fs.	No. of villages served	Population served
1	Chinchawad Road	4—0	1	1243
2	Udgaon Jayasingpur Road	1—0	—	—
3	Nej-Bahubali Road	1—4	—	—
4	Nandani Road	2—6	1	4876
5	Halondi Road	0—1½	1	1153
6	Udashi Buwa Math Road	2—4	1	338
7	Herle Road	0—4	1	3799
8	Katyayani Road	0—6	—	—
9	Vadange Nigwe Road	3—4	2	6049
10	Kadappa Math Road	2—0	1	2179
11	Vagjai Road	3—0	—	—
12	Uchagaon Mudshingi Road	3—0	2	4753
13	Rashivade Road	0—4	1	2824
	Total—	25—1½	11	27214



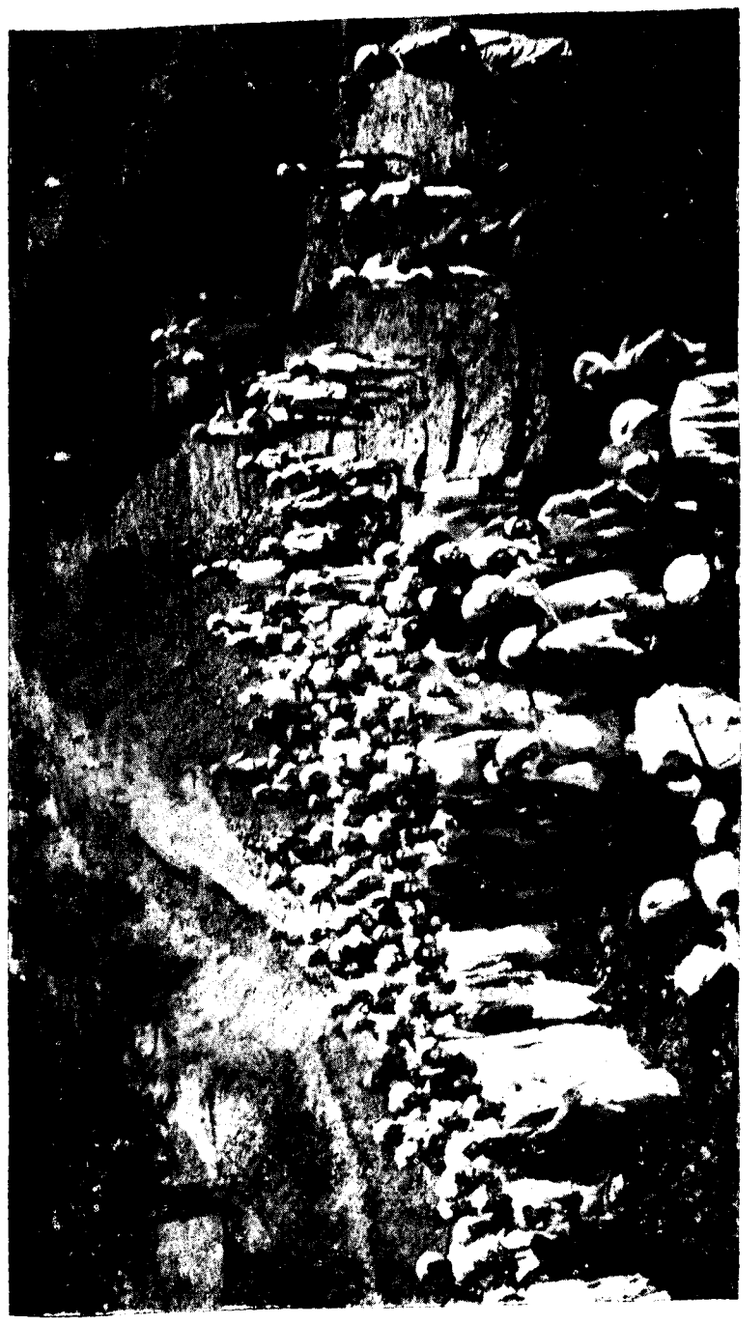
The Hon'ble Shri. Jivaraj Mehta, Minister for P. W. D., Bombay, inspecting the road work at Minche.

Appendix II

New District Major and Minor Roads proposed to be constructed in Kolhapur District.

S. No.	Name of the road	Length of the road Ms. Fs.	No. of villages served	Population served
1	Gadhinglaj Gargoti Road	16—0	4	3651
2	Gadhinglaj Nesari Adkur Road	11—0	4	3381
3	Karle Bajar-bhogaon Anuskura Road	32—0	15	9622
4	Waghbil-Male-Kodoli Road	5—4	1	2166
5	Koor Akurde Road	6—6	5	3449
6	Donavade Katebhogaon Road	11—0	5	3966
7	Savarde Khochi Road	5—2	1	2114
8	Vasagade Mudshingi Road	4—0	1	2616
9	Sangrul-Panore-Masurli Road	16—0	9	5774
10	Bhui-bavada-Tithavali Kharepatan Road	21—0	5	6116
11	Bambavade-Sarud-Amboli Road	29—0	15	10803
12	Bajar-bhogaon Kolik Road	12—0	6	1775
13	Gote-Gavashi-Kandalgaon Road	19—0	9	3757
14	Umbarde Dajipur Road	45—0	10	9390
15	Vashi-Beed-Kote Road	16—0	11	6518
16	Bidri Valve Bamani Road	14—0	5	6295
17	Turmbe-Mangewadi Road	6—0	4	3894
18	Kagal-Nidhori Road	17—0	10	9115
19	Murgud-Gadhinglaj Road	10—0	3	1753
20	Kapshi Madyal Road	6—0	1	1877
21	Hamidwada Hasur Road	9—0	6	4671
22	Vadinge-Shiye Road	8—0	4	9136
23	Kumbhewadi-Malkapur Road	20—0	6	2399
24	Manjare-Gajapur Road	8—0	5	1043
25	Salvan-Kode Road	10—0	8	2024
26	Haldi-Padli Road	24—0	16	12369
27	Varavade-Mangewadi Road	5—0	—	—
28	Manjar Khind Dajipur Road	18—0	5	657
29	Solankur-Aini Road	8—0	5	1429
30	Ispurli Shidnerli Road	7—0	2	2237

S. No.	Name of the road	Length of the road Ms. Fs.	No. of villages served	Population served
31	Gadhinglaj-Kavalikatti Road	15—0	6	13086
32	Ajare-Mahagaon Road	10—0	3	1511
33	Lat-Shirgaon Road	7—0	3	6358
34	Shirol Ichalkaranji Road	12—0	2	3200
35	Haldi Ispurli Road	5—0	1	610
36	Borpadale-Satve-Savarde Road	7—0	3	4253
37	Vaki-Adoli Road	7—0	5	755
38	Gargoti-Madur-Road	6—0	4	2170
39	Darwad Dedavade Road	5—0	5	1533
40	Halkarni-Mahagaon Road	12—0	4	3936
41	Manpadale-Ambap Road	4—0	3	4581
42	Malkapur-Kapshi Road	6—0	1	251
43	Patgaon-Hanmante-ghat Road	5—0	1	184
44	Lore-Umbarde Road	12—4	6	7383
45	Karul-Vabhawe-Tarle Road	15—0	3	7447
46	Dhundavade-Mandukali Road	7—0	3	1450
47	Kurundwad-Danwad Road	8—0	—	—
48	Jayasingpur-Vadgaon Road	17—0	2	5622
49	Gadhinglaj-Daddi Road	4—0	1	893
50	Phonda-Sadure Road	4—0	1	781
51	Ispurli Bachani Road	1—0	—	—
	Total—	590—0	238	200001



The villagers of Kadgaon constructing the Gadhinglaj-Gargoti Road. The Collector of Kolhapur, President, D.L.B. and Chairman. Works Committee, are seen in the photograph.

Appendix III

Village Roads proposed to be constructed in Kolhapur District.

S No.	Name of the road to which the village roads will be joined	Length of the road Ms. Fs.	No. of villages served	Population served
1	Poona Bangalore Road	18—5	16	20444
2	Kolhapur Amba-ghat Road	27—6	28	13371
3	Kolhapur Gaibi-khind Road	10—0	11	6447
4	Nipani Phonda-ghat Road	18—5	17	16967
5	Kolhapur Miraj Road	10—2	8	10340
6	Sankeshwar Amboli-ghat Road	38—5	35	26396
7	Narsinhawadi Jaysingpur Road	15—4	5	4647
8	Kolhapur Patgaon Road	31—0	28	21148
9	Kolhapur Gagan-bavda Road	12—2	21	10716
10	Kolhapur Rendal Road	7—6	6	11056
11	Hatkanangle Borpadle Road	12—6	9	14391
12	Vaghbil Panhala Road	1—0	1	500
13	Kerli Giroli Road	1—0	1	805
14	Top Shigaon Road	2—0	1	576
15	Kapshi Lingnur Road	8—6	7	3066
16	Atigre Ichalkaranji Road	5—3	4	7550
17	Kondigre Ichalkaranji Road	2—0	3	2441
18	Kale Bajar-bhogaon Road	4—1	7	1104
19	Hatkanangle Kumbhoj Road	1—7	3	3003
20	Bambavade Wadgaon Road	4—0	3	2080
21	Kurundwad Nipani Road	6—0	2	6358
22	Khanapur Halkarni Road	2—0	1	542
23	Madilge Shippur Road	8—5	9	7218
24	Bhui-Bavda Tithavli Road	5—6	8	2656
25	Kerle Anuskura Road	17—2	20	8104
26	Bambavade Sarood Amboli Road	4—6	3	1068
27	Bajar-bhogaon Kolik Road	7—1	8	905
28	Gote Gawse Kandalgaon Road	1—5	6	417
29	Umbarde Dajipur Road	9—2	6	5235
30	Vashi Beed Kote Road	4—4	5	2507
31	Bidri Bamani Road	5—5	5	4664
32	Kagal Nidhori Road	7—4	7	7212

S. No.	Name of the road to which the village road will be joined	Length of the road Ms. Fs.	No. of villages served	Population served
33	Koor Akurde Road	3—6	4	1808
34	Jaysingpur Vadgaon Road	6—2	3	5160
35	Murgud Gadhinglaj Road	3—6	3	2409
36	Kapshi Madyal Road	1—4	2	1724
37	Gadhinglaj Gargoti Road	8—4	8	4109
38	Gadhinglaj Daddi Road	2—2	3	1680
39	Vadinge Shiye Road	2—2	2	1524
40	Kumbhewadi Malkapur Road	3—2	7	1169
41	Donavde Kate-bhogaon Road	5—2	4	1807
42	Sangrul Masurli Road	1—4	2	1636
43	Haldi Padali Road	11—3	13	4893
44	Dajipur Manjarkhind Road	5—0	7	1066
45	Solankur Alni Road	0—5	1	276
46	Gadhinglaj Kalavikatti Road	12—1	9	7904
47	Ajare Mahagaon Road	7—0	9	2357
48	Lat Shirgaon Road	0—6	1	—
49	Shirol Ichalkaranji Road	4—1	3	5028
50	Satawe Sawarde Road	3—0	2	1152
51	Vaki Adoli Road	1—2	1	992
52	Gargoti Madur Road	2—0	2	520
53	Kapshi Malkapur Road	1—2	3	1749
54	Ispurli Shidnerli Road	2—2	2	1311
55	Karul Tarle Road	4—0	1	599
56	Kurundwad Danwad Road	3—0	3	4970
	Total—	409—2	389	279777



The Hon'ble Shri. Jivaraj Mehta, Minister for P. W. D., Bombay, inspecting the work of the weir-cum-roadway at Sangrul (District Kolhapur) which is taken up by the villagers for construction on co-operative basis.

Appendix IV

Estimates of Cost

(a) Statement showing the amount required for new District Major Roads in Kolhapur District.

S. No.	Name of the road	Length of the road Ms. Fs.	Amount Rs.
1	Gadhinglaj Gargoti Road	16—0	640000
2	Gadhinglaj Nesari Adkur Road	11—0	440000
3	Kerle Anuskura Road	32—0	1280000
4	Waghbil Kodoli Road	5—4	220000
5	Koor Akurde Road	6—6	270000
6	Donavade Katebhogaon Road	11—0	440000
7	Mudshingi Vasagade Road	4—0	150000
8	Sangrul Masurli Road	16—0	640000
9	Bhui-bavda Kharepatan Road	21—0	840000
10	Bambavade Sarood Amboli Road	29—0	1160000
11	Bajar-bhogaon Kolik Road	12—0	480000
12	Gote Gavase Kandalgaon Road	19—0	760000
13	Umbarde Dajipur Road	45—0	1800000
14	Vashi Beed Kote Road	16—0	640000
15	Bidri Bamani Road	14—0	560000
16	Turambe Mangewadi Road	6—0	240000
17	Kagal Nidhori Road	18—0	720000
18	Murgud Gadhinglaj Road	10—0	400000
19	Ajara Mahagaon Road	10—0	400000
20	Shirol Ichalkaranji Road	12—0	480000
21	Halkarni Mahagaon Road	12—0	480000
22	Patgaon Hanmante-ghat Road	5—0	200000
23	Lore Umparde Road	12—4	500000
24	Karul Tarale Road	15—0	600000
25	Kurundwad Danwad Road	8—0	320000
26	Jaysingpur Vadgaon Road	17—0	680000
27	Gadhinglaj Daddi Road	4—0	160000
28	Ispurli Bachani Road	1—0	40000
	Total ...	388—6	15550000

(b) Statement showing the Amount required for New District Minor Roads in Kolhapur District.

S. No.	Name of the road	Length of the road Ms. Fs.	Amount Rs.
1	Sawarde Khochi Road	5—2	105000
2	Kapshi Madyal Road	6—0	120000
3	Hamidwada Hasur Road	9—0	180000
4	Vadinge Shiye Road	8—0	160000
5	Kumbhewadi Malkapur Road	20—0	400000
6	Manjare Gajapur Road	8—0	160000
7	Salvan Kode Road	10—0	200000
8	Haldi Padali Road	24—0	480000
9	Varavade Mangewadi Road	5—0	100000
10	Manjare-khind Dajipur Road	18—0	360000
11	Solankur Aini Road	8—0	160000
12	Ispurli Shidnerli Road	7—0	140000
13	Gadhinglaj Kalavikatti Road	15—0	300000
14	Lat Shirgaon Road	7—0	140000
15	Haldi Ispurli Road	5—0	100000
16	Borpadale Savarde Road	7—0	140000
17	Waki Adoli Road	7—0	140000
18	Gargoti Madur Road	6—0	120000
19	Darwad Hedavade Road	5—0	100000
20	Manpadale Ambap Road	4—0	80000
21	Malkapur Kapshi Road	6—0	120000
22	Dhundavade Mandukali Road	7—0	140000
23	Phonda Sadure Road	4—0	80000
	Total...	201-2	4025000

(c) Abstract showing the amount required for the proposed New District Major and Minor Roads and Village Roads in Kolhapur District.

S. No.	Description	Total mileage Ms. Fs	Rate per Mile Rs.	Total Amount Rs.
1	District Major Roads	388—6	40000	15550000
2	District Minor Roads	201—2	20000	4025000
3	Village Roads	409—2	12000	4911000
4	Establishment etc.	...	...	3672000
	Total ...	999—2	...	28158000

GOVERNMENT OF METROPOLITAN MONTREAL

BY

J. O. ASSELIN

Chairman, Executive Committee, Montreal.

In every large city, everywhere, there is great and growing concern over the problem of now best to organize and administer the municipal government of metropolitan areas. In London and New York and a few other centres, there have been some interesting experiments; but despite these novel attempts to provide a solution, the problem of metropolitan government still remains largely unsolved.

At the present time, the citizens of Greater Toronto are very much agitated over a proposal which, if implemented, calls for the amalgamation of all the surrounding suburban municipalities with the City of Toronto. There are those who are for the proposal and there are those who are against it. Feeling runs high, and it is by no means certain that the proposal will go through.

In Montreal, from time to time, various proposals are put forward. There are those who contend that what we need is some form of borough government similar to that of the London County Council. Others believe that the suburban municipalities should be amalgamated with or annexed to Montreal. There was even a group who, during the last civic election, had that as the principal plank in their platform. Still others believe that the thing to do is to widen the scope and extend the authority of the Metropolitan Commission. Others say, "Leave well enough alone. We're getting along not too badly. Leave things as they are."

For myself, at any rate for the present, I do not propose to enter the field of controversy by pronouncing myself in favour of this or that possible solution. I know both enough and too little about the problem to know that there is no simple solution. Moreover, I am not sufficiently 'au courant' with the details of what has been attempted elsewhere to be able to say whether or not this or that scheme of organization would or might be adaptable, in whole or in part, to the peculiar needs of the Montreal situation.

I do agree, however that we have a problem; and I am also of the opinion that the time has come when Montrealers, both those who live in the city and those who live in the suburbs, should face up to its implications. I think, when we do, we will discover that the metropolitan problem in Montreal is not one

With due acknowledgment to the Municipal Review of Canada.

but many inter-related problems and that an adequate solution is more complicated and difficult than most people suspect or realize.

It is for this reason that I think it highly unlikely that we will solve our Montreal problem by a simple transference of administrative and political forms from English or American experience or that of other countries. There may be aspects of the experience of others that are applicable to our peculiar set-up and needs but none of them offers a ready-made panacea.

Whatever may ultimately be devised, it will have to be hewn out of the peculiar and particular realities inherent in the Montreal situation. In other words, it must be a Montreal solution to the Montreal problem—a logical and practical arrangement based on the realities and not a theoretical conception predicated on some abstract form of local government administration.

Hitherto, when problems have arisen affecting the administration or provision of municipal services in and between the City of Montreal and the suburban municipalities, we have resorted in compromises and expediencies. Some have worked out quite well. Others have been costly and unsatisfactory.

A form of expediency frequently resorted to in the past has been to amalgamate or annex suburban towns to Montreal.

This simple and direct expedient, however, has gradually gone out of fashion. It has gone out of fashion elsewhere as well as in Montreal. It has been rejected as a device for solving the problems of metropolitan communities largely for two reasons. First, because in most instances, it imposes an unfair additional cost on the taxpayers of the larger city; and, second, because it weakens and breaks down local community interest and responsibility for local municipal affairs. It is not a good democratic solution to the problem of multiple municipal governments in metropolitan areas.

Montreal has had considerable experience with annexations. From 1883 to 1893, four suburban municipalities were merged with Montreal. Between 1899 and 1910, five other towns were annexed, as well as portions of other municipalities. In 1910, another batch of municipalities were merged with the City. There have been no annexations, however, since that time.

There have been no annexations since that time for the simple reason that, by 1910, after having annexed 23 suburban municipalities in 27 years, Montrealers had had enough of this doubtfully desirable and very expensive methods of enlarging its territory.

The long procession of annexations had added more than $30 millions of debt to the already heavily-burdened debt structure of Montreal, without any corresponding additional revenue either to

service the additional debt or to provide the annual maintenance costs of the expanded services which the annexed municipalities now demanded as part and parcel of the Montreal civic administration.

All in all, annexations have proven a costly and dubious answer to the problem of metropolitan government, at any rate insofar as Montreal is concerned.

For, while it is true that, through this process for annexation, the area of administrative responsibility has been extended and thereby there has come about a consolidation and a more rational development of civic services throughout the larger area, it is also true that annexations have created new problems for Montreal.

They have certainly saddled Montreal taxpayers with additional and very costly debt charges and annual maintenance expenses. What is more, if previous experience is any criterion, not even the citizens of the annexed municipalities have been entirely happy about the arrangement which they had entered into.

Back in 1920, there was still a vivid recollection of the annexations of earlier years. So much so that, when four other suburban municipalities, about this time, found themselves in financial difficulties and sought to relieve themselves of their problem by being annexed to Montreal, there was a wide public outcry against the proposal. Joining in it were not only the citizens of Montreal, but the Citizens of other municipalities as well. It was this set of circumstances that led, in 1921 to the formation of the Montreal Metropolitan Commission. In effect, the establishment of the Metropolitan Commission was a compromise. It has worked out very well.

No one, of course, would pretend that, merely by setting up the Metropolitan Commission, all the administrative, financial and other problems of municipal government in the metropolitan area, including Montreal were thereby resolved. By no means! This was not the purpose of the Commission. Its sphere of responsibility is limited by law and explicitly stated, namely: To supervise and control the financial affairs of the suburban municipalities which comprise the defined metropolitan area.

In addition to the factor of financial control, however, there still remains a vast number of vexing problems occasioned by the fact that, instead of a single consolidated municipal government for the metropolitan area, there are 15 separate autonomous or semi-autonomous municipal administrations. Besides these, there are 23 other municipalities adjoining the immediate suburbs. Altogether, there are 33 separate municipal governments on the Island of Montreal.

All this, of course, suggests on unwieldy multiplicity of governments exercising local administrative authority over an area that is geographically and economically a single administrative unit. A completely logical solution would be to have a single municipal government for the Island of Montreal.

But, as I have already suggested, what is logical is sometimes neither practical nor feasible. It may, moreover, be administratively rational, but, at the same time, be uneconomic and more costly than a less rational arrangement. And, beyond that, there are other not unimportant considerations inherent in the local government of a city and metropolitan area like Montreal.

These other and not unimportant considerations suggest that, while a large measure of municipal co-ordination is desirable as between the city and the surrounding municipalities, it is also desirable to preserve and maintain a large measure of decentralization and local area autonomy with respect to certain purely local matters.

Annexation, which means amalgamation and the complete merging of all municipal affairs into the framework of one single administration, sounds very sensible, but it is fraught with so many and's, if's, and but's, and so much understandable objection from so many people that, for the present at least, it would create more problems than the single problem it seeks to solve, namely: the need for a co-ordinated civic administration for the entire metropolitan area.

However, this does not mean that nothing should be done. It becomes increasingly apparent that there are many anomalies and problems of concern, to the city as well as to the suburban municipalities, which will have to be faced up to in the near future. Some scheme of intermunicipal co-operation and, in some respects, integration, will have to be worked out.

This is a logical and understandable development. Both the City of Montreal and the sururban municipalities have grown tremendously during recent years. One of the initial reasons for separate municipal administrations, namely their distance from one another, no longer exists. The suburbs are no longer in the country. In like manner, Montreal has expanded and now completely envelops some suburban municipalities. In other cases, it virually surrounds them. Where Montreal ends and the suburban communities begin is often not known to residents on bordering streets.

What we are presently doing with respect to civic defence in the metropolitan area is indicative of what might be done, in part, to resolve some of the other inter-municipal problems and needs which require some measure of co-ordination and unified direction.

The metropolitan civil defence set-up is a development which will be interesting to watch. It may provide a pattern or a basis upon which, in the future, we can work out certain integrated metropolitan services which, by their nature, lend themselves to metropolitan planning and organization. It may well be that, through some technique of this sort, certain inter-related municipal services could be made more efficient and less costly for the community as a whole.

On the other hand, there are good and sound reasons why certain municipal services should continue to remain decentralized and under local municipal jurisdiction. Bigness for its own sake has little merit. What is more important is to discover ways and means to provide better and more efficient and more economical municipal services and administration for the entire area, including the City of Montreal.

I have the impression that both Montrealers and citizens of the suburban municipalities, are prepared to face up to the implications of the new and ever expanding needs and problems of Greater Montreal. This may require certain re-adjustments and re-alignments in our traditional forms of local municipal government. It may even mean the setting-up of an entirely new concept and organization of metropolitan government.

Whatever it means, however, it should not be rushed at. It is altogether too important a matter to be made a political issue, or to start arguing about this or that proposal, or line up for this or that scheme, until all the relevant facts and arguments and the pros and cons for every proposal have been gotten out into the open, and the full implications understood by everyone.

So far as annexation proposals are concerned, it is possible this could be a solution with respect to certain of the municipalities. And it may be that annexation, at any rate in the sense in which the word is generally understood, is no solution at all with respect to any aspect of the Montreal situation.

In like manner, after thoroughly studying the matter and weighing its merits, it may be that a certain modified application of the borough system might prove adaptable and practical to the Montreal problem. Here again, whether or not the borough system has applicability, and offers a possible answer to one or the other aspect of the Montreal problem, is a matter which can only be determined after very careful study and examination of all the relevant facts.

We ought even to study whether or not an extension of the from of organization represented by the recently established Transportation Commission can or should be applied to other kinds of inter-municipal utilities and services. Metropolitan utility boards,

such as the Transportation Commission in fact is, have operated successfully elsewhere and it might be that this is the way to deal with certain other inter-municipal metropolitan needs and services here in Montreal. I don't know. But, at any rate, we should study the possibility.

Similarly, we should re-examine the role and function of the Metropolitan Commission and ask ourselves whether this proven instrumentality of metropolitan government can be utilized in a wider sphere. Here again, I don't know. But we ought to explore this possibility thoroughly.

In summary, let me repeat that I believe the time has come to take a fresh look at our scheme of municipal government in Metropolitan Montreal. When we do so, there are many anomalies and gaps and needs that cannot be corrected or effectively dealt with unless we create some new form or forms of inter-municipal co-operation; and, with respect to some matters, some instrumentality for integrated planning and administration.

We cannot put this matter off too long. The tremendous growth of Metropolitan Montreal during recent years has accentuated and pointed up the need for a more embracing and more coordinated scheme of civic administration with respect to certain important inter-municipal needs and services. The problem faces big cities everywhere. It is not unique to Montreal, save only with respect to the peculiar and particular circumstances that are inherently part of the Montreal situation.

We can, with confidence, anticipate a continuing growth and development in the Montreal area. We owe it to ourselves, therefore, as well as to the future to work out some solid, acceptable scheme of metropolitan government that will facilitate a unified direction in the provision and administration of certain basic inter-municipal metropolitan services and, at the same time, preserve a maximum of local citizen interest and responsibility both in them and in the development and administration of other municipal services peculiarly local in character.

This can be achieved either through some single unified form of metropolitan administration; or through a combination of several methods or adaptations of metropolitan government based on the experience of other cities; or it can be evolved out of a progressive extension of forms of inter-municipal administration already in existence in the Montreal area.

Whatever the solution may be, it is important that we should begin to study the matter. And the sooner, the better. The alternative, which is to do nothing, will intensify the existing anomalies and make the inescapable eventual solution much more difficult than otherwise it would be.

POONA MUNICIPAL CORPORATION

— ADMINISTRATION REPORT FOR THE YEAR 1950-51 — A SHORT REVIEW.

The Annual Administration Report of the Corporation for the year 1950-51 reveals that there has been a marked improvement in the general standard of the Municipal Administration under Shri S. G. Barve, I.C.S., the Municipal Commissioner. During the year solid foundations seem to have been laid for the superstructure of Municipal Government to be built hereafter. Development an expansion of the Municipal Services during the last two years appear to have been very rapid in several directions. We agree with the remarks of the Advisory Board that, in view of the sound financial position of the Corporation, Government should be pleased to approve of the policy of raising further loans for the capital works programme, such as the Permanent Water Supply Scheme, a Municipal Hospital, etc., as, without these loans, such major works would be held up indefinitely.

FINANCIAL POSITION:—The following figures show the total revenues under command of the Poona City and Poona Suburban Municipalities and of the Poona Corporation during the last five years.

		Year.	Income.	Expenditure
Poona City Municipality	...	1946-47	40,00,873	39,52,525
Poona Suburban Municipality	...	,,	3,31,3744	3,23,620
Poona City Municipality	...	1947-48	39,94,368	43,38,639
Poona Suburban Municipality	...	,,	3,54,284	3,21,898
Poona City Municipality	...	1948-49	56,89,144	50,06,557
Poona Suburban Municipality	...	,,	5,11,252	4,18,224
Poona Corporation	...	1949-50	83,74,094	70,73,023
Poona Corporation	...	1950-51	1,07,56,164	91,70,580

During the last two years, owing, no doubt, to the strenuous efforts of the Advisory Committee and Shri Barve, the financial position of the Corporation has been improved substantially.

Since 1949-50, the practice has been introduced of undertaking an annual revision of assessment of property values in the city limits. A complete revision was so made during the year under report. Rules for regulating grants-in-aid by the Corporation to voluntary bodies functioning in different fields of civic activities in the town, were framed by the Corporation and grants for the year under report were adjusted accordingly. The cycle tax was introduced for the first time in Poona on 1st July 1949. Fresh

Hotal Tax and Theatre Tax rules had to be framed under the Corporation Act which await Government sanction.

THE PUBLIC HEALTH DEPARTMENT:—The large improvements that have been made in the course of the last 3/4 years in the condition of sanitation, conservancy and administration of the usual methods of prevention and disinfection have been maintained during the year under report. The Medical Officers of Health takes a legitimate pride in saying that 'the state of public health has never been better than what it was during the year.'

THE PUBLIC WORKS DEPARTMENT:—It has long been felt necessary to increase the high level storage capacity and switch over some suitable areas from the gravitational to the high level system so as to infuse pressure of the most affected localities. During the year under report, the work of constructing an additional high level tank to this end was sanctioned and commenced. This tank is designed to have capacity of 4½ lakh of gallons and will rquire three pumps of 120 B.H.P. for the necessary pumping of water. The total work of this tank and the necessary distribution and pumping arrangements are estimated to cost Rs.6,00,000.

DRAINAGE:—A provision of Rs. 1,20,000 was made in the final budget estitmates for 1950-51 for the laying down of additional drainage lines both where they previously did not exist and for the promotion of building activity in the developing areas. In the year 1949-50, 10 new blocks of public urinals were constructed at a total cast of Rs. 17000 on a similar design with overhead tanks. The older bublic urinals in the town have in many cases inadquate arrangements for flushing.

LIGHTING SECTION:—The total number of street lights in the city at the end of the year was 3,761 which exceeds the corresponding figure of the previous year by 265. Lights of improved wattages have been fixed wherever that was found necessary. Street lights have been provided in Hadapsar and kerosene lighting of streets has been undertaken for the village site of Rashan. Additional mercury vapour lamps have been put up in several important squares and, in fact, the Corporation has approved of the installation of necessary vapour lamps at several more places, but the works could not be carried out by the Electric Company due to want of materials.

MISCELLANEOUS DEPARTMENTS AND ACTIVITIES:—The Octroi schedule remained unchanged during the year under reference. During the year 1950-51, the gross octroi collection amounted to Rs. 78,94,736 (Pucca Rs. 38,62,693 plus Rs. 37,47,450 Goods-in-transit, Takrari and Rebate Tax of the last year). Out of the total gross income, the expenditure incurred on various items including refunds and cost of collection during the year under report was in all Rs. 39,71,367. Thus the total outgoings came to Rs. 39,71,367

leaving the net income of Rs. 39,23,369 for distribution among the two bodies on population basis. Total amount of Toll tax recovered during the year is Rs. 39,543 as against Rs. 47,420 collected during the last year. The decrease is due to the increasing use of mechanised transport which does not pay toll tax.

POONA MUNICIPAL TRANSPORT:—The Poona City Municipality took over the running of the bus service in the City in March 1950. The Poona Municipal Transport organisation started functioning with a fleet of 57 buses of which 35 were new Chevrolet buses and 22 were old buses taken over from the previous operator The silver Jubilee Motors Ltd. During the accounting year, a total number of 1,66,53,667 passengers was carried, the daily average coming to 45,352 passengers.

MUNICIPAL FREE READING ROOMS:—A new activity was started by the Corporation in March 1950 in the shape of organising reading rooms and libraries at municipal schools in backward localities for the use of residents thereof. Five such libraries were started in five municipal schools initially by way of an experiment. In the budget for 1951-52 provision has been made for the opening of further 35 such free reading rooms at similar different places in the town.

An independent Social Education Committee was set up by Government for the area of the Poona Corporation in November 1950. It is hoped that with the organisation of this Committee the drive for literacy will achieve greater momentum in the city of Poona.

GARDENS AND RECREATIONAL AMENITIES:—There are altogether 19 gardens situated in different parts of the city and the suburbs. The Sambhaji Park is the biggest garden owned by the Corporation. It has been become extremely popular anl on Saturdays and Sundays it is visited by nearly 10,000 visitors. A large number of improvements were carried out in the Sambhaji Park in the course of the year.

SLUM CLEARANCE SCHEMES AND PROJECTS AND HOUSING FOR MUNICIPAL EMPLOYEES:—The total strength of the Municipal conservancy staff is over a thousand. At present the Corporation has under its command, including the residential units already under construction, 496 tenements. It is hoped that before long the Corporation, will provide residential quarters for the entire municipal conservancy staff, and in due course quarters for other municipal employees.

For this excellent work, we offer our congratulations to Shri Barve and his assistants Shri S. K. Neurgaonkar, the City Engineer, Mr. Yadav the Development Engineer, Mr. Adenvala the medical officer and Mr. Marathe the Assesor and Collector of Taxes and Mr. Rao the Transport manager. The extra-ordinary improvement effected in Poona under an Advisory Board with an I.C.S. head leads one to admire the team-work that is the cause of it. May we hope that the elected Board that will come into effect soon will maintain this standard of improvement? It will then be a happy union of Democracy and Efficiency. We await that auspecious day.

Local Self-Government Institute

L. S. G. D. EXAMINATION RESULTS

[January—June 1951 Session]

The fol'owing students have passed the L. S. G. D. Examination held in the month of June 1951 :—

(In order of Merits)

1	Shri	S. V. Saraf (with Distinction)	31	Shri	P. B. Moye
2	Mrs.	R. Lahiri (with Distinction)	32	,,	V. M Tungare
3	Shri	S. V. Shah	33	,,	C. K Haldaonekar
4	,,	V. Gopalan	34	,,	D. M. Bagul
5	,	P. B. Phadke	35	Mrs.	S. C. Kher
6	,,	G. D. R. Rao	36	Shri.	K. A. Joglekar
7	,,	H. M. Dave	37	,,	M. I Patel
8	Mrs.	K. S Kadam	38	,,	Bholaram Sharma
9	Shri	V. B. Khodke	39	,,	G. R. Joshi
10	,,	N. R Tembe	40	,,	R. D. Inamdar
11	,,	M. P. Joshi	41	,,	S. K. Desai
12	,,	N. A. Bhosale	42	,,	G. B. Kolgaonkar
13	,,	Earnest Samuel	43	,,	B. Y. Pimpale
14	,,	M R Tinaikar	44	,	B. H. Joshi
15	,,	D K Redkar	45	,,	K. K Bahlani
16	,,	S. L Joshi	46	,,	N. D. Kulkarni
17	,,	M. V. Ghaisas	47	,,	R. S Bajpai
18	,,	V. K. Rele	48	,,	V. R. Lele
19	,,	J. A. Nadkarni	49	,,	D. R. Talker
20	,,	J. D. Bapat	50	,,	M. M. Nijsure
21	,,	B. N Parikh	51	,,	R M. Atre
22	,,	D. H. Purshottam Rao	52	,,	S. G. Bedekar
23	,,	N. A Siddiqui	53	,,	L. D. Aswani
24	,,	I. A. Shaikh	54	,,	A. A. Deshmukh
25	,,	S D. Juwatkar	55	,,	R J, Saigal
26	,,	S. B Munj	56	,,	M. S. Sawant
27	,,	P. H. Boricha	57	,,	M. G. Deshmukh
28	,	Y. K. Kale	58	,,	V. S, Sathe
29	,,	H B Soni	59	,,	Gidian John
30	,,	L. P. Rajgurn	60	,,	M. M. Desai
			61	,,	N. S. Madan
			62	,,	B. D. Dixit

63 Shri. P. R. Bhatt
64 ,, T. V. Dalvi
65 ,, N. M. Mukhtaji
66 ,, R. V. Mehta
67 ,, M. N. Devrukhakar
68 Miss. M. A. Nagwekar
69 Shri. B. K. Karyekar
70 ,, R. D. Khot
71 ,, M. G. Wad
72 ,, G. V. Joshi
73 ,, K. G. Naravane
74 ,, O. K. Patil
75 ,, V. B. Nyaharkar
76 ,, C. S. Adhvaryu
77 ,, H. I. Devre
78 ,, D. P. Desai
79 ,, R. N. Patel
80 ,, P. G. Harkare
81 ,, D. V. Naik
82 ,, B. V. Thatte
83 ,, B D. Kulkarni
84 ,, S. K. Rane
85 ,, C. R. Ahuja
86 ,, P. G. Sukhathankar
87 ,, K. K. Vaishampayan
88 ,, R. G. Shingre
89 ,, R. R. Patel
90 ,, M. S. Malegaonkar
91 ,, M. R. Desai
92 ,, P. K. Kane
93 ,, J. B Sawant
94 ,, W. V. Joglekar
95 ,, J. A. Korgaokar
96 ,, U. J. Mahashabde
97 Shri. S. N. Varlikar
98 ,, R. D. Kubal
99 ,, R. S. Sharma
100 ,, N. V. Ukidve
101 ,, L. M. Chipludkar
102 ,, B. G. Patkar
103 ,, D. P. Bhandarkar
104 ,, N. K. Loke
105 Miss T. R. Paralker
106 Shri Y. S. Wakanker
107 ,, A. R. Patanker
108 ,, K. U. Dave
109 ,, S. B. Tambusker
110 ,, V. H. Pawar
111 ,, K. H. Joshi
112 ,, A. B. Trivedi
113 ,, F. J. Momin
114 ,, N. M. Vaidya
115 ,, K.B. Vast
116 Shri. S. K.Tondwalker
117 ,, M. R. Dange
118 ,, G. M. Monin
119 ,, S. M. Mandhare
120 ,, L. J. Gonsalves
121 ,, R. V. Marathe
122 ,, K. G. Gandhi
123 ,, K, M. Saudkar
124 ,, M.T. Shaw
125 ,, V. D. Kaloti
126 ,, P. M Suryawanshi
127 ,, B. S. Sonar
128 ,, B. N. Bhalerah
129 ,, S. G. Prithiani

EXEMPTION LIST

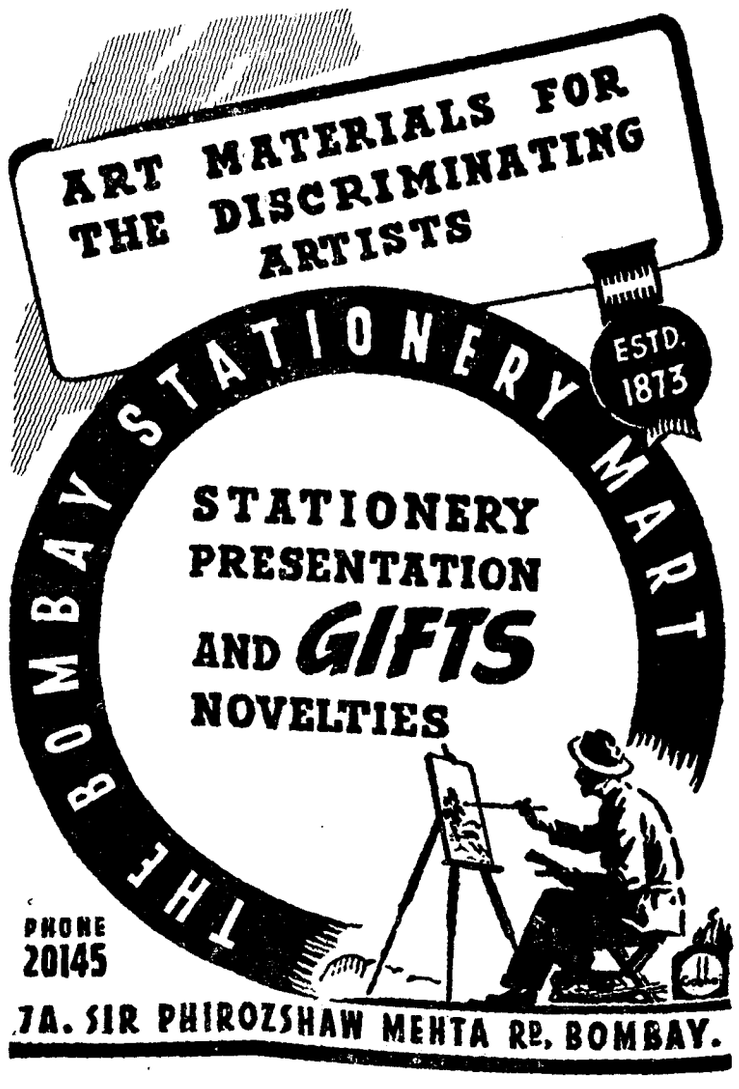
The following students got exemption in the papers marked against their names :—

Name of the Student (Bombay Centre)	Exemption in paper No. I	II	III	IV	V	VI
1. Shri. R. P. Gore ...	1	2	–	–	–	–
2. ,, R. K. Bakshi ...	1	2	3	4	–	–
3. ,, V. B. Saraiya ...	1	–	–	4	–	–
4 ,, D. N. Kale ...	1	2	3	4	–	–
5. ,, D. T. Gidwani ...	1	2	3	–	–	–
6. ,, R. R. Nai ...	1	–	3	–	–	–
7. ,, L. S. Kamat ...	1	–	3	–	5	6
8. ,, R. K. Mudliar ...	1	2	–	–	–	–
9. ,, R. D. Ponkshe ...	1	–	–	–	–	–
10. ,, A. T. Mulla ...	1	–	3	4	–	–
11. ,, R. J. Brahmabhatt ..	1	–	3	–	–	–
12. ,, J. D. Gomes ...	1	–	–	–	–	–
13. ,, L. S. Nerurkar ...	1	2	3	4	–	–
14. ,, L. P. Lad ...	1	2	3	4	–	–
15. ,, M. J. Athalye ...	1	2	3	4	–	–
16. ,, G. G. Hathiramani...	1	2	3	4	–	–
17. ,, G. D. Nemlekar ...						
(AHMEDABAD CENTRE)						
18. ,, A. E. Patel ...	1	2	–	–	–	–
19. ,, R. K. Shah ...	–	–	–	4	5	–
20. ,, J. M. Pandya ..	–	–	3	4	–	–
21. ,, V. N. Patel ...	1	2	–	–	–	–
22. ,, M. M. Pathak ...	–	–	–	4	–	–
23. ,, S. C. Shah ...	–	–	–	–	5	–
24. ,, R. I. Patel ...	–	–	–	–	5	–
25. ,, A. P. Patel ...	1	–	3	–	–	–
26. ,, J. N Shah ...	–	–	–	–	5	6
27. ,, S. N. Shah ...	1	2	3	4	5	–
(POONA CENTRE)						
28. ,, P. R. Bhagwat ...	1	–	–	–	–	–
29. ,, A.J. Pandya ...	–	–	–	4	5	6

Result of Shri, K. D. Deshpande (No. 5 of Bombay Centre) has been withheld.

S. S. Naik
Vice-Chairman,
Board of Examiners
L. S. G. D. Examination

Bombay,
1st August 1951.



THE ADMINISTRATION OF THE DISTRICT BOARDS IN THE MADRAS PRESIDENCY

By

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Lecturer in Politics, Gauhati University.

PART III

FINANCIAL ADMINISTRATION

Introduction: Financial administration is concerned with the determination of the sources from which and the conditions under which revenue should be obtained; with the collection of revenue; with the accounting of the sums collected; with the investment of funds in the Treasury: with the preparation and adoption of budget estimates; with the execution of the budget according to the will of the authority that sanctioned it with the periodical reporting of the current assets and liabilities and expenditure to the authority; with the auditing of accounts by an officer independent of the authority, for the purpose of verifying their accuracy and ensuring that the executive has complied with the rules and regulations; and finally, with the submission of the audit report, together with the replies to the objections raised by the auditor, to the Government. Thus, financial administration is concerned with budgeting, revenue administration, grants-in-aid, loans, expenditures, purchase of articles, accounting and auditing. Though each one of the items mentioned above may be treated as an independent subject, nevertheless they form part of a unified enterprise. [1]

1. Willoughby. The System of Financial Administration in Great Britain p. 1

In recent times, financial administration has assumed great importance. The reasons are obvious. With the assumption of new functions by the State, public revenues and public expenditures also have increased. Furthermore, the increasing democratization of the boards and the consequent establishment of political control over public purse and the tendency to introduce business principles particularly since 1920, have all attracted attention.

The importance of financial administration may also be looked at from the total amount of revenue that the boards administer. In 1885-86, the total revenue did not exceed Rs. 79 lakhs. In 1945-46 it was Rs. 541 lakhs. The sources of income were many but a major portion of the revenue was derived from land cess and Government grants-in-aid.

In a sound system of financial administration we notice a single organisation responsible for the effective administration; a strict conformity to the budget provisions; simplicity and promptness in the transaction of business and finally, an effective system of control over all the stages of financial operation. Ultimately, however, the efficiency of financial administration depends upon reliable and trained personnel. If the personnel is corrupt and incompetent, provision may be made for expenditure which have little or no utility or swell the establishment un-necessarily. All these things can be prevented if there is effective control. It is the object of this part to see how far these principles have been observed in practice in the financial administration of the boards.

This part, divided into eight chapters, begins with budgeting and ends with audit.

CHAPTER IX

BUDGET

Introduction:—Budgeting involves a continuous chain of operations, the several links of which are the preparation of an estimate of revenues and expenditures for running the administration during a fixed period, the period being fixed at one year; the formulation of proposals for raising the revenue and placing them before the board for adoption so that they may have legal authority for enforcing them; the adoption of the budget proposals by the board; the scrutiny and approval of the budget proposals by Government and finally, the execution of the budget.

The importance of the budget lies in the fact that it is the starting point of financial control by the executive as well by the legislature. Students of constitutional history will remember that the political struggle in this country as well as in others, was a struggle to establish popular control over the revenues and expenditures of the State. Ultimately, when the people triumphed in their efforts, they demanded from the Government, a comprehensive plan showing receipts and expenditures for the approval of the legislature. Thus, budget is the "starting point of financial control both by the executive and by the legislature. It is more than that. It is the basis of orderly finance, without which there can be no lasting social progress. It defines the objects on which public money may legally be spent and it prescribes the limits for the expenditure of the money on specific objects which may not be exceeded ".[3]

3. Wattal. A. B. C. of Government of India Finance.

What is a budget ?3A Reno Stourm defines it as a document containing the preliminary approved plan of public revenues and public expenditures. Though the description given above is a satisfactory one, Professor Lutz says, that it does not bring out the real significance of the budget system and the continuous chain of operations which it involves. He says, that the budget is at once a report, an estimate and a proposal. The executive presents through this document to the board a full report detailing the manner in which, he and his subordinates have administered affairs during the previous year and a statement of the present condition of the finances of the board. On the basis of these two reports, the board formulates the programme of its work for the coming year 4

Professor W. W. Willoughby says, that the budget is not merely a statement of estimates, receipts and expenditures for a fixed period; it is not merely a document containing a preliminary approved plan of public revenues and expenditures; it is not merely a forecast and an estimate of all public expenses and receipts and an authorization to incur them and to collect them; it is in addition to all this, a plan of action and a proposal.5

Mr A. E. Buck contends that it is not a proposal. But "it is the administrative experience of the last and the current fiscal period, systematised and organised for presentation to the legislature together with the recommendations as to expenditure and revenue for the coming fiscal period "6 Of all the definitions, the one given by Professor Lutz is the most appropriate and applies most fittingly to the budgets of the boards.

The Budget Making Authority:—Whoever may be the authority that may be entrusted with this task, the personal element looms large in the preparation of the budget estimate. The persons charged must be men of sincerity and wisdom. "Wisdom enables those engaged in preparing the budget to see the future clearly – as clearly as possible; sincerity compels them to state the truth when they have ascertained it. These qualities must go hand in hand. What is the use of one being sincere if one is not sagacious and what value is wisdom, if through lack of sincerity the light is hidden under bushel ?"7 It is, therefore, essential that the budget making authority should combine both these qualities.

3A. A budget is different from a balance sheet. A balance sheet merely sets forth the financial condition of the Government. It is not a financial statement reporting expenditures and receipts; it is not a statistical summary giving figures. All this information is essential for the preparation of the budget.

4. Budget. Encyclopædia of the Social Sciences.
5. Willoughby. Principles of Public Administration. p. 435.
6. Buck. Budget in Government of Today. p. 46.
7. Reno Storum. Budget.

The budget making authority may be of three types, the executive, the committee and the legislative. Under the executive type, the chief administrative officer of the board will be held responsible for the preparation of the budget estimates. Under the committee type a committee consisting of departmental heads will prepare the budget. Under the legislative type, the responsibility will be placed in some committee or officer nominated by the board. Of the three types, the executive type was the most popular, because "situated at the centre of Government, reaching through its hierarchical organisation to the smallest unit, the executive more than any body else, is in a position to feel the public needs and wishes, to appreciate their comparative merits and accordingly calculate in the budget a just appropriation which of these needs and wishes deserve. Others may know certain details, as well possibly better than the executive but no body can have so extensive and impartial a view of the mass of the details and no one can compromise the conflicting interests with so much competence and precision. Moreover, the executive charged with the execution of the budget is compelled through concern as to his future responsibility, to prepare as well as possible the plan"8

So far as the boards were concerned, the executive type was adopted. In 1863, the Government of India ruled that the budget estimates of the local funds should be prepared by the Collector and submitted to the Government through the Board of Revenue. In the preparation of estimates, the Public Works Department was associated with the Collector.9 Gradually, however, the authority to prepare the budget of the local funds passed over to the Public Works Department. The estimates of the works were prepared by the District Engineer and executed by the Public Works Department, the Superintending Engineer disbursing the local funds on the recommendation of the range officers, independently of the Collector. Thus, though the original plan was that the budget should be prepared by the Collector and executed with the assistance of the Public Works Department, in practice, it was the Public Works Department that prepared the budget. In 1864, the Board of Revenue pointed out to the Government, that the Collector, in virtue of his position as the head of the district should be the authority to prepare and execute the local funds budget.10 But the Government did not agree with the contention of the Board of Revenue and the old state of affairs continued upto 1871.

Under the Local Funds Act, 1871, the power to frame the budget was vested in the circle boards. The board may delegate, with such instruc-

8. Ibid.
9. G. O. No. 667. F. 15-10-1863
10. ,, 100. F. 11-2-1864.

tions as seemed fit, the duties of framing the budget either to the President or to a committee of the board.[11] But in practice it was the President that prepared the budget.

Section 155 of the Local Boards Act, 1884, stipulated that the President should place before the board a statement of gross receipts and charges and that on the basis of this statement, the board should compile the budget estimate. It also provided that the board may delegate this function to a committee of the board with the President as the ex-officio member.[12] In practice, however, it was the President that prepared and placed the budget before the board for adoption.[13] This arrangement continued up to 1920, when the Act was amended and since then the President was held responsible for the preparation and submission of the budget.

Budget Form :—The first essential of a sound budget system is a properly designed budget form. It facilitates the budget preparing authority in stating his requirements clearly and secures uniformity in the presentation of the budget information. Prior to 1864, the budget form was not properly designed. Consequently, the budget prepared by the Collector did not give any information in respect of the manner in which the expenditure of the ensuing year would be appropriated. Further, lump sums were set down against each fund. It was, therefore, felt that a proper budget form should be devised for "judicious and economical application of these funds".[14] In 1864, the Government framed a budget form for adoption by the local funds. The budget form underwent several changes since then. The forms that were in use during the period 1871-1884 and 1884-1920 are given below:—

11. G. O. No. 265. F. 30-6-1871.
12. ,, 728. L. 14-9-1885.
13. ,, 721. L. 20-6-1886.
14. ,, 272. F. 20-6-1864. The Hon'ble Member in charge of the department wrote: "Justice to the people who contribute these funds requires that every precaution should be taken to ensure their application to the best advantage and with the utmost economy" and he came to the conclusion that "a properly designed form was the most conducive to the judicious and economical application of the funds".

1871-1884

A. Revenue and Receipts.

1. BALANCE.
   - *a.* Road Funds
   - *b.* Union Funds
   - *c.* Endowment Funds
   - *d.* General
2. Allotment for General Revenues.
   - *a.* Provincial funds
   - *b.* Special funds
3. Rates and Taxes.
   - *a.* Cess on land
   - *b.* Tolls
   - *c.* House Tax
4. Fees in schools and libraries.
5. Contributions from other circles.
6. Receipts from endowments, contributions and donations.
7. Miscellaneous.

B. Expenditures.

1. Grant I. Public Works.
   - *a.* New works
   - *b.* Repairs
   - *c.* Establishment
   - *d.* Tools and plants
   - *e.* Contingencies
   - *f.* Road funds
   - *g.* Contributions to other circle boards
2. Grant II. Education.
   - *a.* For inspection
   - *b.* Training schools
   - *c.* Grants-in-aid
   - *d.* Miscellaneous

1885-1920

A. Revenue and Receipts.

1. Rates and Taxes.
   - *a.* Cess on land
   - *b.* House tax
   - *c.* Tools
2. Education
   - *a* School fees general
   - *b.* School fees special
   - *c.* Contributions, incomes from endowments
3. Medical, vaccination and sanitation.
4. Interest.
5. Miscellaneous.
6. Public Works.
7. Contributions from Provincial funds.
8. Contributions from other district boards.

B. Expenditures

1. Grant I Public Works.
   - *a.* In charge of Public Works Department
   - *b.* In charge of Civil office

   (Note : Under a and b repeat items a to g mentioned under grant I Public Works 1871-1884.)
2. Grant II. Education.
   - *a.* Supervision of elementary schools
   - *b.* Secondary schools
   - *c.* Elementary schools
   - *d.* Training schools
   - *e.* Technical schools
   - *f.* Grants-in-aid
   - *g.* Refunds
   - *h.* Contributions

1871–1884

B. Expenditures.—*(Contd.)*

3. Grant III. Sanitation.
   - *a.* Hospitals
   - *b.* Vaccination
   - *c.* Medical Practitioners
   - *d.* Sanitary Establishment
   - *e.* Markets
   - *f.* Choultries
   - *g.* Miscellaneous

4. Grant IV. Miscellaneous.
   1. Controlling establishment
   2. Contingencies
   3. Pensions
   4. Establishment
   5. Loans

1885–1920

B. Expenditures.—*(Contd.)*

3. Grant III. Medical Services.
   1. Medical establishment
   2. Hospitals and dispensaries
   3. Vaccination
   4. Sanitation
   5. Expenses in connection with plague
   6. Other epidemics
   7. Medical schools
   8. Refunds
   9. Contributions
   10. Unforeseen charges

4. Grant IV. Public Charitable Institutions.
   1. Rewards for killing dogs
   2. Petty establishment
   3. Refunds
   4. Contributions

5. Grant V. Supervision and Management.
   1. General establishment
   2. Superannuation and retirement allowances
   3. Gratuities
   4. Provident fund
   5. Stationery
   6. Printing charges
   7. Refund of cesses
   8. Other funds
   9. Interest
   10. Contribution to other funds

The features common to both the forms were the following. Both the forms were divided into two parts, revenue and receipts and expenditures. Each part was further divided into several major heads Under each major head we find a number of sub-heads. Under each sub-head there were a number of minor heads. For example, under major head education there were,

Sub-head—C. Contributions.
Minor Head—Municipalities.
Sub-Minor Head—Secondary Schools.

But both the forms suffered from a number of defects and the main one was that no clear distinction was made between capital and ordinary expendi-

ture, though such a distinction ought to have been made because capital expenditure increases the local body's estate and such expenditure should ordinarily be met out of loans. It is true that in certain cases it is difficult to draw a line between capital and ordinary expenditure but such cases are very few. The second defect was that expenditures relating to particular subjects, say education, was not brought under one major head. In 1920, it was felt that the budget form should be revised and accordingly an expert committee was appointed for the purpose. On the recommendation of the committee the form was revised.

The budget form[15] was divided into two parts. The first part contained the abstract of the budget. The abstract was divided into two sections, ordinary and capital. The abstract was intended to enable every one concerned to obtain a birds eye view of the total receipts under the various accounts and the total expenditure on various objects. The significant feature of the abstract was that it made a distinction between ordinary and capital expenditure. The abstract was as follows:—

Description of the account	ORDINARY				CAPITAL				Total Closing balance, Ordinary and Capitial
	Opening balance	Receipts	Expenditure	Closing balance	Opening balance	Receipts	Expenditure	Closing balance	
General Account									
Elementary Education account									
Railway account									
Deposits & Advances									
Town Planning account									
Endowments									
Grand Total									

The second part of the budget was divided into two sections, the main account, and the subsidiary accounts. The main account was the general fund account. Each of the accounts was further divided into two parts, receipts and expenditures and each of the two was further divided into 'Receipts-ordinary' and 'Receipts-capital' 'Expenditure-ordinary' and 'Expenditure-capital'. Receipts-ordinary contained four accounts, general account, elementary education account, loan account and railway account.

15. In order to ensure uniformity in the presentation of budgets to the Government, the budget forms were printed in the Government Press, Madras and supplied to the boards free of cost. See G. O. No. 244. L. M. 23-1-1925

Under the general account-receipts there were six major heads (i) Genera Taxation and miscellaneous revenue, (ii) management, (iii) communications, (iv) education other than elementary education, (v) public health, and (vi) remunerative enterprises.

Next to the general account there was the elementary education. Though the elementary education account formed a part of the main budget, it was statutorily laid down that a separate budget should be prepared and submitted to the Government for approval. This arrangement was intended to give a momentum to the cause of elementary education. The elementary education budget also contained two parts, summary and details. The summary was as follows.

	Opening balance	Debits	Credits	Closing balance
1. Ordinary.				
2. Capital.				

The second part of the budget was divided into two parts, credits and debits and each of them was further divided into ordinary and capital. Under 'credits-ordinary' there were eight major heads, education tax, fines, income from investments, school fees, other receipts appropriations from endowments and appropriations from revenue account. Under, 'credits-capital' there were five major heads. Similarly, there were five major heads under 'debits-ordinary' and two under 'debits-capital'.

Next to elementary education account, there were the railway account and the loans account with similar divisions and we need not go into their details. Suffice it to say that the form devised in 1920, was a comprehensive one and unlike some of the American budget forms it included all incomes and expenditures.

As regards the information to be given against each head, the boards were required to furnish the estimated figures for the coming year, actuals of the previous year and the estimated figures of the current year. The form was as follows.

Head of account	Estimates— 1885-86		Estimates for 1884-1885	Actuals for 1883-1884
	Detailed Minor head	Total Major head		

This form was in use during the period 1885-1920. In 1920, when the budget form was revised the boards were required to furnish information under the following heads.

Head of Account	Budget estimate 1942-43	Revised estimate 1942 43	Estimated deficit or excess 1942-43	Budget estimate 1943-44	Actuals for 1941-42	Actuals from April Sep. '41	Actuals from April Sep. '42

Preparation of the Budget:—It was the President that was to initiate the preparation of the budget. Sometime in the month of October, he would address a memorandum to the heads of the department to furnish him proposals for the preparation of the revised estimate of the current year and the budget estimate of the coming year. After the receipt of the information the President prepared the budget.

His first business was to revise the budget estimate of the current year. What do we mean by a revised estimate?. In the literal sense of the word, the estimate of the current year is revised in the light of the experience gained during the last six months of the year. The distinguishing features of a revised estimate are, they (the estimates) make no provision, whatever, for any expenditure; no entry in this column carried any authority of any kind; nor did it authorise the expenditure of the charge already entered in the budget estimate or appropriations of money; nor did it supersede the budget estimate as the basis of regular expenditures or of the necessity for applying for additional grants. Further, revised estimates were not the proper channels for applying for additional grants to cover expenditures which were not provided for in the budget estimates. They were estimates pure and simple, prepared for information in order to indicate to the Government, how far the expenditure already sanctioned would be worked upto. Therefore, they should not be quoted as authority for expenditure in excess of grants.

When the general review of the year's requirements made for the purpose of revising estimates disclosed for the first time, the necessity for an unforseen expenditure, an application for additional grant was to be made at once, separately and in a complete form so that it might be disposed of quite apart from the revised estimates. The application should have no connection, whatever, with the revised estimates. In short, the revised estimates depended on the grant and not the grant on the revised estimates.

The revised estimates were usually arrived at by adding to the ascertained actuals of the past months of the current year those of th closing months of the previous year or assuming that the actuals of the

remaining months of the current year would be in the same proportion as those of the earlier months. Here of course the President was to use his discretion as to which of the methods indicated above should be followed in framing the revised estimates. But he was expected to pay due regard to the experience of the earlier years and take particular care to enter what seems to be the most probable figures on the information available. For instance, in estimating for the residual period, on the basis of the actuals of the corresponding months of the previous years, due allowance should be made for any exceptional phenomena which affected the results of the previous years accepted as a guide and allowance should also be made for special and unusual characteristics of the year for which the revised estimate was being prepared. If according to the revised estimate, the figures for the residual period were expected to differ much from the corresponding figures of the last preceding year, the reasons for such expectation should definitely be stated. On the other hand, if, while the figures of the current year already recorded differ materially from the corresponding figures of the preceding year, and of the earlier years, and yet the revised estimate showed no corresponding differences for the residual months, the President should state the reasons for thinking that the difference experienced in the earlier months would not continue.

After the preparation of the revised estimates, the President should take up the preparation of the budget estimates. In doing so the President should acquaint himself with the progress of revenue and expenditure under his control and, the peculiar circumstances of the year. And as adequate provision has to be made for all the services, care should be taken to avoid reckless and sanguine estimating. Further, he should consult the Director of Public Instruction, the Director of Public Health, the Surgeon-General and the Principal of the Indian Medical School as to the provision to be made in the budget in regard to the services with which they were concerned. In the preparation of the budget, the President was not free to use his discretion as he liked. He had to observe several rules. They were:—

(a) Under 'balances' should be shown only such sums as were likely to remain unutilised at the close of the current year;[16]

(b) The opening balance of the revised estimate should be the balance furnished by the auditor after the audit of the past year's expenditure. The closing balance of the revised estimate should be adopted as the opening balance of the budget estimate;[17]

16. G. O. No. 1603. F. 4-9-1876.
17. ,, 728. L. 14-9-1886.

(c) The actuals of the previous year should invariably correspond exactly with figures recorded in the auditors' account;[18]

(d) No credit should be taken in the budget for any contribution either from the Government or from private individuals unless it was sanctioned or promised;[19]

(e) When the receipts from toll gates were divided between two local authorities, the net receipt only should be entered in budget estimate;[20]

(f) In framing the estimates of leased out revenues, the lowest bid in the previous year should be shown in the budget estimate and the actual bid amount for the current year being shown in the revised estimate;[21]

(g) While estimating the expenditures, the President should bear in mind the items of obligatory expenditures and make adequate provision for all of them;[22]

(h) No provision should be made in the budget estimate for capital expenditure or for new schemes of expenditure unless the President was definitely sure that there would be sufficient funds to meet the expenditure after providing for all obligatory items of expenditure. Further, when a new scheme involving recurring expenditure was included the President should satisfy himself that there would be recurring surplus of receipts over expenditure.[23] Even then, only schemes which have been sanctioned by competent authorities should be included in the budget estimate;[24]

(i) Expenditure on establishment which was not specifically sanctioned by competent authorities should not be included in the budget estimate;[25]

(j) Cut in salaries to secure reduction in expenditure should not be resorted to. It may be done only when all other expedients fail. If the board was of opinion that the expenditure on establishment was excessive it should abolish the superfluous posts with the sanction of the Government even though it may involve some curtailment of

18. G. O. No. 2417. L. 12-12-1895 & G. O. No. 247. L. M. 19-1-1933.
19. ,, 1603. F. 4-9-1876 & ,, ,, ,, ,,
20. ,, 721. L. 26-6-1886.
21. ,, 1844. L. M. 16-4-1934.
22. ,, 265. F. 30-6-1871.
23. ,, 1844. L. M. 16-4-1934.
24. ,, 1197. F. 23-8-1873.
25. ,, 1235. L. 29-7-1901.

the services. The principle involved in this rule was that the board should have the services of a contended staff;[26]

(k) Provision for leave allowances should be made in the budget estimate under the head establishment at the rate of five percent of the gross pay for the non-vacation establishment and 2½ percent for the vacation establishment;

(l) The estimates under the head 'contingencies' should not exceed the normal average expenditure for the previous three years excluding the abnormal items;[27]

(m) The budget estimate should be so framed as to close the year with a balance[28] and

(n) Finally, certain percentage of the revenues was to be allotted for particular items of expenditure. The earmarking of revenues for particular purposes has an interesting historical background and we shall consider it in some detail.

Under section 36 of the Local Funds Act, 1871, not less than 2/3 of the land cess actually levied on the annual rental value and the net proceeds of all tolls were to be allotted to the road fund,[29] and the remaining 1/3 land cess for education.[30]

In 1884, when the Local Boards Act was passed, no such limitation was placed over the discretionary power of the President and he was free to appropriate funds as he pleased. Consequently, the tendency in most

26. G.O. No. 870. L. M. 3-3-1936.

27. ,, 1844. L. M. 16-4-1934. Details of the contingent allotment for the budget year and for the two previous years should be furnished explaining the variations.

28. G. O. No. 106. F. 14 3-1871. In 1871, no percentage was fixed. It was simply stated that it should be a 'moderate balance'. Subsequently, it was fixed at five percent of the estimated receipts "other than those to be credited to the road fund". (G. O. No. 265. F. 30-6-1871.) In 1932, it was fixed at 2½ percent of the estimated receipts of the year excluding those from endowments, accumulations of the Railway cess fund, Provincial Grants, and debt heads". (G. O. No. 2920. L. M. 26-7-1932.) This balance was originally intended to serve "as a margin to any falling short of the estimates. But in 1897, it was definitely laid down that no allotments from the general budget balance should ordinarily be sanctioned as the provision was intended to serve strictly as a working balance for the year. Only in extraordinary circumstances, the budget may be recast and the amount may be reappropriated. (G. O. No. 1235. L. 30-6-1897.)

29. G. O. No. 318. F. 30-6-1871 In 1871, it laid down that a portion of the land cess realised in each taluq should be allotted for expenditure in the taluq on communications. In 1876, this condition was deleted.

30. G. O. No. 28. F. 8-1-1874. In 1874, the Governor of Madras proposed that a certain proportion of the funds allotted for roads should be expended on education. But the Executive Council of the Governor opposed the proposal on legal grounds. The matter was referred to the Secretary of State for decision. And he held that the diversion of funds as proposed by the Governor would amount to the violation of the statutory provisions.

of the boards was to make increased allotments for education and sanitation at the expense of communications.[31] And this went on to such an extent that it attracted the attention of the Government in 1895. In that year, while the budget estimate of the Bellary board for the year 1895-96 was being scrutinised, it was found that the allotments for education, medical service and sanitation had considerably increased at the expense of communications. As a consequence, roads were in a neglected condition. When this fact was brought to the notice of the Member in charge of the department, he wrote as follows: "I do not think, it can have been intended when the existing Act was passed that the provision for communications should be reduced; but at the same time I think that 2/3 land cess plus net tolls left but scanty provision for all other objects of L. F. (Local Fund) administration. I think we might order that in future budgets not less than 1/2 of the land cess plus net tolls shall be assigned for communications ... unless the Government otherwise permits... It may be that an order of this kind would lead to inconvenient results for it is difficult to put the clock back and bring down educational and sanitary expenditure already provided. The Presidents may be requested that the minimum prescribed should be reached in every district within a period of five years."[32] In 1895, an order containing the above instructions was issued. This arrangement continued up-to 1912. In that year, the Decentralization Commission recommended that such restrictions should be done away with and that the boards should be given full discretion as to the allotment of funds, Governmental interference being limited to seriously neglected cases.[33] In 1920, however, this restriction was removed and the boards were given complete freedom to allot funds as they pleased with the result that once again roads got into a bad way. In 1942, the Government again intervened and fixed the minimum amount which each board should allot under communications. (Appendix. 4)

Similar restrictions were laid down in regard to expenditure on education and public health. As early as 1900, Mr. A. B. Stuart, the

31. G. O. No. 577. L. 26-3-1895. Mr. J. F. Price, Chief Secretary to Government, wrote: "The education department is a glutton and is steadily eating away L. M. (Local and Municipal) funds and still calling for more. Under Grant III (Medical and Public Health) the same thing is going on though not to so grievous an extent..... There is no one to plead for communications of the district save the unfortunate President and he can do nothing against the D. P. I., the S. G., and the S. C. and as the money has to be found to satisfy their ever increasing demands the only source from which it can be produced is land cess and the roads go to dogs".

32. G. O. No. 1686. L. 14-9-1895. This order was intended to curb the departmental heads. It was believed that these officers, owing to the fact tnat they had power to criticise the allottments made in the budget estimate under the heads with which they were concerned they were able to bring great pressure on the Presidents to make increased provision for their departments. See the notes by Mr. J. F. Price, Chief Secretary to Government, Madras.

33. Report. Op. cit. Vol. 1, p. 260.

President of the Godavari board, reported to the Government that there was a scramble for the remaining fifty percent of the land cess and that the allotments for education and public health depended upon the strength and weakness of the members of the board and the individuality of the President. He further reported that large sums were budgeted for secondary education profiting the teachers and pupils of a community which formed only a microscopic portion of the total population and thereby starving elementary education. He, therefore, suggested that a certain percentage of the land cess should be allotted to education and public health.[34] The Government did not accept the suggestion.

But fifteen years afterwards, the Government changed its mind. In 1915, the Government felt the necessity to ensure that the net expenditure upon education did not bear an exceptional proportion to the total current income of the boards available for general purposes.[35] But the Government did not state specifically what that proportion should be. In 1921, however, a separate fund was constituted for elementary education in every district board, to which were credited all proceeds of any tax levied under section 34 of the Madras Elementary Education Act, 1920 and all sums of money specified therein,[36] and the contributions from the general revenues of the board.[37]

As regards public health it was ruled in 1929, that every board in whose jurisdiction there had been epidemic cholera during the three previous years should provide in the budget under the head 'cholera' a reserve sum of Rs. 500 for every 25,000 inhabitants in its area. Ten years latter, every board was statutorily required to earmark not less than 12½ percent of its "income from all sources"[38] for expenditure under the head "Public Health". (Appendix 5).

34. G. O. No. 1337. L. 3-8-1900.

35. ,, 187. L. 9-2-1915. The net income available for general purposes was arrived at by deducting from the total income, half of the income from land cess, net tolls, Railway cess fund, endowments, receipts grants excepting the 14 lakhs grant, the opening balance and debt heads.

36. G. O. No. 379. L. M. 1-3-1921.

37. ,, 1138. Edn. 8-8-1923 and G. O. No. 978. Edn. 16-6-1924. In 1924, a separate budget was constituted for elementary education Fund. The contribution was fixed by the Government after examining the financial condition of the boards and tne boards were precluded from varying the amount so fixed without the sanction of the Government. It appears, however, that several boards defaulted in making the contribution from the general funds to the elementary education fund. To ensure that the specified amounts were budgeted, the Examiner of the Local Fund Accounts was requested to see whether the amounts budgeted have been actually credited to the elementary education account.

38. G. O. No. 3087. L. A. 25-8-1939. Income from all sources included not only ordinary receipts under 'General account' but also ordinary receipts under 'all subsidiary accounts'. But the actual amount to be earmarked was from the general account but not by any diversion from the elementary education fund or other earmarked funds. Further, expenditure under public health included the following items, water supply, drainage and town planning.

Another rule which the budget making authority had to observe was the budgeting for separate funds. In addition to the Elementary Education Fund, which we had already noticed, there were three other funds, the Railway cess fund, the endowments fund and the village development fund. Their receipts and expenditures should be rigidly kept apart from the general funds and should not be appropriated for any other purpose without the sanction of the Government.[39]

Scrutiny of the Budget Estimates:—The budget as prepared by the President should be placed before the budget committee, if any, for scrutiny. Prior to 1920, however, budget committees were constituted here and there and they seemed to have functioned satisfactorily.[40] But it should also be said that the constitution of committees for the purpose was a rare event. Since 1920, budget committees were constituted in every board consisting of the Presidents of all the taluq boards in the district and some members elected by the district board. After the abolition of taluq boards, a representative from each taluq was elected to serve on the committee. Though the committees were constituted in every board for the purpose of detailed scrutiny of the budget, it seems that, in practice, it was not done.

The President should circulate the draft budget among the members of the board sufficiently in advance of the date fixed for the consideration of the budget by the board so that the members may have a reasonable opportunity to examine it.[41] The budget and the proceedings of the committee were to be placed before the board for consideration.

Budget Note:—The budget was accompanied by a budget note. The importance of the budget note lies in the fact that it is a means by which the financial plan is explained in non-technical terms. Tables and figures, no matter, however carefully they may be arranged will not inform the layman of the financial condition of the board as effectively as the budget

39. G. O. No. 1354. P.H. 29-7-1931. A certain percentage of the land cess was allotted to the Village Development Fund. The original intention in creating this fund was that a certain amount should be earmarked for capital works. (G. O. No. 2919. L. M. 26-7-1932) In practice, however, several boards were permitted to make temporary diversions from this fund for general purposes and at times even to cover deficits in their budgets. Further, the aim of the fund was the construction of new communications but not for their maintenance; and the committee to which the administration of the fund was entrusted was not responsible to any one except to itself. As the purpose for which the fund was created was not attained it was abolished within three years after its creation.

40. M. L. C. P. 26-11-1915. Speech of Mr. Gillman. In Tanjore a budget committee consisting of officials and non-officials was constituted to frame the budget estimate. But the actual framing of the budget estimate was left to the non-official members. Where there was a difference of opinion between the officials and the non-officials the President was appealed to and his decision was final.

41. G. O. No. 538. L. M. 2-2-1934. In the case of members not acquainted with English, separate vernacular copies of the budget should be circulated.

note. The budget note discussed the financial condition of the board under each fund, the major budget proposals of the current year and of the coming year and emphasised the taxation proposals. Prior to 1920, the budget note was sufficiently long, running into four or five printed pages with several tables. In recent years, however, the budget note did not exceed one printed page but the information furnished was fairly comprehensive.

The adoption of the Budget:— With the presentation of the budget the part played by the Executive in the preparation of the budget comes to an end. The adoption of the budget estimate was an obligatory function of the boards. Any board which failed to discharge this function was either dissolved or superseded. Subject to certain limitations, the boards had powers to alter the appropriations made in the budget. But it was the duty of the board to see that the estimates of receipts was exhaustive and cautious; that due provision was made for all obligatory expenditure and for the due dicharge of all liabilities in respect of loans contracted by the board and that the prescribed balance had been left.[42] In practice, however, the boards did not treat the budget meeting as an important one and passed the budget without much discussion, particularly if it had been scrutinised by a budget committee.

The budget as passed by the board should be submitted to the Government before the prescribed date.[43] Until the Government communicated its approval of the budget, the board may carry on administration according to the budget plan. Legally, the approval of the budget by the Government was not at all required.[44]

Simultaneously, the President should send extracts relating to the outlay proposed on education, sanitation, and medical services to the heads of the respective departments at the provincial headquarters,[45] and any remark which they may make was simply for the consideration of the board and did not affect the liberty of its action. In other words, the departmental heads were not authorised to alter the budget provision for, such a power would subordinate finances of the boards to the requirements

42. G. O. No. 2920. L. M. 26-7-1932.

43. ,, 265. F. 30-6-1871. Prior to 1885, the budget was to be sent to the Board of Revenue for scrutiny and approval. The Board of Revenue could make such modifications in the budget as they thought fit and forwarded it to the Government in the Finance Department for approval. After it was reviewed there, the Government sent it back to the Board of Revenue for the issue of orders.

44. G. O. No. 721. F. 26 6-1886. Prior to 1900, the board should incur expenditure for that year that according to the budget estimate of the previous year.

45. G. O. No. 721. F. 26 6-1886. Prior to 1920, copies of the budget estimates were to be sent to the departmental heads and they sent their remarks directly to the Government.

of the provincial departments which position was incompatible with the principles of Local Self-Government. "As a rule," however, "the Government accepted the opinion of the Collector in preference to that of the Departmental heads, the Collector being the President."[46]

While submitting the budget to Government, a number of statements were to be sent. These statements were intended to amplify the budget provisions. They were called in popular language justification sheets. Their number and nature varied from time to time.[47] In addition to these statements, a questionnaire was also to be answered and submitted along with the budget.[48]

In examining the budget, the Government observed three principles that the budget provided the minimum balance, that the normal charges did not exceed the normal income and that sufficient provision was made for certain items of expenditure. If these conditions were satisfied, the Government did not interfere.[49] The Government limited its interference generally to cases in which the interests of the general public called for specific protection.[50]

A copy of the budget as finally approved by the Government should be sent to the auditor.[51]

Characteristic features of the Budget:—The budget as finally approved had certain distinctive characteristic features. They were, firstly, the appropriations were annual. That is, the allotments made in the budget lapsed at the end of the year and no part of any allotment remaining unexpended at the end of the year should be reserved or appropriated by transfer to deposits or any other head, to avoid lapse, for disbursements after the end of the year.[52] This type of appropriation was regarded as the most satisfactory one because a definite amount for a definite purpose

46. Report of the Decentralization Commission, Vol. 2, p. 57. Evidence of Dr. Thomson.

47. G. O. No. 721. L. 26-6-1886.

48. ,, 4169. L. M. 10-10-1935. The questionnaire was framed by the Government as the boards did not frame their budgets embodying "a sound and carefully considered financial policy".

49. Decentralization Commission. Report. Vol. 2. p. 239. Evidence of Mr. H. D. Taylor, I. C. S.,

Mr. Hutchins:—When the budget comes to you.....every head is scrutinised?—Yes, as to whether it is sufficient or insufficient.

You do not frequently alter the budget of the boards? The policy generally followed is to leave them alone?:—Observing these three principles that I have referred to, the policy is to accept the suggestions. If those principles are observed the budget as a rule is not interfered with.

50. Simon Commission Report. Vol. I, p. 34.

51. G. O. No. 2920. L. M. 26-7-1932.

52. Ibid.

for expenditure during a definite period was appropriated. In recent times, framing of 'capital budgets' was advocated. That is, definite sums should be appropriated for definite purposes of capital nature for expenditure during an indefinite period. This type of budgeting was generally opposed by the administrators for, it does not afford an opportunity to scrutinise projects; it encourages callousness on the part of the budgeting and expending authorities; and finally, it seriously impairs the control of the boards over expenditures. It is not true, as is generally supposed, that annual appropriations prevent long-range planning. As a matter of fact, whenever a scheme, involving capital expenditure, spread over a number of years, was undertaken, the financing of the scheme was first settled.

The second feature was that it was prepared on the basis of what was expected to be actually received or paid during the year. "In other words, the budget is an estimate of the cash receipts and cash payments during the coming year irrespective of the fact that such receipts and payments relate to the transactions of that year or previous year.[53]

Thirdly, it was prepared on a gross and not on a net basis. Receipts were estimated as receipts and entered on the receipts side of the budget and expenditure on the expenditure side of the budget.

Fourthly, the most important feature was the itemization of expenditures. At the beginning of the period, there was not such a degree of itemization as in the subsequent years. In 1871, lump sum amounts were entered against each head, particularly against the heads relating to public works. In addition, a 'reserve' of 10 percent and a minimum balance of five percent of the estimated receipts were provided in the budget. From these amounts, expenditures were freely sanctioned during the course of the year without reference to the Government.[54] In 1895, the Government of India objected to the provision of reserve in the budget estimates as it was opposed to the fundamental principles of budgeting. But the Madras Government contended that the necessity for such a provision had arisen owing to the fact that estimates were prepared by the boards long before the close of the year and therefore, it was not possible for the boards to make accurate estimate of the expenditures. The Government of India, however, remarked that the necessity for the provision of reserves could be obviated by a systematic planning of expenditures.

Inspite of this objection, considerable sums were allotted to the head 'reserve'. In 1896, the Accountant General suggested that instead of having a reserve fund, the boards may provide 15 percent of the estimated receipts

53. Wattal. Op. cit.
54. G. O. No. 287. L. 12-2-1891.

under the head 'balance' and meet all unforseen items of expenditure from it, without reference to Government. The Government accepted the suggestion and accordingly instructed the boards.[56] Again, the Government of India pointed out that such a provision would impair the budget control over expenditures and would lead to extravagance. Thereupon, the Madras Government directed the boards to dispense with "lump sum balance". But in order to meet unforseen expenditure, the boards were requested to provide sufficient monies under the appropriate head against the item "unforseen expenditure."[57] Even after the issue of these instructions, large sums of money were left under the head 'balances' and allotments were made from it for all and sundry items of expenditure during the year. To put a stop to such practices, the boards were directed in 1901, to frame their budgets in such a way that only five percent of the estimated receipts was left under the head 'balances'. If, for any reason, it was found inevitable to leave a large balance the necessity for it should be explained.[58] Even this order did not produce the desired effect for large amounts were left under the head balances, and allotments were made for excess of expenditure. In 1912, the boards were permitted to allot funds from the anticipated closing balance, to meet unfors en items of expenditure, provided such balances were not thereby reduced below five percent of the estimated receipts. In view of this extended power possessed by the boards, the Government considered that there was no longer any necessity for retention in any part of the budget, the head 'unforseen charges' and directed the boards to eliminate it.[59] But at the same time the number of minor heads and sub-heads increased enormously and as a consequence the budget became an extremely itemized one.

Is it desirable that there should be such a degree of itemization? Here again experience has shown that administrative officers having lump sums of money at their disposal flung it right and left to hire henchmen and fatten contractors. To check this tendency extreme itemization was resorted to. But there is a school of thought, represented by such eminent authorities like Rene Stourm and Buck, which did not favour detailed itemization of appropriations. Their contention is that it prevents the administrators from using their discretion in the expenditure of money to the best advantage. Further they argue that while it may prevent malpractices, it is not likely to promote efficient administration. It would on the other hand encourage the administrators, both good and bad, to seek for more budget allotments than they would need, so that they may

56. G. O. No. 1074. L. 11-6-1896.
57. ,, 1235. L. 30-6-1897.
58. ,, 296. L. 15-2-1901.
59. ,, 2170. L. 3-12-1914.

have enough sum under each item. And, if the demands are granted, they would take care to see that the entire appropriation is spent within the year. This is repeated year after year. Again, itemization gives opportunities to the boards to interfere in the details of financial administration. Theoretically, all these arguments may appear to be sound for, to estimate expenditures of several items, several months ahead is a difficult task and to stick to such estimates may not be possible. But the deciding factor is, whether itemizaton really prevents the administrator from using his discretion. And does it really encourage wasteful expenditure? The writer discussed this question with some of the Presidents and himself investigated into this question by reference to the budget estimates of the Nellore and Chittoor boards. On the basis of the evidence he collected he came to the conclusion that itemization did not prevent the administrators from using funds available to the best advantage. Whenever an emergency had arisen, funds were transferred from one head to another. Further the Presidents whom the writer consulted expressed the view that extreme itemization would prevent the Presidents and the boards from allotting funds according to their whims and fancies. We do not think that itemization had in any way impaired the financial administration of the boards.

Finally, separate funds existed for separate purposes. If all the receipts are collected and deposited in a single pot and made available for expenditure without any restriction, the keeping of the accounts and rendering of reports will be a simple affair. But in the boards, no such situation obtained. As a matter of fact there were seven pots with independent incomes, earmarked for particular purposes and several limitations being thrown round these funds. It is true that all money received from whatever source was put into one pot, the Treasury, and there was only one account so far as the Treasury was concerned. But in the boards' account registers, they were separated.[60]

Execution of the Budget:—After the adoption of the budget, the third stage in budgeting begins, viz, the execution of the budget. The executive should remember that budget appropriations are of two kinds, mandatory and mere authorizations. For instance, the payment of salaries and the redemption of debts are all mandatory appropriations. But most of the appropriations made in the budget estimate were mere appropriations

60. In 1871, there were only two funds, the Road Cess fund and the miscellaneous fund. Then came the endowments fund and the railway cess fund. In 1921, there were six funds, the first of them being the General Fund. To it were credited all receipts which were not intended for other funds and these receipts were, land cess, profession tax, tolls, secondary school receipts. The main characteristic feature of this fund was that it was available for expenditure on all objects. The financial stability of the board depended upon the soundness of the general fund.

and expenditure relating to those items should not be incurred without the sanction of the board. The board may refuse to provide funds for certain purposes even though there may be budget provision. Further, an appropriation does not mean that the entire amount should be spent, but only so much of it as the board may sanction. In other words, the amount provided in the budget against any head was the maximum amount and the board could sanction within that limit. The board occupied the position similar to that of the Treasury. So the executive should honour the provisions made in the budget. Otherwise, the plan of the budget would not be maintained and the main purpose of budgeting would not be realised.

The means by which the maintenance of the budget plan was secured were several. Firstly, it was secured by means of a unified financial direction. That is, the President with the assistance of the accounts section was required to exercise a check over the incomes and expenditures. For this purpose, several forms were devised and one of them was the posting register. It was as follows:—

Head of Account	Budget provision	Expenditures during the months of								
		April	May	Total April–May	June	Total April–June	July	Total April–July	August	Total April–August

The above form enabled the President to be vigilant. In addition, another form was devised so as to enable the President to know whether there was enough balance in the budget allotment to meet any proposed expenditure. Whenever a bill was presented for the payment of dues, the office was required to note the particulars mentioned below.

Budget allotment Rs.

Amount already spent Rs.

Balance available Rs.

Apart from these checks the President was also required to submit to the board a financial statement every month, showing the demand, collection and balance of the revenues. It is, therefore, evident that effective means were devised for the maintenance of the budget plan.

Supplementary budgets or transfer of allotments:—Whatever may be the care with which a budget is prepared, unforseen circumstances may arise, necessitating additional expenditures. Or extra-expenditure may be advisable though not absolutely unavoidable. For instance, expenditure which produces revenue may have to be increased in the course of the year. But it must be remembered that supplementary appropriations were not necessarily additions to authorizations already provided in the original

budget. Sometimes these appropriations were made entirely for new purposes. So, the expenditure side of the budget was not only supplemented but more or less refashioned during the year. Very often supplementary appropriations were asked for after the obligations have been incurred. According to rules, sanction for additional appropriations should be obtained before the close of the year.[60A]

The transfer of allotments or the supplementary demands were subjected to several limitations. In 1871, the circle boards were required to obtain the sanction of the Board of Revenue for the transfer of allotments from one project to another. Similarly, they had to obtain the sanction of the Government for the transfer of an allotment from one major head to another.[61] In 1886, the rules were liberalised and the boards were permitted to transfer funds from any major head or minor head to another major head or minor head, provided the sum did not exceed Rs. 1000. They were also authorised to transfer sums from balances, provided the balance was thereby not reduced below five percent.[62] In 1932, even these restrictions were removed and the only restriction which the President was required to observe was that the working balance was not reduced below the specified minimum.[63]

We have so far considered the principles that had to be observed in preparing budgets. Now the question is how far these principles have been observed. According to the recorded evidence, it does not appear that the Presidents observed the fundamentals of budgeting. Very often no equilibrium was secured between receipts and expenditure. Recourse was often made to the unauthorised expedient of providing in the budget estimates for loans and compassionate grants for which no application was made and in respect of which no specific sanction of the Government was secured. Furthermore, the prescribed minimum allotments were not made for such services as communications. Grants given for special purposes were appropriated for general purposes. All these things had happened in some board or other even during the period when the Collector was the President.[64] When the non-officials were appointed as Presidents, they too adopted similar devices. For instance, they over-estimated the opening balance of several funds; receipts were estimated on a very optimistic assumption that almost all the taxes, arrears and current, would be collected during the fiscal year, though experience in the previous years should have taught them to be prudent. On the basis of these estimates,

60A. G. O. No. 2404. L. 9-12-1897.
61. ,, 265. F. 30-6-1871.
62. ,, 721. F. 26-6-1886.
63. ,, 2920. L. M. 26-7-1932.
64. ,, 798. L. 3-7-1906

expenditures were estimated. But in the execution of the budget, the expenditure side received full attention and the revenue side scant attention.[65] Further, expenditures were incurred without provision in the budget and several boards embarked upon expenditure on new items without ascertaining whether sufficient resources were available to meet the expenditure and this led to drawing on opening balances. Above all, the fundamental principle that frequent resort should not be made to the vicious device of reappropriations or supplementary grants was disregarded. It is admitted that reappropriations are necessary in financial administration. But this provision should be availed of only when there is absolute necessity. A close study of the budget estimates of several boards reveals the fact that budgets were framed in such a careless manner that as soon as the budget was voted, demands were made for supplementary appropriations. Thus, a proper relation of expenditure to revenue was relegated to the background. Some of these factors were responsible for recurring deficits in some of the boards.

It is true that deficits were also due to certain factors over which the boards had no control. For instance, the principal source of revenue of the boards was land cess and it was definitely inelastic. Further, as a consequence of the amendment of the Act in 1930, the boards lost substantial revenue from three important sources, land cess, tolls, and bus licence fees. In the case of some boards, the total loss amounted to more than 1/3 of the total income. Secondly, the formation of the Village Development Fund further diminished the amount available for general purposes. Thirdly, the Government grants remained generally rigid and in some cases they were reduced. Fourthly, the universal trade depression affected the finances of the boards. Fifthly, in some places ferries yielded good income but the vigorous bridge building programme, with the aid of grants from the Road Development Fund, affected that source also. Avenues which were at one time a fruitful source of income had begun to fall. Licence fees were the only elastic source of income but as the buses were subjected to heavy taxation, a good number of buses were taken off the road. While there was no substantial increase in the revenues, there was disproportionate increase in the expenditures. If the administration is to be efficient and progressive it must provide certain basic amenities, In their anxiety to do something good, many of the Presidents embarked upon new items of expenditure not provided in the budget estimate and thereby brought about unbalanced budgets.[66]

65. G. O No. 1492. L. 29-6-1923.
66. Logically, budget is unbalanced either if the expenditure exceeds the revenue or if revenues exceed expenditures. It is only exactly balanced when revenues and expenditures are exactly equal. But commonly, a budget is said to be unbalanced only when the expenditure exceeds revenue. See *Dalton*. Unbalanced Budget.

To cover these deficits, various methods were adopted such as the diversion of earmarked funds, borrowing and cutting expenditure under the head 'communications'.[67]

Finally, the control exercised by the outside authorities over budgeting was excessive at every stage. While we do not abhor control as such, minute control would only stifle initiative.[68] The Decentralization Commission also remarked that the powers of control possessed by the Government were so extensive that they could be so applied as to destroy the financial responsibility which the boards ought to possess and without which local self-government would not be a reality. Therefore, the control exercised should have been general, based on broad principles and not extended in the manner in which it was done to the smallest details of the budget.

67. M. L. C. P. Vol. 69, p. 519. In 1934, fifty percent of the boards experienced deficits budgets. For instance, the excess of charges over receipts was Rs. 28,590 in Anantapur, Rs 5,060 in North Arcot, Rs. 62,910 in South Arcot, Rs. 17,390 in Chittoor, Rs. 73,010 in Coimbatore, Rs. 6,070 in Cuddapah, Rs. 19,475 in Ganjam, Rs. 74,170 in South Kanara, Rs. 168,050 in Madura, Rs 19,260 in Malabar, Rs. 42,530 in Nellore and Rs. 130,530 in Trichinopoly.

68. Decentralization Commission Report. Vol. 2, p. 165–204. Evidence:

(a). Mr. Vijayaraghavachari opined that the Government should not at all interfere with the budget estimates of the boards;

(b). Mr. (later Sir) P. S Sivaswamy Iyer contended that the Government should have the right to interfere but admitted that it was carried too far;

(c). Mr. (later Sir) Alexander Cardew admitted that there was minute control over the budget of the boards.

CHAPTER X

REVENUE ADMINISTRATION.

Introduction:—The boards derived their revenue from several sources, taxes, fees, fines and penalties and remunerative enterprises. They may be classified into two categories, tax revenues and non-tax revenues. The characteristic feature of a tax revenue is that it is a compulsory payment made to the State for common expenditure and there is no qualitative relation between the tax paid by the individual and the services rendered to him by the State. Whereas, fees are "charges arbitrarily fixed by Government in amount and method of payment, which individuals or group of individuals, pay as a special compensation for some service rendered by a public body or for some expense which the individuals have caused the State in the exercise of its functions". Thus the ruling principle so for as fees are concerned is that it is a special payment for special service.[1]

Under the Local Boards Act, Land Cess, Railway Cess, Company's tax and Profession tax were classified as taxes and all other items of revenue as non-taxes.[2] The boards derived their revenues from the following sources in

1871–72	1885–86	1920–21	1945–46
Land cess	Land cess	Land cess	Land cess
House tax	House tax	.....	.....
Tolls	Tolls	Tolls	.....
Endowments	Endowments	Endowments	Endowments
Government Grants	Government Grants	Government Grants	Government Grants
Miscellaneous fees	Miscellaneous fees	Miscellaneous fees	Miscellaneous fees
		Profession tax	Profession tax
		Pilgrim tax	Pilgrim tax
		Companies tax	

From the above it is evident that land cess was levied throughout the period, tolls during the period 1871–1931, house tax till 1920, Railway cess from 1900 to 1920, companies tax 1920-1930, and the pilgrim tax

1. Taxation Enquiry Committee Report, p. 12

2. Professor Seligman included fines and penalties also under taxes, on the ground that they were compulsory payments by individual but Taxation Enquiry Committee included them under the head 'non-taxes'. The Taxation Enquiry Committee classified fees from ferries as a tax source. But in the Act it was included under the head 'non-taxes'.

from 1920-45. Tolls were abolished in 1931, the company's tax was merged in profession tax in 1930. Loans though formed one of the items in the list of receipts were not a source of revenue. Similarly, deposits and advances recovered were not included under the head 'revenue'. The total receipts from all sources was as follows (to the nearest lakh):—

1871-72. Rs. 39 lakhs
1885-86. ,, 60 ,,
1920-21. ,, 271 ,,
1945-46. ,, 692 ,,

The income from the various sources was as follows:—

1885-86 (in lakhs)		1945-46 (in lakhs)	
1. Rates and taxes.	Rs. 49.44	1. Service receipts.	Rs. 490.87
2. Education.	,, 1.18	2. Endowments and contributions.	,, 10.13
3. Medical.	,, 0.18	3. Government grant.	,, 190.30
4. Interest.	,, 0.42	4. Loans.	,, 0.41
5. Miscellaneous.	,, 5.00		
6. Public Works.	,, 0.43		
7. Provincial Grants.	,, 2.27		
8. Special Grants.	,, 0.40		
9. Ferry Funds.	,, 1.12		
Total	,, 60.41	Total	,, 691.71

History of Local Taxation :— From the figures given above it is seen that the main source of the boards was taxation. Local taxation has an interesting historical background. In 1853, at the suggestion of Mr. Edward Maltby, Collector of South Arcot, a fund known as the road fund was started. To this fund were credited all taxes and fees collected locally and a fraction of the land assessment. In 1860, the surplus proceeds of the cattle pounds, collected under the Act III of 1857, were added to this fund. In 1864, fish rents also were credited to local funds. The total revenue thus derived from all these sources amounted to Rs. 6.25 lakhs in 1886. It was found that this amount was thoroughly insufficient for the development of roads in the Province. To augment local resources, the Road Cess Act, 1866, was passed. The receipts derived under this Act amounted to Rs. 26 lakhs. Two years later, another Act the Wynad Road Tolls Act, 1868, was passed for the purpose of local taxation. The principal object of this Act was to enable private individuals to reimburse themselves in some degree, the expenses incurred by them in the construction and maintenance of roads and bridges.[3] The third

3. M. L. C. P. 28 4-1868. Speech of Mr. A. J. Arbuthnot.

Act was the Madras Education Act, 1863, and this Act was passed for the conversion of the so-called voluntary cess levied for the establishment of schools in certain delta taluqs of the Godavari district into a compulsory rate.

It is thus evident that several taxes were levied under different Acts for different purposes of local interest. Experience had, however, shown that the levy of several taxes for several purposes in one and the same area, not only created confusion in the mind of the tax-payer but also failed to fulfil the objects for which they were levied. It was therefore, thought that it would be expedient to levy a single tax for all local purposes. It was with this object that the Local Funds Act, 1871, was enacted.

Though the passing of the Act of 1871 may appear to be a simple affair, a controversy arose as to the main cause for its enactment. There was an impression in the mind of the public that the preparation and the introduction of the Local Funds Bill, owed its origin to the deficits in the Imperial budget.[4] But the Government contended that this impression was wholly wrong and unfounded and that the bill was actually prepared "long before the Government of Madras had any information or notice that the deficit existed". They went to the extent of asserting that the necessity of providing for primary education by compulsory taxation was felt even in the middle of 1868.[5]

How far is this contention correct? Was the Government of Madras really ignorant of the deficits in the Imperial budget as they claimed to be? These and other questions can only be answered by reference to the history of Imperial finance during the period 1833-1870. Prior to 1833, all the Provincial Governments were separate clocks with separate main springs working according to their lights. In that year, the "superintendence, direction and control of the whole civil and military governments of all territories and revenues" were vested in the Governor-General-in-Council.[6] All the Provincial Governments were required to obey the orders and instructions issued by the Governor-General-in-Council.[7] Thus, a highly centralised form of Government was brought into being. An Imperial

4. No. 8. Legislature. 21-8-1870. Mr. Krishnamachari, the Curator of the Government books, in his minute on the Local Funds Bill, 1870 said, that it would be a dangerous attempt to relieve periodical difficulties in the Imperial exchequer by localising the burden of expenditure.

5. M. L. C. P. 18-2-1870. Speech of Mr. A. J. Arbuthnot. See also the speech of His Excellency the Governor. He said, "The preparation and submission of this measure may have been accelerated by recent disclosures, but the measure itself has no connection in its orgin and capital purposes with the disclosures. Ibid. p. 39.

6. The Charter Act, 1833. Section 39.

7. Ibid. Section 65.

system of Government was inevitably followed by an Imperial system of finance. Excepting in the case of cesses, which were levied principally for the maintenance of roads and schools, the Provincial Governments were absolutely dependent on the central government for every thing. Such a system of financial administration produced disastrous consequences. Firstly, the Provincial Governments were not responsible for augmenting their revenues. As a matter of fact, they had unfettered discretion in the matter of remission of revenues. Whenever famine appeared, remissions were made with an unsparing hand. "In the settlement of land assessment, sacrifices have more than once been made which would hardly have been made if a reduction in the aggregate revenues meant a certain reduction of the sum available for its administration and improvements".[8] Thus in the final analysis, the imperial system of finance was not conducive to the growth of a habit of economy in the spenders of public money.[9]

On the expenditure side, the control which the Government of India sought to exercise failed miserably.[10] As the Government of India was at a great distance from the Provincial Governments, they were of necessity deficient in the knowledge of local requirements which were essential for the successful control of Provincial finances.

On the other hand a common purse with an unknown depth only encouraged the Provincial Governments to obtain for itself the largest possible share of the general funds. Further, they were under the impression that the more they drew, the more it would redound to the honour of their administration. The large grants for Public Works made to the Bombay Presidency were rather attributable to the pertinacity with which the wants of the Presidency were urged by its Government than its real claims and requirements in comparison with those of other Presidencies.

8. M. L. C. P. 1871, p. 17. Speech of Mr. A. J. Arbuthnot.

9. Select Committee on the East India Finances 9-7-1872 Evidence of the Rt. Hon'ble W. N. Massey. Mr. Massey said, "The aim of the Central Government is not long enough to reach the numerous powerful, and I may say, semi-independent Governments of India. I may say specially with regard to Bombay, that our power of financial control over the expenditures of Bombay was baffled and defeated at every point. These great Governments had nothing to do but to aggrandise the importance of their position by making out expensive estimates and by maintaining the absolute necessity of all these estimates when they were criticised by the Central Government. It was a serious responsibility for the Central Government to take upon itself to say that this and that expenditure at a distance of thousands of miles were unnecessary..... If the Government puts its fingers on one item and says, "It is excessive", they say, "it is not; it is exceedingly economical and you cannot diminish it without starving the service". If you say that such and such an expenditure can be altogether dispensed with, there is a chorus of remonstrance..... from these Governments. So.....the control which the Central Government exercised is of the weakest possible description.

10. G. O. No. 125. F. 7-3-1868. Minute by Mr. A. J. Arbuthnot.

Under such circumstances, deficits in the budget estimate were inevitable. Let us take the year 1834, when the management of India became purely Governmental. During the period 1834–1860, only seven years had surplus budgets while the remaining 19 exhibited large deficits, particularly during the post-mutiny period. As a consequence, the debt of the Government increased.[11] During the next period of 1860–1870, only in two years, was there a nominal surplus. But the last three years of this period were deficit years.[12]

To over-come these deficits, various devices were adopted. One of the methods was a partial transfer of the charges of local character from the Imperial to local accounts. As early as Lord Amherst's time, an Act was passed by which local funds were established. The old town duties were put into that fund until it became necessary to reabsorb them into the fisc in consequence of the financial difficulties arising out of the First Burmese War.[13] But since the time of Lord Canning every year the Government of India transferred to local receipts various sources of income, more or less of local character, to be administered by local governments.[14]

But it was only in 1861, that definite proposals were made to overcome the recurring deficits in the Imperial budget. In that year the Government of India seriously entertained the idea of giving to the Provincial Governments, power of local taxation combined with local budgets and a great share of financial control. In his Financial Statement Mr. Samuel Laing, said, "take what we are able to give you and for the residue take certain powers of taxation". He also stated that there were certain subjects which could be dealt with far better by local than by Imperial taxation and instanced tobacco. But as the means for giving effect to this arrangement have not been matured, the plan could not be given effect to.[15]

He reiterated his view again in his Financial Statement for the year 1862-63. Mr. Laing said, "I am as strongly as ever in favour of the principle of local taxation for local objects. In fact, if this Great Empire

11. Financial Statement by James Wilson, 1859–60.

The deficit was in lakhs		The debt in lakhs.	
1857–58.	£. 78.64	1834.	£. 413.50.
1858–59.	£. 138.93	1844.	£. 424.48.
1859–60.	£. 92.90	1854.	£. 536.59.
		1860.	£. 978.51.

12. Finance. No. 240. Simla. 20–9–1869.

13. East India Finance. 1873, p. 63. Evidence of Sir Charles E. Trevelyan.

14. Ibid.

15. Evidence of Mr. Samuel Laing. 1872. p. 404. Mr. Laing said, "At the time when I was in India and responsible for the finances of India, I believe, that I originated the idea of throwing a part of the expenditure and giving a part of the receipt to local governments so that they might have local budget for local objects.

is ever to have the roads, the schools, the local police and other instruments of civilization which a flourishing country ought to possess, it is simply impossible that the Imperial Government can find either the money or the management."[16]

In 1864, the matter was again taken up by Sir Charles E. Trevelyan. He wrote, "It is simply impossible that all local works which are required for this great continent can be executed and maintained out of Imperial revenues. Local agency and local interest which are as multifarious as they are in-exhaustible must be increasingly drawn upon and the Imperial expenditure must be gradually confined to the objects which are of common interest to the whole of India. The action of the Local Governments is tending in a greater or less degree in this direction but there is urgent necessity for more speedy and systematic arrangement. It will be my duty to call more particulars hereafter to this important part of the subject."[17]

Again, the intention to devolve certain charges on the Provincial Government was indicated by Mr. William Massey in his confidential circular letter dated 21-2-1866, wherein he stated, "The Government of India, upon a review of the financial condition of the Empire and the increasing demands upon its resources have deemed it expedient to make provision for a permanent addition of a million sterling at the least to the existing revenue.[18] With this end in view, the Governor-General-in-Council has resolved that certain charges of a purely local character, now borne by the revenues of India together with any further charges of a similar character shall in future be provided from the local resources". They also forwarded a bill embodying proposals for the levy of a licence tax on trades and professions, a house tax and a succession duty on lands which did not pay taxes. The proceeds of the taxes would be credited to local revenue for expenditure on services like education, police, jails, public works and roads. It is thus evident that the local gavernments should bear the entire responsibility for meeting the expenditures on certain services and thereby relieve absolutely the Central Government to the extent of transfer. But the Madras Government opposed the proposal.[19]

In 1867, Mr. Massey brought forth a modified scheme. He proposed not only to transfer charges but also revenues to meet the charges; and such transfers would be final and the Government of India would not meet

16. Financial Statement by Mr. Samual Laing. 1862-63. Simla.
17. East India Finances 1873. p. 16. Evidence of Mr. E. Harrison.
18. G. O No. 136. F. 21-3-1867.
19. G. O. No. 485. F. 2-11-1867. See Mr. Denison's minute dated 21-3-1866. Also the note of Mr. Thomas Pycroft. "I certainly concur" wrote Mr. Pycroft, "that in this Presidency, local taxation for local objects and in relief of Imperial exchequer has for the present at least fully reached its limits and that it would not be safe nor indeed practicable to carry it further".

the claims for additional funds to meet the increased expenditure under the head of charges transferred; such increases must be met from the expansion of the revenues transferred or from additional taxation.[20]

Mr. Massey's proposal was regarded by the Government of Madras as a step in the right direction.[21] They contended, however, that the financial decentralization should be based upon definite principles instead of on expediency.[22] They said, "The people are rapidly ceasing to be an ignorant unreasoning mass, implicitly confiding in the wisdom of the rulers and contendedly acquiescing in the justice and necessity of every fresh demand on their means. They will not fail to see that the new policy involves further taxation and if it is to be a lasting success, it must be initiated and carried out on principles which will commend themselves to their intelligence as necessary and equitable".[23] They also informed the Government of India that the revenue transferred with the service should be adequate to meet the obligations.[24]

In 1869, the Government of India took a definite step in this direction. They informed the Provincial Governments that the time had come for transferring a part of the charges for the construction and maintenance of roads in all parts of India from the general revenues to funds locally raised. In accordance with this decision, the grants hitherto made by the central government towards the maintenance of certain provincial services were reduced.[25] The Provincial Governments with a view to get rid of a part of the burden thus thrown on them, brought forth the Local Funds Bill. The cost of construction and maintenance of all roads formerly provided for from the Imperial grants was devolved on the local funds. The charges so transferred amounted to Rs. 11.27 lakhs.[26]

20. Letter. No. 2823. Finance. Simla. 19-9-1867.
21. G. O. No. 125. F. 7-3-1868. Minute by Mr. Thomas Pycroft.
22. Ibid. Remarks of the Board of Revenue.
23. Letter No. 625 Board of Revenue, Madras dated 27-1-1868.
24. G. O. No. 125. F. 7-3-1868. An examination of the proposals revealed the fact that the Government of India proposed to transfer charges to the amount of £. 4,86,000 and to meet the charges, revenues to the aggregate of £. 4,62,000 were proposed to be transferred. The items of expenditure were expansive ones and the items of revenues were inelastic. In addition, the Province was to find an additional sum of £. 24,000 to meet the charges.
25. I. L. C. P. 1868. Speech of Mr. Strachey. Mr. Strachey said, "There were two reforms without which it appeared to me that our financial position would never be placed on a satisfactory basis. The first was the necessity of carrying out the principles that Imperial revenues should not be expended purely on local purposes; that local roads, schools, works of sanitary improvements and so forth must be provided for from local sources and not from income of the State. The neglect of this principle had been ... a fruitful cause of our financial difficulties and a constant obstacle to the real progress of the country".
26. G. O. No. 1985 F. 7-11-1876. The amount saved to the Provincial funds by these transfers amounted to Rs. 11.99 lakhs in 1872-73 and Rs. 13.04 lakhs for 1873-74.

From the facts mentioned above, it is evident how incorrect was Mr. Arbuthnot in his assertion that the Local Funds Bill of 1870, was not the offshoot of the financial difficulties of the Imperial Government and that they were not aware of any such deficits.

We have so far reviewed, however, briefly, the circumstances under which local taxation was brought into being. We shall now consider the various taxes levied, the conditions under which they were levied and collected. In other words with tax administration.

Tax Administration :—Tax administration embraces the entire procedure commencing from the initial determination of the tax obligation and ending with the enforcement of the penal clauses for a default. The several stages that constitute tax administration are the notification of the levy of taxes;[27] fixing the amount of base to be taxed; determination of the tax due; collection of taxes; and finally, the enforcement of the penal provisions of the Act against defaulters.

The Notification of Taxes:— When a board decided to levy a tax for the first time or to increase the existing rates of taxes it was to publish a notice in the district gazette, of its intention to levy the tax or to increase the rate of tax.[28] The notification was not necessary when the board was directed by the Government to levy an education tax under the Madras Elementary Education Act.[29]

An extraordinary procedure was prescribed for the levy of Railway Cess. According to the Act of 1884, as amended in 1900, the Railway cess should not be levied unless it was supported by a three-fourths majority of the members present at a meeting specially called for the purpose and confirmed by a like majority at a like meeting convened after an interval of six months.[30]

Any resolution of the district board abolishing an existing tax or reducing the rate at which a tax was levied should not be notified without the sanction of the Government when the board concerned had an outstanding loan.[31]

The notification should give particulars regarding the limits of the area within which, the rate at which, the date from which and the period of levy, if any, for which such taxes would be levied.[32] A notification

27. The notification should specify the objects of taxation.
28. G. O. No. 637. L. M. 28-2-1931.
29. The Madras Elementary Education Act. 1920. Section 34.
30. The Madras Local Boards Act. 1884. Section.
31. The Madras Local Boards Act. 1920. Section 75. 3. (b)
32. Section, of the Madras Local Boards Act. 1884. and Section 77(1) of the of 1920 as amended in 1930.

which did not give any of the particulars mentioned above, was not considered as a notification because it did not comply with the provisions of the Act.[33] A tax levied without a proper notification should not be collected. Further, the notification of taxes should relate to a future period,[34] and, therefore, should not be levied with retrospective effect.

The Administrative Agency:— Several agencies were created for the collection of revenues. The first of them was the Revenue Department. Under the Local Funds Act, 1871, all rates, taxes and tolls were collected by the Revenue Department.[35] In 1881, the Government of India insisted that the collection and control of rates and taxes should be vested in the boards themselves. But the Committee on Local Self-Government, 1882, opposed the proposal. They apprehended that such an arrangement would result in loss than in gain; that the boards would not be able to maintain a costly establishment to estimate the annual rental value of all occupied lands both in the ryotwari and in the Zamindari areas. The committee, therefore, recommended that the assessment and collection of land cess should remain in the hands of the Revenue Department. But they suggested that the collection of tolls and cattle pounds might be left to the boards.[36] The Government accepted the recommendations of the committee.[37] Throughout the period under review, the collection of land cess was in the hands of the Revenue Department. As regards tolls, ferries and avenues, they were leased out at a public auction. The pilgrim tax was collected by the Railway administration. Thus there were three agencies for the assessment and collection of local taxes and rates

Assessment of Taxes:— After the publication of notification, the assessment of the objects of taxation was to be taken up. The assessment procedure involved the collection of the basic information as to the ownership of all taxable property, its quantity and character, and value and a systematic recording of the information so secured. On the basis of the information thus secured, the tax amount was to be fixed. But the

33. (a) Ramasawamy vs. Sivakasi Municipality. 72. M. L. J. 274.
(b) Rajahmundry Municipality vs. Prakasrayudu. 50. M. L. J. 550. In this case the notification did not specify the rate at which the taxes would be levied but merely referred to a schedule published elsewhere. The High Court, Madras, held that as the notification did not conform to the provisions of the Act, it was not a valid notification.

34. G. O No 4257 L. M 21-11-1925. & G. O. No. 186. L. M. 21-1-1931. Under Section 77 of the Act no tax should be levied or abolished or the rate altered with retrospective effect.

35. G. O. No 265. F. 30-6-1871.

36. Report. Op. cit. p 99.

37. G. O. No. 864. F. 30-4-1883. The Government said, that "the aid rendered by the public officials to local bodies cannot at any rate for the present be dispensed with nor will it be at once be possible for a district board to execute their decisions without the aid of the Revenue Department.

basis and the technique of assessment differed from tax to tax. We shall therefore, deal with each one of the taxes separately.

Land Cess:—The procedure adopted for the assessment of land cess was as follows. The Collector may require the landholders within the district to furnish him an accurate list of lands held by them, specifying their annual rental value, within six months after the receipt of the requisition. Any one who failed to comply with the requisition was fined to a sum, not exceeding Rs 50 for each day of delay until the list was furnished or until the Collector fixed the annual rental value of the land-holder's lands. After the receipt of the lists, the Collector may depute any one of his subordinates to verify the correctness of the lists so furnished. After the verification of lists, the assessment of land cess was to be taken up.

The basis of assessment[38] of the annual rental value came up for consideration when the Local Funds Bill, 1870, was under discussion. It was suggested that in the ryotwari areas, the estimated money value of the ryot's share of the produce should be taken as the basis of taxation. But the Government considered that such a mode would render the tax unpopular.[39] Therefore, the method then in force under the District Road Cess Act, 1866, was adopted.[40] Thus in the case of lands held direct from the Government the kist payble to the Government was the basis of assessment. In the case of Inam lands — lands which did not pay any kist—the kist which they would have paid, if they were not inam lands was the basis of assessment. In the case of other lands held by tenants, the rent which they pay was the basis of assessment.[41]

A controversy arose as to who should pay the cess in the zamindari areas. Some of the Collectors suggested that the zamindar should pay the whole cess. In favour of this proposition, it was argued that the zamindars, by taking away half of the gross produce were taking away all the profits of the tenants. A second proposal was that the zamindari ryots

38. The word assessment was used at times as meaning the process of levying the tax or to the amount of tax to be levied. The word assessment actually means "the process of listing and valuing the taxable objects".

39. G. O. No. 1389. Public. 28-10-1870.

40. Under the District Road Cess Act, the tax payable to the Government was taken as the basis of assessment and this method was in force throughout the period under review. Under Sec. 18 of the Act, 1920, land cess was levied on the annual rental value of all occupied lands. An interesting question arose whether the owner of a tank in which there were fish was liable to pay land cess. Leach, C. J. said, that the land which holds a tank in which there were fish could be let. Therefore, the owner of a tank was liable to pay land cess. See Apparao vs. The Secretary of State for India. I. L. R 1941. 747.

41. Kamaraja Pandia Naicker vs. The Secretary of State for India. 69. M. L. J. 695. In this case, it was decided that the adoption of a basis, different from that specified in the Act would be *ultra vires*. See also Sankaranarayan Reddi vs. Taluq board, Arupukottai. 1937. M. L. J. 907.

should pay the cess. The third proposal was that zamindar and the tenant should pay each half of the cess amount. But a majority of the members of the Board of Revenue decided that the zamindar should pay only one third of the cess and the remaining 2/3 by the tenant.[42]

The Select Committee on the Local Funds Bill, 1870, accepted the majority opinion of the Board of Revenue and the Legislature incorporated the suggestion in the Act of 1871.[43] But the proportion which the zamindar should pay was fixed at one-half when the Local Boards Act was passed in 1884 and this was in force throughout the period.

Rate of Land Cess:— The maximum rate at which cess should be levied was statutorily fixed. Under the Local Funds Act, 1871, the rate at which cess should be levied was fixed at one anna in the rupee of the annual rental value af all occupied lands on whatever tenure held. After the Act was in operation for sometime, it was found in the district of Malabar that the revenues raised under it were inadequate for the purposes for which the proceeds of the tax should be applied. Mr. A. Macgregor, the Collector, proposed that for the assessment of land cess, twice the amount payable to the Government should form the basis of assessment. But the Board of Revenue did not accept the suggestion and the deficits in the budgets of the board were met by compassionate grants from the Provincial funds. Later, however, the Government realised that the district of Malabar should not in any way be treated differentially in regard to taxation from that of other districts in the Presidency.[44] Accordingly, the Act was amended in 1878, and the rate at which the land cess should be levied in the districts of Malabar, the Nilgiris and South Canara was fixed at two

42. Proceedings of the Board of Revenue No. 542, dated 5-2-1871. Mr. Forbes, the First Member of the Board of Revenue did not agree with the majority view. He wrote, "I am unable to agree with the majority of the board in the opinion that the royt in the zamindari estates should pay certain portion of the cess to be levied on the profits of the soil. We have undertaken many experimental calculations in order to discover the proportion which the net profits of agriculture bear to gross produce; in some cases we have found that they may be taken at one-half of the entire crop, in other cases, they were estimated to be less than its half value.

It follows, that half or more than half of the gross produce is absorbed by the upkeep of the cultivator's stock, implements, buildings, the cost of manure and the wages of labour for the entire year. Now, as half of the gross produce goes to the zamindar and no more than the remaining half to his ryots, there is no margin left for profits of their share and the zamindar should, therefore, pay a the entire tax".

43. The Select Committee reported, "We are of opinion, that with reference to the unfavourable terms on which zamindari ryots hold their lands, as compared with ryots holding lands direct from the state, their case is one which demands special consideration. We entirely agree with the Board of Revene that the zamindars should no longer enjoy the privilege of entire exemption from local taxation and we think it equitable that they should be required to pay a moiety of the rate".

44. G. O. No 1868. F 9-7-1877.

annas in a rupee of the annual rental value. In other districts it continued to be one anna.[45]

In 1913, some of the boards found that the rate fixed by the Legislature was not adequate to meet even the essential charges. The President of the Coimbatore Board reported to the Government of the complaints made to him by the ryots about the condition of the village roads and that the ryots were willing to bear additional taxation for the purpose and requested the Government to empower the board by necessary legislation to levy a rate of two annas in a rupee as land cess. The Government agreed to amend the Local Boards Act.[46] But for some reason or other, it was not done.

In 1920 the Local Boards bill, proposed to empower the boards to levy, at their discretion, land cess upto a maximum amount of two annas in the rupee of the annual rental value, to increase the rate even beyond two annas with the special sanction of the Government and to levy an additional special cess of three pies for financing railway constructions and other transport services.[47] The Select Committee on the bill, took strong objection to this provision. The Committee reported that the tax burden on land was already heavy and that before calling upon the landed interests to substantially increase its contribution to local revenues an attempt should be made to exploit all other sources of revenue.[48]

After a good deal of discussion it was finally agreed to levy an obligatory land cess of one anna in the rupee of the annual rental value of all occupied lands. It was also agreed that an optional cess of not more than three pies may be levied.[49]

In 1929, the Local Boards bill proposed the levy of an additional cess of one and half pies for the promotion of any special scheme of rural development. But the Select Committee on the bill fixed a uniform compulsory rate of one anna six pies, the proceeds being shared as follows:—

District Board	Rs.	0-0-6
Taluq Boards	,,	0-0-6
Village Development Fund ...	,,	0-0-3
Panchayats.	,,	0-0-3

The Legislature accepted the suggestion of the Committee. This change in the rate at which land cess should be levied adversely affected the

45. M. L. C. P. 1878. p. 4.
46. G. O. No. 2175. L. 4-8-1913.
47. Fort St. George Gazette. Part IV, 1920.
48. Local Boards Bill. 1919.
49. Local Boards Act. 1920.
50. Report of the Select Committee. p. 15.

financial position of the boards. For, prior to 1930, nineteen boards which were levying an optional cess of one and half pies in the rupee of the annual rental value, lost that income. The district boards which were either not levying any optional cess or were levying at a rate less than the maximum, lost a potential source of income. The total loss on account of the alteration in the rate of land cess was Rs. 11 lakhs and an ultimate loss of Rs. 16 lakhs,[51] and many boards, as a consequence, experienced deficit budgets. To save them from the financial difficulties, the Taluq boards and the Village Development Fund were abolished and the boards were authorised to levy a uniform compulsory rate of one anna six pies in the rupee of the annual rental value of all occupied lands in the district. Even then the proceeds realised were not sufficient to meet the growing demands. In 1945, the Act was amended and the rate was fixed at two annas.[52]

It was contended that no statutory limit should have been placed over the taxation powers of the boards for, such a limitation was inimical to sound financial administration and that the boards should have been given the freedom to levy any rate without reference to an outside authority. But the fact should not be forgotten that the boards were the creatures of the Provincial legislature. Further, Government was afraid that such a freedom would encourage the boards to encroach upon the provincial field of taxation. Finally, the legislature was afraid that such a freedom would affect the agricultural interests.

Tolls :—Next to land cess in importance, comes the revenue derived from tolls.[54] The total income derived from this source was about Rs. 5 lakhs, in 1885-86. In 1930-31, it was Rs. 44.83 lakhs. In 1885-86, the boards themselves collected 78 per cent of the tolls income and the balance was contributed by the municipalities. In the same year, there were no toll gates in four districts but the revenue which they derived under that head constituted the contribution from the municipalities. In the same year again each board secured on an average Rs. 25-14-3 for every mile of road maintained and this constituted 24 per cent of the cost of maintenance of roads.[55]

The Historical Background :—We notice the beginnings of the levy of tolls in the bandy tax levied in the Salem district, the proceeds of which

51. Gazette. P. I.A. 9-1-1934
52. Madras Act. X. 1945.
53. The word toll d notes, a sum of money paid for the use and enjoyment of a privilege or advantage. It was levied for the use of bridges or roads or both.
54. The Administration Report— Madras.1885-86.
55. The Report of the Public Works Commission 1852. pp 233-36.

were devoted to the repair of roads. The origin of this tax is singular. In 1836, Mr. Orr, the Principal Collector of the district, who had interested himself much in the improvement of roads forwarded to the Government an address presented to him by the bandy maistries of the district praying for the proper maintenance of roads and at the same time offering a contribution of one rupee per cart per annum for the maintenance of roads. The Government authorised the Collector to collect the sum. Though voluntary in nature, the so called contribution was treated as a tax. In 1846 all regular carts throughout the district were taxed at one rupee each and the demand was made by the same agent and in the same mode as demands for land revenue.[56] Later, this amount was merged with the general revenues. This was resented by the cart owners who petitioned to the Board of Revenue for the abolition of the tax. The Collector suggested that there would be no resentment if the amount was not diverted for other purposes. The Government accepted the suggestion and restored the money to its original object. In 1836, the amount realised was Rs. 1,150 and in 1850 it was Rs. 4,222. Though the fund was at the disposal of the local authorities, it was utterly insufficient to meet all the expenditure on roads.

In 1852, the position was that all the principal lines of communications were maintained from the state funds. In that year, the Public Works Commission examined the question of the levy of tolls. They said, "It seems fair and natural that the repair of roads should be paid for by those who use them and we believe that the people of this country would pay a toll cheerfully for the use of a good road..... Even though coupled with a degree of abuse and exaction, we are decidedly of opinion that the introduction of tolls would be an advantage and the danger of such exaction would be reduced to a minimum by placing the toll bars only in the vicinity of places where complaints of misconduct could be speedily heard and redressed and by having rates as low and simple as possible".[56] This suggestion was accepted and in 1864, the Governor-in-Council was authorised to establish toll bars.

In 1881, the levy and collection of tolls by the Local Fund Boards was considered. A majority of the members of the Board of revenue agreed to the levy of tolls.[57] The Legislature accepted the suggestion and incorporated it in the Local Funds Act, 1871. It was continued till 1931 when it was abolished.

56. Ibid. p. 233.

57. Proceedings of the Board of Revenue, dated 31-1-1871. Minute by Mr. C. S. Forbes, First Member of the Board of Revenue. Mr. Forbes wrote, "I much prefer the former (cart tax) because cart tax affords opportunities for exempting that very large section of the agricultural population which holds pattas under Rs. 20 in amount and which subsists partly by cooly labour and bandy driving and in part only on its agricultural profits; existing tolls are already a sufficient burden on a traffic still but half developed. Local road bars, will apply a blister to the entire country and bring the provocation to every man's door; lastly, I consider the tax in either form premature and oppressive."

The levy of tolls was however, subject to several limitations. For instance, the rates at which and the points at which tolls should be levied were to receive the approval of the Government. Secondly, certain classes of vehicles should be exempted. Finally, tolls should not be levied on commodities but on vehicles, animals and palanquins.[58]

In determining the places at which toll bars should be erected, the boards had to bear in mind the following principles :—

(a) Toll gates should be established where the payment of tolls would not easily be evaded.[59]

(b) The expenses of collection should not exceed 25 per cent of the gross receipts.[60]

(c) The toll gates should be established in places where the means of obtaining prompt redress for vexatious or fraudulent acts by toll-gate keepers existed.[61]

(c) Every road on which a toll bar was to be established should be complete not only in respect of formation but also in its masonary works.[62]

(d) The toll bars proposed to be established shoud not be very near the frontier of another district, as the tolls collected at that point would get the complexion of a frontier duty.

(e) A toll gate should not be established very near the one already in existence.[64]

58. G. O. No. 363. M. 8-7-1889.
59. ,, 1437. F. 26-8-1874.
60. ,, 363. H. 8-7-1889.
61. ,, 619. P. 9-5-1871. The Chingleput board proposed to shift the toll gate from Madhuranthakam to another place but the Government declined to sanction the proposal on the ground that the later site was too far from the station of any Magistrate or other officer who could guard against exaction and oppression. See G. O. No. 980. F. 14-7 1873.
62. G. O. No. 434. F. 5-4-1873.
63. G. O. No. 1208. L. 17-5-1890. The Chingleput board proposed to establish a toll gate at each of the points where the roads from Chunampet and the Madhuranthakam— Tindivanam road met. The Government turned down the proposal on the grounds that one of the gates was obviously intended to stop traffic from the salt factory at Chunampet into the South Arcot district; that the distance from this gate to the frontier of the South Arcot district was only 3/4 of a mile; that there were toll bars near Tindivanam and Markanam and the South Arcot district was already heavily tolled; that the gates were put along side and not across the Madurantakam— Tindivanam road and it was feared that the carts passing along that road would be subjected to toll. Thirdly the main purpose in establishing these bars appeared to be to catch the salt traffic from Chunampet and that would enhance the cost of salt manufacture at Chunampet.
64. M.-L. C. P. 9-11-1909. The rule was that not more than one toll bar should be established within a distance of 20 miles. In Malabar this rule was not observed. As a matter of fact on the average there was one gate at every ten miles.

(f) Nor should they be established round a town.[65]

(g) Finally, in the levy of tolls there should not be any discrimination.[66] Further, the boards should also consider the effect of establishing new toll gates on road and rail traffic.[67]

The boards were permitted to enter into an agreement with a neighbouring municipality within the district and establish common toll gates and share the revenues according to the agreement. Further, if the Government was satisfied that the expenditure incurred by a board was such as to benefit the inhabitants of a neighbouring municipality it may permit or even direct the municipal councils concerned to make such contribution to the board.[68]

The maximum rates at which tolls should be levied were prescribed by the Act. The boards were authorised to vary the rates with the sanction of the Government provided they did not exceed the maximum. A glance at the rates at which they were levied in different districts shows remarkable varitations. In 1913, for instance, the Malabar board with 54 gates collected about the same amount per mile of road maintained as Bellary and South Kanara boards with 15 toll gates in each. The Kistna, Godavari and Tanjore boards which were comparatively wealthier districts in the Province derived little income from this source. The table given below exhibits these variations :—

65. G. O. No. 2231. L. 1-10-1889. The North Arcot board proposed to establish two toll gates near Ambur. But the Government declined to sanction the proposal as it would have the effect of fencing the town. See also. G. O. N. 2063. L. 16-9-1893 and G. O. No. 350. L. 7-3-1908. In these two cases the requests of the Bellary and Coimbatore boards were rejeccted on similar grounds.

66. G. O. No. 1248. L. 5-7-1888. Some of the boards adopted the practice of levying maximum rates at the frontier gates and half and sometimes even one-fourth in the interior. This kind of discrimination was prohibited.

67. G. O. No. 356. F. 23-3-1872. The proposal of the Dindigal board to establish two gates one at Batlagundu and the other at Virupaksha pass was turned down on the ground that it would affect the railway traffic.

Name of the board	Number of toll bars	Rate at which tolls were levied	Total revenue derived	Revenue derived per mile of road	Incidence per head of population
1. Anantapur	10	Maximum	10,034	11—0—0	0—0—2
2. Arcot North	9	½ at 8 gates Maximun at 1	26,422	22—0—0	0—0—2
3. Arcot South	16	¾ Maximum	131,895	129—0—0	0—0—11
4. Bellary	15	½ ,,	24,262	45—0—0	0—0—5
5. Kanara South	15	½ ,,	48,220	45—0—0	0—0—6
6. Chingleput	8	¾ ,, at 7			
		½ ,, at 1	58,101	75—0—0	0—0—8
7. Chittoor	13	½ ,,	14,720	14—0—0	0—0—2
8. Coimbatore	23	Maximum at 16			
		¾ ,, at 2			
		½ ,, at 5	159,187	103—0—0	0—1—3
9. Cuddapah	17	½ ,,	16,866	38—0—0	0—0—4
10. Ganjam	15	,,	26,791	30—0—0	0—0—2
11. Godavari	7	,,	2,371	17—0—0	0—0—2
12. Guntur	3	,,	21,690	25—0—0	0—0—2
13. Kistna	7	,,	33,462	30—0—0	0—0—3
14. Koraput	2	,,	18,605	32—0—0	0—0—6
15. Kurnool	7	,,	14,124	19—0—0	0—0—4
16. Madura	8	¾ ,,	102,272	110—0—0	0—1—0
17. Malabar	54	Maximum	69,050	49—0—0	0—0—8
18. Nellore	9	½ ,,	11,987	12—0—0	0—0—2
19. Nilgiris	12	Maximum	21,727	33—0—0	0—0—7
20. Ramnad	6	¾ ,, at 5			
		½ ,, at 1	47,646	84—0—0	0—0—6
21. Salem	24	Maximum	60,937	41—0—0	0—0—6
22. Tanjore	5	½ ,,	49,787	28—0—0	0—0—5
23 Tinnevelley	7	½ ,,	43,923	66—0—0	0—0—6
24. Trichinopoly	18	¾ ,,	72,939	67—0—0	0—0—10
25. Vizagapatam	18	½ ,,	49,787	39—0—0	0—0—4

Exemptions :—The Local Boards Act contemplated the exemption of certain classes of vehicles and animals from the payment of tolls. Section 87 of the Act of 1884, exempted the passage of troops on their marches, military and Governmental equipages,[69] military and police officers on duty.[70] In 1894, the Government of India proposed to amend the Indian Tolls Act with a view to increasing the number and scope of exemptions.[71] But

68. Advocate-General's Opinion. No. 204, dated 2-6-1921.

69. G. O. No. 1030. L. 1-5-1890. Railway property, though belonged to the Government was not exempted from tolls.

70. G. O. No. 770. L. 27-3 1890. The word police, did not include officers of the salt department exercising police functions.

71. G. O. No. 204. L. 2-2-1894.

the Madras Government opposed the proposal on the ground that the exemptions proposed by the Government of India would affect the revenues of the boards. In 1896, the Government of India forwarded a draft bill to amend the law relating to exemptions. The difference between the proposals made in 1894 and the proposals made in 1896, was that in the latter provision was made for the admission of claims to compensation in cases where actual loss had occurred.[72]

The following classes of animals and vehicles were exempted from the payment of tolls; carriages and carts or animals belonging to local boards; carts and carriages carrying local board servants on duty; carriages and carts and palanquins under the Indian Tolls Act, 1901; carts conveying Government remittance of treasure under police escort;[73] unladden sick animals, which had to pass through toll gates to attend veterinary hospitals for treatment.[74]

Though tolls were a principal source of income, it was not popular particularly with the motor using public and its substitution by other forms of taxation was considered several times. In 1925, the Raja of Panagal, Minister for Local Self-Government, proposed to do away with some of the toll gates and make up the loss thereby incurred by increasing the rate of land cess and by the imposition of a tax on the owners of motor vehicles.[75] This proposal was opposed on the ground that the ryots who lived in remote villages and used only village roads on which very small proportion of local taxation was spent would pay the tax, while the landless persons who lived on trade and business would go free.

In 1926, the Taxation Enquiry Committee considered that the existence of tolls constituted an impediment to through traffic. They, therefore, recommended the levy of a provincial tax on the motor vehicles.[76] The Madras Government considered the suggestion in 1928 but nothing had happened. In 1930, the abolition of tolls was suggested by the Road Development Committee. They argued that toll-bars not only caused obstruction to a rapid form of traffic but also constituted a type of harassment to traffic of all kinds; that by farming tolls a considerable portion of the receipts were diverted to the farmers. They, therefore, suggested that tolls may be replaced, where necessary by some form of taxation that is less vexatious to road transport.[77]

72. G. O. No. 917. L. 18-5-1896.
73. ,, 955. L. 2-7-1912.
74. ,, 1474. Dev. 10-10-1923.
75. M. L. C. P. Vol. 40, p. 61. Speech of Dr. P. Subbaroyan.
76. Taxation Enquiry Committee Report. Vol. I, p. 303.
77. Report of the Road Development Committee, p. 52.

The recommendations of the committee were accepted by the Government and in the place of tolls, a provincial tax on motor vehicles was substituted. The proceeds of the tax were distributed among the boards which were levying tolls on the date of their abolition.[78] Thus, all vehicles, excepting the motor vehicles, were exempted from taxation. The primary intention in the abolition of tolls was to relieve the agriculturists from oppressive taxation.[79]

The abolition of tolls, however, produced disastrous consequences. Some of the boards lost a perennial source of income and further the amount actually realised from the Motor Vehicle taxation fell far short of the estimated income. As a consequence, the total loss to the boards was estimated at Rs. 22.27 lakhs in 1934 with the result that several boards experienced deficits in their general account.[80] There was, therefore, a cry for the reintroduction of tolls. To enquire into this question a special officer was appointed. The special officer recommended the re-introduction of tolls in a modified form. That is, the provincial tax on motor vehicles should be continued and that tolls should be collected from all others who would use the road.[81]

The proposal of the special officer was forwarded to the boards for their opinion. A majority of them opposed the re-introduction of tolls. But the Government accepted the recommendations of the special officer and promised to introduce legislation of a permissive nature.[82] But nothing was done.

Was there justification for the abolition of tolls? It was no doubt true that the fast moving motor vehicles were pulled to a stop at every ten miles and as a consequence there might have been some inconvenience to the Motor using public. So, a provincial tax was the most suitable method of taxation so far as the motor vehicles were concerned. But there was absolutely no justification for the abolition of tolls on all other vehicles. Equity demands that every user of road should bear the cost of road maintenance, roughly equal to the benefit he derived from such use. Further, the main industry of the province was agriculture and as most of the villages were self-sufficient to a great extent, the country cart solved the transport problems. And for some time to come, the bullock cart

78. M. L. C. P. Vol. 58. p. 1:3. The basis on which the proceeds of the tax were distributed was as follows. The total sum due to local bodies was determined by taking the average income under this head during the three previous years ending with 1-4-1930.
79. M. L. C. P. 4-3-1931. Speech of Mr. B. Muniswamy Naidu.
80. G. O. No. 876. Misc. L. M. 8-3-1932.
81. M. L. C. P. Vol. 65. p. 155. Report of the Special Officer.
82. M. L. C. P. Vol. 68. p. 412. Speech of the Raja of Bobbili.

would remain as the chief means of transport. Thirdly, the condition of the soil in the delta areas would not admit the construction of a road suitable for a motor traffic except at a prohibitive cost. Fourthly, the argument that the abolition of tolls would benefit the agriculturists was not correct. For, the agriculturists did not transport their own produce. As a matter of fact, their produce was transported by a professional body of cartmen and the burden of tolls, if any, was not borne by the agriculturists. Nor do we agree with the contention of the Road Development Committee that a greater part of the receipts under tolls was diverted to the farmers, for any other method of collection would have been more costly. We, therefore, think that the abolition of tolls was unjustifiable.

House Tax:—We now come to the house tax. A tax on houses was imposed for the first time in 1871–72. The rate at which it should be levied was laid down in the schedule A of the Act of 1871. It was levied only in the villages in which a school supported by the Government grant-in-aid already existed or in which the inhabitants were prepared to establish a school. But the tax was so unpopular that its operations had to be suspended.[83]

In 1884, it was again revised and its levy was limited only to unions. It is, therefore, evident that the tax was not levied on all houses within the district but only on houses in specified areas. In 1930, the levy of house tax was prohibited in those areas in which house tax was not levied prior to 1-4-1930. The proceeds of the tax were credited to the union funds.

For the assessment of house tax, houses were classified into several classes and the amount of tax which each class should pay was laid down in the Act. In 1920, however, this method of assessment was abandoned and in its place the rental value or the capital value of the building was adopted as the basis of assessment. The principle underlying the first method was that a piece of property was worth what it would earn, if let out from month to month and not what it would earn in a particular month of the year. In determining the annual rental value, the assessor was not bound to take the actual rent received by the landlord, if he had reasonable ground to believe the existence of an illegal contract between the tenant and the landlord. Again, if a building was rented out for a portion of the year only the actual rent received for that period should not be spread over the whole year, to arrive at the gross annual rental value.[84]

In determining the annual rental value, several factors had to be taken into consideration such as the location, nearness of the property to communications like railways, bus stands, the demand and the adaptability of the building for several uses.

83. G. O. No. 426. F. 28-3-1873.

84. Brahmayya vs. The Guntur Municipality. 24. L. M. 213.

It may not always be possible to fix the annual rental value of all classes of buildings because they were not usually let out. The only way by which this difficulty could be got over was by adopting the second method, viz, to take the capital value. The Act, therefore, provided both the methods. In fixing the annual rental value of the Government and the railway buildings, the capital value was to be taken as the basis. In assessing a building, not only the main building, but all other appurtenances attached to the building should also be taken into consideration.

Certain classes of buildings were exempted from the payment of house tax. For instance, places set apart for worship[85A]; buildings used for educational purposes, even though fee was collected from the students and the manager of the institution made profit out of it;[85B] industrial school buildings solely intended for the training of students, playgrounds attached to schools and public playgrounds opened for the use of public and which were not let out for rent; choultries;[85C] buildings occupied by public libraries, charitable hospitals and dispensaries including Railway Hospitals and dispensaries notified by the Government;[85D] hostels;[86] were all exempted from taxation.

We shall now note how the railway property was assessed. The Railways in this country were in several cases managed by the State. A question, therefore, arose whether the subordinate bodies like the district boards should be allowed to tax an imperial monopoly, particularly, when they were primarily intended to develop the

85A. Palni Municipality vs. Dandayudhapani Devasthanam. 78. M. L. J. 897. Worship must have been carried on in the place or it must have been used to facilitate worship. Supposing the temple authorities erected a power house within the temple premises and sold the energy generated therein for price, the power house and the site occupied by it were not used to facilitate worship but to carry on trade and therefore liable to taxation.

85B. Trichinopoly Municipality vs. Venkatarama Iyer 60. M. L. J. 466.

85C. Municipal Council Rajahmundry vs. Mallayya 1938. M. L. J. 639. Buildings which were once upon a time dedicated for such purposes as choultry but ceased to be used for that purpose should not be exempted. See also Kandaswamy Pillai vs. Trichinopoly Municipality. 65. M. L. J. 678. Choultries did not include chatrams. The Madras High Court made a distinction between a chatram and a Choultry. A chatram was a place where refreshments were given gratuitously especially to Brahmins. A choultry on the other hand was a public lodging place. This distinction was not contemplated by the framers of the Act. Later, the Act was amended and chatrams also were included.

85D. G. O. No. 2936. L. M. 10-7-1926. But the residential quarters of the medical officer were not exempted.

86. G. O. No. 1662. L. M. 7-5-1932. But not the quarters occupied by the wardens of the Hostel.

country and to a great extent relieve the boards of a portion of their expenditure on communications., Further, the railway buildings and properties were not benefited by the activities of the local authorities to the extent to which the private buildings and houses were benefited. On these grounds, the Railways were exempted from local taxation in some of the European countries. In this country also the earlier Railway Acts of 1854 and 1875, did not contain provisions permitting local taxation of railway properties. It was in the Act of 1895, that provision was made for local taxation. The aim of the Section 135 of the Indian Railway Act, 1895, was not "to relieve the Railway administration of any liability to local taxation but to obtain control over the demands on Railway administration by the local authorities and to see that the Railway administration was not unfairly exploited.[87] Under this Section, the Government of India could prevent any local body from imposing a new tax, revoke the existing taxes or exempt any railway administration from the payment of any or all the taxes, or prescribe the fair and reasonable charge to be paid for any service rendered. But no railway administration was liable to pay any tax unless the Governor-General-in-Council had, by notification in the gazette, declared the railway administration as liable to pay the tax. The notification must clearly state the nature of the tax and the rate at which it was to be paid. The local authorities should levy and collect only those taxes specified in the notification.[88]

The basis of assessment was the capital value. But different rates were fixed for different classes of property and further certain classes of buildings and properties were exempted from taxation.[89]

The basis on which Government buildings and lands were assessed differed from time to time. Till 1931, Government buildings were divided into two classes, the residential and the non-residential. The basis of assessment of the former was the rental value and that of the latter, capital value.[90] In 1930, the above classification was abolished and the annual rental value was arrived at after estimating the capital value.[91]

Depreciation:—It was obligatory on the part of the boards to allow a reasonable amount, on account of depreciation which should not in any case be less than ten percent of the annual rental value of the buildings in all cases. Depreciation was to be allowed in the case of buildings only.[92]

87. Taxation Enquiry Committee Report. p. 326.
88. M. S. M. Railway Co. vs. Municipal Council, Cuddapah. 1927. M. L. J. 117.
89. G. O. No. 2737. L. M. 9-6-1934; G. O. No. 3297. L. M. 24-7-1936.
90. G. O. No. 2342. L. M. 3-9-1922.
91. " 4809. L. M. 12-12-1930.
92. " 2647. L. M. 4-7-1933.

The Levy of Taxes:—After the taxable basis had been fixed, the next step was the calculation of the amount of tax to be levied with reference to the rates fixed by the board and their entry in the assessment books. A properly prepared assessment book should give complete information about the property assessed, such as the name of the owner, description of the building and the assessment fixed and the amount of tax which the assessee should pay. An assessment register which did not contain all these details was not an assessment register in the accepted sense of the word and therefore the assessee was not liable to pay the tax.[93]

Revision of Taxes:—It was obligatory that the assessment registers should be revised periodically. At first, it was to be done once in three years. Since 1920, it was done quinquennially. Immediately after a general revision of all assessments, the executive authority was to notify it. In addition to this general notification a special notice was also to be served on the owners of buildings and property in case there was an increase in the amount of tax.

In addition to this general revision, assessments could be amended at other times also. For instance, the executive officer could amend an assessment at any time on the ground that it was unfairly made or whenever an improvement was effected in the building. But he had no power to amend an assessment with retrospective effect. Or the assessee himself may move the executive officer at least 30 days before the commencement of the half year, by a revision petition for the reduction of tax. The reasons for preferring a revision petition must clearly be stated.

Remission of Tax:—The board may remit a part or whole of the tax due on account of poverty. A part of the tax was to be remitted if the house was vacant for a prescribed period. But it was granted only when the owner of the house gave a notice to the executive authority, informing him that the house was vacant.[94] Remission was granted for the period commencing from the date of delivery of notice,[95] subject to the condition that the building had been vacant for at least a minimum period of sixty days in a half year. Broken periods of vacancy, after the building had been vacant for the minimum period were also to be taken into account. The maximum amount of remission that could be granted should not exceed one half of the tax amount on the building and it was to be proportionate to the number of days during which the building was vacant.

93. Vasudevarao vs. Anantapur Municipality, 59. M. L. J. 690.
94. Advocate-General's Opinion. No. 36. 5-3-1934. A house was deemed to have been vacant if the owner of the house did not make use of the inside portion of the house. Buildings under repair were also entitled to vacancy remission.
95. G. O. Nos. 3639. L. M. 16-9-1930 & 1777. L. M. 22-2-1925.

Vacancy remission should not be refused on the ground that the tax amount was not paid.[96] In such cases, the amount remitted may be paid after the payment of tax. The amount remitted should be paid only when it was demanded by the person concerned within the half year succeeding that in which the building was vacant.

Railway Cess: Till the year 1900, no special cess was levied for the construction and maintenance of railways. But the Tanjore board was reserving one fourth of the collection from land cess for the purpose of guaranteeing the re-payment of loans, which might be raised for the construction of branch railways or tramways. A portion of the fund was utilised for the construction of railway lines in the district. There were also other boards in much the same state as Tanjore as regards the difficulties in road making, but with facilities for the construction of railways and tramways. But they were not in a position to reserve one-fourth of the land cess realised. Therefore, the Select Committee on the Local Funds Bill, 1898, proposed the levy of an additional three pies as railway cess. The Legislature accepted the suggestion and the Railway cess was levied in all the boards during the period 1900-1920. In 1920, the Act was amended and the levy of the railway cess was abolished.

Profession Tax:—Section 58 of the Town Improvements Act, 1871, authorised the Municipal Commissioners to levy profession tax within the municipal limits. But a similar provision was not made in the Local Funds Bill, 1870. The Select Committee on the bill suggested the imposition of a tax "on arts, trades and professions". But the suggestion did not appeal to the Government and it was accordingly dropped. It was not included even in the Act of 1884 In 1920, the Local Boards bill, proposed the levy of profession tax even on those who held any appointment, public or private, or received pension or income from investments. But when the bill was under discussion the Advocate-General moved an amendment, restricting the levy of profession tax only on those "who exercised a profession, art or trade or calling". In other words, a person who held any appointment or was in receipt of a pension or income from investments was not liable to pay profession tax on his salary, pension or income from investment as the case may be Thus an invidious distincton was made between the local boards and the district municipalities. For instance, a Tahsildar living within the limits of a municipality was to pay profession tax. But when the same person was transferred to a rural area he was not liable to pay profession tax. When this discrimination was pointed out,[97] the Hon. Member in charge of the bill said, that the omission was

96. G. O. Nos. 1676. L. M. 18-8-1931 & 1777. L. M. 22-2-1926.

97. M. L. C. P. dated 2-10-1920. Speech of Mr. B. Venkatapathiraju.

made at the instance of the Government of India. The Government of India opposed it on the ground that the imposition of a tax, on a public or private appointment or on pension or on income from investments was practically the same as income tax and therefore would not fall within the scope of a tax on professions.[98] In 1929, however, at the instance of the Select Committee on the Local Boards bill, 1929, the legislature incorporated a provision in the Act, authorising the boards to levy a profession tax even on those persons who were exempted by the former acts.

According to Section 93 of the Act of 1920, as amended in 1930 the following classes of persons were liable to pay profession tax. Every company which transacted business for not less than sixty days in the aggregate in any half year;[99] persons who resided within the local limits of the board and exercised a profession, art, trade or calling or held an appointment for an aggregate period of sixty days;[100] persons who did not reside within the limits of the board but exercised a profession, trade or calling or held an appointment for an aggregate period of sixty days.

The basis of assessment was as follows. When a person resided within the jurisdiction of a board, the tax was levied on the aggregate income derived from the exercise of a profession, art or calling, the transaction of business or appointment held; and incomes, if any, from such exercises outside the local area and receipt, if any, from pension. When, however, the assessee did not reside within the jurisdiction of the board but exercised a trade, profession or calling, the tax was levied on the income derived by him from the exercise of such profession, art or calling within the area.[101]

98. M. L. C. P. dated 2-10-1920. Speech of Sir P. Rajagopalachari.

99. Municipal Council Adoni vs. Babu Naidu. 1940. M. L. J. 437. If a person employs a servant or an agent to represent him, he was deemed to have transacted business and the agent or servant was liable for the payment of profession tax whether or not he had power to make a binding contract. See also Malabar District Board vs. Cochin Malabar Estates Ltd. 1942 . M. L. J. 723

See also Municipal Council, Dindigul vs. Bombay Co. 56. M. J. 525. A person was said to have transacted business or exercised a profession art or calling or held an appointment within a local area if such a person had an office or place of employment within such a local area.

100. Venkatachala Mudaliar vs. Chairman, Coimbatore Municipality. 1938. M.L.J. 353. A person was said to have resided in a house, if he sometimes used any portion of it and has not abandoned his intention of returning to it.

See also Vedrappa Chettiar vs. Adoni Municipality. I. L. R. 1925. M. 607. A person who merely maintained an office for the collection of rents was not deemed to have resided within the local area.

101. Austin Byers vs. Trichinopoly Municipality. G. O. No. 2733. L. A. 1-8-1942. In this case, Mr. Austin Byers, District Judge, Trichinopoly, resided without the municipal limits but exercised his profession as District Judge within the municipal limits. The Municipality assessed him to profession tax on the basis of his entire income derived within the half year. The High Court held that he should be assessed on the basis of income derived by him from the exercise of that profession within the municipal limits.

The maximum rates at which profession tax may be levied was laid down in the Act. The rates were the maximum ones and the boards were at liberty to adopt any rate provided it did not exceed the maximum.[102]

The procedure for the assessment of profession tax was that immediately after the commencement of the half year, the President of the board should serve on every company or person from whom the tax was due, a notice requiring him to furnish a return of his assessable income[103]. The person should furnish the President the details of his business or calling and the income derived from such calling during the half year.[104] But the President was prohibited from calling for particulars from military officers for the assessment of profession tax.

After the receipt of information, the President checked it by reference to the information furnished by his own staff and fixed the amount of tax which the person should pay. But it must be remembered that the President was not bound to accept the information given by the person concerned. He may take into consideration a variety of factors.[105] But when the person concerned produced the income tax returns, the President was bound to accept them.[106] Further, he was also bound to scrutinise the accounts produced by the person and fix the rate provided he had no reason to believe that the accounts produced did not represent the correct position of the person concerned.[107] In assessing the profits of banks, only net profits should be taken as the basis. But deductions made as 'reserve' should not be allowed.[108]

Companies which transacted business within the limits of two or more local authorities and which were assessed to income tax could apply to the Inspector, within 15 days of the service of a demand notice, to levy the tax at the highest of the rates levied within the limits of the local authorities concerned and apportion the tax among them and the Inspector was bound to comply with the request.[109]

One notable feature in the case of profession tax was that the President was not competent to modify the demand or revise the tax.[110]

102 G. O. No. 2114. L. A. 11-6-1940. The persons assessed to profession tax were divided into ten classes in 1920. The rate at which profession tax may be levied was revised once in 1930 and again in 1940.

103. G. O. No. 321. L. M. 25-1-1933.
104. G. O No. 638. L. M. 23-2-1931.
105. Swaminatha Iyer vs. Taluq Board, Nannilam. 65. M. L. J. 414.
106. Panchayat Board, Razole vs. Sait Amin Chand. 1941. M. L. J. 713.
107. G. O No. 2599. L. M. 5-7-1932.
108. I. L. S., D. Dis. No. 26634-1937.
109. G. O. No. 3666. L. A. 18-10-1940.
110. G. O. No. 3048. L. M. 19-8-1931

Exemptions:—The board may exempt any one or more of the classes from liability to profession tax but no class should be exempted from taxation when a lower class was liable to taxation. Further, the following classes of incomes and persons were exempted from taxation. The income derived from the investments made by a temple;[111] the staff of the Indian Princes;[112] the commuted portion of pension;[113] the dividends received from companies;[114] the incomes from houses and lands;[115] the wound and disability pensions;[116] stipends; [117] advances of pay and allowances;[118] overseas allowances;[119] the Government Telegraph Department;[120] military personnel who were compelled by the exigencies of military duty to stay within the limits of a local authority;[121] Government commercial departments;[122] and the salary and allowances paid to the members of the Madras Legislature.

Companies Tax:—The company tax was first introduced in this Presidency in 1921. It was a complement to the profession tax. The tax was levied on every company that transacted business within the area of a local authority for profit. Much ink was spent on the interpretation of the words "transacted business" and these two words occasioned many a dispute between the local authorities and the companies particularly the foreign ones. The European members of the Madras Legislative Council brought pressure on the Government for its abolition. In 1930, it was abolished and merged with the profession tax.

The basis of assessment was the paid up capital or the gross income of the company. Gross income was adopted in those cases when the principal office was not within the jurisdiction of the local authority.[123] The rate at which the tax should be levied was laid down in the Act. For this purpose, companies have been classified into six classes on the basis of the paid up capital.

The following classes of companies were exempted from the payment of tax. Companies which had no paid up capital but carried on business by

111. Madura Minakshi Devasthanam vs. Madura Municipality. 54. M. L. J. 625.
112. Salem Municipality vs. Gururaja Rao. 68. M. L. J. 118.
113. Narasimharao vs. Narasaraopet Municipality. 68. M. L. J. 162.
114. G. O No. 4690. L. M. 11-1-1926.
115. G. O No. 1020. L. M. 16-3-1932.
116. G. O. No. 2672. L. M. 6-6-1924.
117. G. O. No. 1306. L. M. 18-4-1925.
118. G. O. No. 1642. L. M. 5-4-1934.
119. G. O. No. 3954. L. M. 29-10-1925.
120. G. O. No. 4690. L. M. 1-11-1926.
121. G. O. No. 2575. L. M. 21-7-1925.
122. G. O. No. 915. L. M. 23-2-1934.
123. G. O. No. 1164. L. M. 13-3-1928.

the subscription of its members;[124] or companies which acted merely as agents of another company and purchased articles according to an agreement entered in another place;[125] co-operative societies;[126] and Railways.[127]

Pilgrim Tax:—The pilgrim tax was first introduced in this province in 1920. It was collected in certain pilgrim centres only. In the beginning, the tax was levied on persons entering and leaving the pilgrim centres. This arrangement involved unnecessary work to the Railway administration. It was therefore decided in 1929 to levy the tax on the persons leaving the pilgrim centres.

The rate at which the tax was to be levied was laid down in the Act. The procedure for the levy of the tax was as follows. The board should resolve to levy the pilgrim tax. The decision of the board should be notified in the district gazette. A copy of the notification should be sent to the Railway administration at least two months before the date fixed for the levy of the tax. The levy of the tax was subjected to several limitations. For instance, the tax should be levied during specified periods and in places where pilgrimage took place; the sanction of the Government should be secured before levying it and finally, a free zone of 30 miles should be left.[128]

The mode and the manner in which the tax was levied came in for a good deal of criticism. For instance, the tax was levied on the passengers leaving the pilgrim centre by rail and on no others. This appears to be iniquitous. For, it gave undue advantage to motor transport and adversely affected the railway earnings. Further, the pilgrim tax was a special assessment levied for the provision of sanitary conveniences to the pilgrims and also to carry out preventive measures against the outbreak and spread of epidemics. It would have been more equitable if the tax had been levied on all persons leaving the pilgrim centre. For, we are informed by the Kistna Pushkaram Festival Committee that of the ten lakhs pilgrims that visited Bezwada in 1942, as many as six lakhs came by road. The local authorities in the district had to make elaborate arrangement in regard to conservancy and water supply at great expense. Therefore, the pilgrim tax should be levied on all persons leaving the pilgrim

124. The Municipal Council, Vizagapatam vs. Tea Districts Labour Association 62, M. L. J. 662.

125. Dindigul Municipality vs. Bombay Co. 56. M. L. J. 527.

126. G. O. No. 2949. L. M. 17-8-1925.

127. M. L. C. P. Vol. 3. p. 1322.

128. Memo. 5567. I. M. 12-8-1920; G. O. No. 4806, L. M. 12-12 1930; G. O. No. 2000. L. M. 11-6.1931

centre. This is not a novel suggestion. As a matter of fact, the Pandharpur municipality levied a pilgrim tax on all passengers leaving the town irrespective of the conveyance they used. It is true that there were a number of difficulties in the way. Firstly, the pilgrim centres were not walled cities. The entrances were innumerable and attempts to evade the payment would certainly be made. And if the collection of the tax had been farmed out, there would have been some amount of harassment. It was also contended that as a tax it was an objectionable one. Though these difficulties were there, it would have been more equitable if the tax had been levied on all the pilgrims. For, the local authorities should get something as 'quid pro quo' for the additional expenditure they had to incur. Above all, the rate of tax was so low that it would not have been felt or appreciably added to the expenditure which pilgrimage generally involved.

Entertainment Tax:—The boards were also empowered to impose a tax on entertainment and other amusements. The rate at which the tax was to be levied was laid down in the Act. But entertainments which were wholly of an educational character or intended for the promotion of educational and scientific purposes or public health or agricultural interests or when the net proceeds of which were devoted for philanthropic, religious or charitable purposes, were exempted from taxation. In 1939, this tax was provincialised. But provision was made for the payment of compensation to local authorities which were in receipt of income from this source during any part of the three years preceding 1st April 1939, a sum equivalent to the average net annual income derived by such local authority during these three years.[129]

Education Tax:—We had already seen that the house tax levied in 1871, was primarily intended for the promotion of education. But as a tax it was unpopular. It was, therefore, kept in abeyance during the period 1873-1884. When its suspension was decided upon, the Secretary of State for India wrote: "I shall regard this abandonment of the house tax as satisfactory, if other means, less open to objection can be found for attaining the end for which the tax was imposed. But, I regard the principle of local taxes for purposes of education as itself a sound one when carefully and cautiously applied. In this case, the tax seems to have been imposed in some localities without the precaution which ought to have been taken".[130] In 1884, when the house tax was revived, the proceeds of the tax were not earmarked for educational purposes. Therefore, education had to depend on the general funds of the boards and the Provincial grants.

129. G. O. No. 1413. Rev. 16-6-1940

130. G. O. No 1445. F. 10-10-1873.

Though substantial amounts were placed at the disposal of the boards as grants-in-aid, the Government felt that there would be no systematic development of education as long as it depended on some what spasmodic and precarious supplies from the provincial funds.[131] It was, therefore, decided to levy a tax for the promotion of elementary education. With this end in view, the Madras Elementary Education Act was passed. Under this Act, an education cess could be levied on the annual rental value of all occupied lands or as a surcharge on profession tax. The basis of assessment, the procedure to be adopted in fixing the assessment and the classes of persons that were to be exempted were all the same as in the case of the land cess and profession tax.

The levy of the tax was subject to certain limitations. The previous sanction of the Government was to be obtained. The maximum amount of tax that may be levied should not exceed 25 percent of the cess levied on lands. The Government could direct a board to levy an education tax, and in that case, the procedure to be observed for the levy of land cess need not be observed.

In the actual working, it appears that the intention of the framers of the Act was not fulfilled. For, the provision that the boards should obtain the previous permission of the Government before levying an education tax acted as an obstacle in the way of the boards in levying the tax. Invariably, the Government withheld the permission because such permission would automatically impose upon it the obligation to pay to the boards, a contribution equivalent to the proceeds of the tax realised. Some of the boards were prepared to forgo the contribution payable by the Government and requested it to accord necessary permission. But there were legal difficulties in according permission even under such conditions. Therefore, permission to levy the tax was invariably refused. To meet such situations, the Act was amended in 1941, freeing the Government from the obligation, to make any contribution. The purpose of the amendment was merely to permit the local authorities which desired to impose an education tax to do so; but the Government need not necessarily refuse to pay the contribution.

Appeals:—It is a universally recognised principle that good laws make provision for the review of every administrative act. And the review may be either an administrative or a judicial one. The former is always preferable, because it is in touch with the concrete aspects of tax administration and therefore better qualified to handle the cases than a judicial tribunal. Further, administrative review would be less formal and less costly.

131. M. L. C. P. 29-3-1920. Speech of Mr. A. R. Knapp.

The Act made provision for appeals by the aggrieved party against the the assessments fixed by the prescribed authority. In the case of land cess, any person who was not satisfied with the assessment fixed by the Collector could prefer an appeal to the Board of Revenue and the decision of the Board was final.

As regards other taxes, appeals could be preferred to the district board. The procedure was as follows. In the case of house tax and profession tax, the appeal petitions should conclusively show that the decision given by the executive authority was not satisfactory; that the appeal was preferred within the prescribed period after paying the tax amount due. The appeals relating to profession tax should also give a statement of accounts and the reasons for objecting the assessment fixed by the executive authority. The appellate authority should insist on the production of accounts and examine them carefully before arriving at a decision. It should also see that the procedure prescribed for preferring appeals was observed. Adjudication of appeals, which did not observe the prescribed procedure was illegal and therefore may be set aside by courts of law.[131A]

Ordinarily, the appellate authority should not give greater relief than that claimed by the appellant. But, if the appellant amended the claim by showing that his original claim was made on some bonafide mistake the board could grant him greater relief than that asked for.

The appellate authority was not to reject appeals merely on the ground that the assessee or his agent was not present at the time of hearing the appeal. The attendance of assessees was not obligatory but it was obligatory on the part of the board to give every opportunity to the assessee to attend and represent his case fully. If the assessee did not attend the meetings of the appellate authority, the written appeal presented by the appellant should be taken into consideration. The decision of the appellate authority was final. The courts were prohibited from interfering with its decisions, provided the authority exercised its functions in accordance with the provisions of the Act. Before setting aside the decision of an appellate authority, it must conclusively be proved that there had been a breach of the rules or that the decision was given with a *malafide* intention or that a manifest error was committed in the adjudication of the appeal.[132]

The appellate authority had no power to revise its previous decisions.[133] But it may, on its own motion or otherwise, cancel or modify any order passed by the executive authority reducing or remitting the tax.

131A. Advocate-General's Opinion No. 40-43. dated 2-4-1923.

132. G. O No. 5162. L. M. 4-12-1926.

133. Advocate-General's Opinion. No. 649. 12-12-1922.

Collection of Taxes:—The chief end of all taxation is to provide revenues. And if this end is to be attained, every effort should be made for the collection of all the tax amounts due. Otherwise, the whole process of taxation will be a useless effort. It is true, that the collection of taxes depends upon several factors, such as tradition, civic consciousness, confidence in the administration, efficiency of the collection staff and the rigid enforcement of the penal provision of the Act. Collection of taxes will be bad if the assessee entertains the idea that the assessments were not fixed fairly or that he could bring about backstair influence to get the taxes written off.

The procedure prescribed for the collection of taxes was as follows. So far as land cess was concerned, it was collected by the Revenue Department. As regards other taxes, as soon as assessments were settled and the tax amounts were fixed up, demand notices should be prepared and served on the person concerned. The demand notice was intended to inform the assessee of the period and description of the property occupied, profession exercised, or thing possessed for which the tax was levied, and of the penalties that would be imposed in case the tax was not paid within the prescribed period. It was statutorily obligatory on the part of the board to serve a demand notice on the assessee before demanding the payment of tax. If no notice was served, the board had no authority to take any action for the recovery of the tax amount. 134

While collecting taxes, part payments should not be accepted. 'Immediately after the payment was made, a receipt was to be given to the assessee. And all taxes should be collected within three years from the date on which they fell due.

Enforcement of the Penal Provision of the Act:—If a tax was not paid within the prescribed period or if the assessee did not show cause why it should not be paid, the amount due may be recovered either by prosecution or by distraint and sale of the movable property of the assessee. Before issuing a distraint warrant, the President should see that a demand notice had already been served.135 Distraint proceedings should be taken within three years from the date on which the tax amount became due.136

The procedure for the distraint of property was as follows. The President should issue a warrant under his signature to the officer specially

134. Municipal Council, Chidambaram vs. Venugopala Pillai. I. L. R. 1937 No. 985.

135. Padmanabha Iyer vs. Coimbatore Municipality. 74. M. L. J. 99.

136. Roshana Chinna Mulla Sahib. vs. Adoni Municipality. 72. M. L. J. 440

charged with the execution of warrants. This officer, may break open any door of the house of the assessee for distraining the movable property; before distraining the property, he should make a formal demand of the payment of the tax due from the assessee, and if the payment was made, no property should be distrained; in distraining property, the front door of the house should not be taken away as that would render the house unsafe.137 After distraining the property, the distraining officer should make out a list of the property seized and hand over a copy of it to the owner of property; the owner of the property was to be given time to pay the amount due, together with the distraint fee. If the amount was not paid within the prescribed period, the property should be auctioned publicly.138

The second method by which taxes were recovered was by prosecution. It was to be resorted to, if the amount realised after the sale of the distrained property was found to be insufficient to cover all dues or if the distraint of property was found to be impracticable.139 Prosecution also should be resorted to within three years from the date on which the distraint became impracticable.140 But before launching prosecution all other methods of recovery should be exhausted. Only under exceptional circumstances, prosecution should be resorted to.141 In spite of these definite instructions, the tendency was to regard the magisterial courts as an agency for the collection of taxes. Because, it was found to be the easiest and the least troublesome one, whereas distraint procedure was a complicated one and rendered the executive officer unpopular.

Writes Off:—The Acts of 1871 and 1884, did not authorise the boards to write off the irrecoverabe items of revenue. But under executive instructions, they may be empowered to write off the irrecoverable items of revenue.142 In 1920, however, specific provision was made in the Act empowering the boards to write off the irrecoverable items of revenue.143

137. In re Madar Sahib. 58. M. L. J. 193. In this case a question arose whether the occupier of the house had a right to resist the distraining officer from taking away the front door of his house. The Madras High Court held that the owner of the house did not exceed his right of private defence by resisting such an act of the distraining officer.

See also Queen Empress vs. P. Odayar. I. L. R. 21. M. 276. In this case it was held that no resistence should be offered by the owner of the property even though the distrainer attached the property exempted by law. This decision was reversed by the one quoted above.

138. G. O. No. 3506. L. M. 6-8-1936.

139. Roshana Chinna Mullasahib vs. Adoni Municipality. 72. M. L. J. 440.

140. G. O. No. 5313. L. M. 9-12-1936.

141. G. O. No. 4487. L. M. 8-11-1934.

142. G. O. No. 1185. L. 8-9-1911. Prior to 1929, the boards had no power to write off an item of revenue whose amount exceeded Rs. 500.

143. Section 111 Act XIV. Madras & Section 100 Act XI 1930. Madras.

But before writing off any item of revenue, the board should carefully examine whether the item was really irrecoverable.[144] Further, after having once written off the items, it had no power to cancel or modify its decision and charge the President for their recovery.[145] Finally, the board alone was competent to write off the items. It had no power to delegate this function to the President.

Non-Tax Revenues:— Professor Lutz classified revenues into two classes, revenues from taxes and administrative revenues. Other economists classified revenues into tax and non-tax revenues. Professor Lutz's classification does not appear to be more appropriate, for, administrative revenues are those derived by the departments concerned, in the course of performing their duties. It includes license fee, income from remunerative enterprises and penalties. The most appropriate designation for revenues other than tax revenues appears to be 'non-tax' revenues; non-tax revenues may be divided into two classes, revenues from license fees and revenues from remunerative enterprises and lease of property.

No fee was levied under the Local Fund Act, 1871. It was introduced for the first time in 1884. During the period 1884-1900, a fee was levied for the grant of license for the temporary erection of pandals and other structures in the streets and other public places.[146] In 1900, the boards were authorised to levy fees on "any projection over the road in front of any building or land and for the use of cart stands, markets and slaughter houses.[147] In 1920, a long list of items known as "dangerous and offensive trades" was included in the Act and the boards were authorised to license any one or more of the items specified therein.[148] In 1930, some more items were added to the list.[149]

A license fee was collected from motor buses. The income from this source constituted a substantial portion of the receipts. In 1938, however, the Madras Traffic Control Act, prohibited the boards from levying any fee on motor buses and the boards were compensated for the loss thereby incurred.

Generally, fees were levied for some service rendered. They will not occur if the services are not rendered. The basic principle on which fees should be charged was that it was intended to cover the cost of the service rendered. In other words, "it must be commensurate with the extra cost

144. Advocate General's Opinion No. 258 dated 16-5-1925.
145. Advocate General's Opinion. No. 171. dated 27-10-1926.
146. Section 57. (1) Act V 1884. (147) Section 47. Act VI. 190 .
148. Section 193. Schedule VII Act. XIV of 1920.
149. Section 242. Act. XI. 1930.

entailed in granting the license and exercising such supervision as is necessary to see that its terms are complied with".[150]

Actually, however, these basic principles were not observed. Abnormal rates of fee were levied particularly on motor buses and as a consequence, some of the buses were taken off the road. And in a number of cases, the intervention of the courts was invoked successfully.

But no fee should be collected unless a license was granted. For a fee was considered not as a payment for the privilege of carrying an offensive and dangerous trade; it was a fee to cover the cost of control which the authority was bound to exercise over such trade and it was not due unless such control was exercised. Obviously, the fee should not be levied or collected if the license was refused even though the trade may be carried on.

The boards were permitted to collect such additional fee for belated applications. Such a levy was justified on the ground that the boards had necessarily to incur additional expenditures on the notices and inspections by officers. Further, such additional fee was expected to reduce the number of late applications.[151]

To prevent the local bodies from levying unreasonable rates of fee the Government fixed the rates at which fee should be collected for various purposes.[152] The rates fixed by the Government were the maximum rates and the boards were given the option to levy a lower rate of fee.[153] Certain classes of articles and purposes were exempted from the payment of fees.[154]

Lease Revenue:—Another source of income was from leases of properties owned by or vested in the boards. However, the boards were not free to lease out their properties as they pleased. They were required to observe certain conditions laid down by the Government. Firstly, they should not lease out their immovable properties for a period exceeding three years, without the sanction of the Collector. And as regards properties vested in them, they should not be leased out for a period

150. Kumbakonam Municipality vs. Ralli Brothers. 61. M. L. J. 74. Lord Russel, C. J., said: "If for instance, they (rates of fee) were found to be partial and unequal in their operation as between different classes; if they were manifestly unjust; if they disclosed bad faith; if they involved such oppressive or gratuitous interference with the right of those subjects as could find no justification in the minds of reasonable men or Parliament never intended to give such authority to make such rules, they were unreasonable and *ultra vires*.
151. G. O. No. 3655. P. H. 9-10-1938
152. ,, 2837. P H. 10-8-1929.
153 ,, 3512. P. H 2-8-1940.
154. ,, 3655. P. H. 10-8-1940.

exceeding 12 months at a time without the previous sanction of the Collector.[155] Secondly, a preliminary notice setting forth the conditions and the terms subject to which the leases would be granted should be published in the district gazette and in one or more of the newspapers having a wide circulation in the district together with a notice specifying the date on which, the leases would be auctioned. The auction was to be conducted in the most public manner.[156] The list of bidders together with the bid amounts should be placed before the board. The board should normally accept the highest bid. If for any reason it was not done the reasons for the same should be recorded in writing.[157] After the selection of bidders by the board, the President should enter into an agreement with the bidders whose bid had been accepted. In drafting the agreement due care was to be exercised. For, a lease deed, not executed according to law was unenforceable and therefore not binding on the contracting parties.[158] But it did not mean that the person benefited by the contract was not liable to pay any compensation. On the other hand such a person was under an obligation to make payment on the principle of "quantum meruit".[159] Otherwise, it would be extremely inequitable to find that when a contract has not been entered into by the authorities specified or found to be unenforceable for want of certain formalities, the advantages gained by a party, should not be, when it was not intended to be gratuitous, restored or compensated.[160]

Finally, before leasing out any property, the solvency of the bidders and contractors should be verified. The lease of property was valid only on condition that the lessee would pay the Government such assessment, ground rent, peshkish or quit rent payable in respect of that property to the Government.[161]

The board should enforce the terms of lease rigorously. Otherwise, it would not be fair to the other bidders. But when the lessees were prevented from carrying the agreement into effect, owing to certain unforseen events such as the outbreak of epidemics, a portion of the lease amount may be remitted with the previous sanction of the Inspector.[162]

155. G. O. No. 4039. L. A. 17-10-1939.
156. „ 1832. L. A. 16-2-1942. If it was advantageous to renew the lease in favour of the person to whom it was originally granted the board may dispense away with public auction and renew the lease with the sanction of the Inspector.
157. G. O. No. 1974. L. A. 22-7-1941.
158. Madura Municipality vs. Aligiri wamy I. L. R. 1939. M. 929.
159. Arunachela Chettiar vs. Srivilliputtur Municipality. 67. M. L. J. 38.
160. Tiruvarur Municipality vs. Kandaswamy Pillai 98. M. L. J. 377.
161. G. O. No. 2849. L. A. 10-8-1940
162. „ 957. L. 2-7-1912. & G O. No. 2716. L. M. 7-6-1934 and G. O. No. 3129. L. A. 3-9-1940. The sanction of the Government was required only in case the amount proposed to remit exceeded the limits set by the Government. This power was delegated to the Inspector in 1940.

Another source of income was earnings from railways. Of the 24 boards only four boards maintained railways in 1945-46.

We have so far surveyed the revenue administration of the boards during the period 1871-1945. One may ask whether it was efficient. A comparative study of the revenue administration in the municipal areas and in the rural areas clearly reveals the fact that it was far more efficient and honest in the latter than in the former. In the municipal areas, taxes were levied without observing the prescribed procedure;[163] quinquennial revisions were not carried out and where it was done it was imperfect and irregular;[164] discriminations were made in the matter of assessment,[165] and certain properties were not assessed at all;[166] the appellate authority was unduly generous in granting remissions;[167] and the collection of taxes was not at all good. All these features were absent in the revenue administration of the district boards.

The main reason for the absence of these evil features was that a sound administrative machinery was devised for carrying on the revenue administration. In doing so, the framers of the Act kept in view three principles. Firstly, that the administrative machinery should be divorced from politics. For, they believed that the "elective officers are but slightly immune from gusts and passions of popular opinon and prejudice".[168] Secondly, they thought that a good administrative work cannot be done by a staff which is immediately dependent on the electorate and its representatives and therefore "the staff of the fiscal department should be absolutely independent of local charges, affections and policies generally".[169] Thirdly, precision in assessment can only be obtained by employing experts who have a special knowledge and training in the valuation of properties. Therefore, the assessment and collection of land cess was entrusted to the Revenue department. Compare this arrangement with that obtaining in the district municipalities. There, prior to 1934, the non-official chairman was the executive officer and he assessed and collected taxes, heard revision petitions and enforced the penal provisions of the Act. Thus politics and administration were mixed up together and this unholy alliance produced disastrous results.

From the above it should not, however, be inferred that revenue administration was efficient in all the boards. In some of the boards, financial

163. Vasudevarao vs. Anantapur Municipality 59. M. L. J. 690.
164. „ 2769. L. M. 4-10-1926.
165. „ 5478. L. M. 20-12-1934.
166. „ 2769. L. M. 4-10-1926.
167. Taxation Enquiry Committee Report p. 307.
168. Bastable. Public Finance. p. 474.
169. Sir Josiah Stamp quoted in the Taxation Enquiry Committee Report.

administration was not at all efficient. They allowed the dues to become time-barred. They did not enforce the penal provisions of the Act rigorously. But on the whole, we may say, that revenue administration in the district boards was efficient.

But one tendency which we noticed in the revenue administration was the provincialization of certain taxes. There were valid reasons for such a tendency. The growing complexity of the modern system of administration and the assumption of new functions by the State, necessitated the provincialization of some of the local taxes. Secondly, it was also owing to the fact that local jurisdiction as a tax unit had become obsolete and as a consequence demanded a wider jurisdiction. It is true, that the Government compensated the boards for the loss thereby incurred. But it brought about a new situation, viz., the utter dependence of the boards upon the provincial government. So some of the critics have contended that the boards should be given independent sources of revenue. They say that self interest would impel the boards to tap all the local resources. Though the argument may appear to be sound, the fact is, which of the sources of revenue that should be left to the boards This is a practical question. Further, there is no guarantee that the boards would be able to get all the money that they require to meet the growing demands. So what is wanted is not independent sources of income but a rational system of grant-in-aid. This we shall consider in next Chapter.

A SHORT ANALYTICAL SUMMARY OF THE FIRST FIVE YEAR PLAN*

(1951-52 to 1955-56)

So far as it relates to the part to be played by the Local Self-Governing Bodies.

By Shri. V. J. KHER, B.A.

INTRODUCTION

The scope of the Planning Commission's work.

The Planning Commission was set up in March 1950 by a Resolution of the Government of India which defined the scope of its work as follows:—

"Having regard to the rights and in furtherance of the principles guaranteed by the Constitution of India to the citizens of India, as well as to the declared objective of the Government to promote a rapid rise in the standard of living of the people by efficient exploitation of the resources of the country, increasing production, and offering opportunities to all for employment in the service of the community. The Planning Commission will:—

(1) make an assessment of the material, capital and human resources of the country, and investigate the possibilities of augmenting such of these resources as are found to be deficient in relation to the nation's requirements;

(2) formulate a Plan for the most effective and balanced utilisation of the country's resources;

(3) on a determination of priorities, define the stages in which the Plan should be carried out and propose the allocation of resources for the due completion of each stage;

(4) indicate the factors which are tending to retard economic development, and determine the conditions which, in view of the current social and political situation, should be established for the successful execution of the Plan;

* The marginal figures indicate references to the Five Year Plan.

(5) determine the nature of the machinery which will be necessary for securing the successful implementation of each stage of the Plan in all its aspects;

(6) appraise from time to time the progress achieved in the execution of each stage of the Plan and recommend the adjustments of policy and measures that such appraisal may show to be necessary; and

(7) make such interim or ancillary recommendations as appear to it to be appropriate either for facilitating the discharge of the duties assigned to it; or, on a consideration of the prevailing economic conditions, current policies, measures and development programmes; or on an examination of such specific problems as may be referred to it for advice by Central or State Governments".

Opening Paragraph : Page 198; para 15. In short, increase in the production of food and raw materials is the major objective of the Five Year Plan.

2. The Draft outline of the Five Year Plan is divided into three parts:—

Introduction : Page 5; para 12.
(1) Approach to Planning.
(2) Salient features.
(3) Problems of policy and administration.

Introduction : Page 5; para 13. It is hoped that the Five Year Plan, in its final form, will come to be regarded as the field of endeavour within which every citizen can co-operate and offer his best for the common good.

PART I.

THE APPROACH TO PLANNING.

What is Planning ?

Page 5; para 11. (1) Planning in a democratic State is a social process in which, in some part, every citizen should have the opportunity to participate.

Page 7; Opening para. (2) Planning is essentially a way of organizing and utilizing resources to maximum advantage in terms of defined social ends. Its two main constituents are:—(a) a system of ends to be pursued, and (b) knowledge as to available resources and their optimum allocation.

Page 8; para 3. (3) The objective of economic and social planning is to canalise the idealism and the constructive urges of the community into new lines of activity. Planning is purposive adaptation of resources to social ends.

Essential Conditions for successful Planning.

(a) A large measure of agreement in the community as to the ends of policy;

Page 8; para 5. (b) Effective power, based on the active co-operation of citizens, in the hands of the State; and, earnest and determined exercise of that power in furtherance of these ends; and

(c) An efficient administrative set-up, with personnel of requisite capacity and quality.

The part to be played by Local Self-Governing Bodies.

Democratic planning presupposes an overall unity of policy, combined with proper diffusion of power and responsibility. In such planning, not only the Government, but also local self-governing bodies, such as Municipalities, District Local Boards and Panchayats, etc., have to play a vital part. Measures to promote a healthy growth of such institutions are, therefore, an integral part of democratic planning. In the States, special steps are needed to ensure that local bodies are able to participate in the Plan in respect of their programmes. The Planning Commission visualises that in due course, it will be possible for the Panchayats and other local bodies to participate actively in the preparation of Plans.

Page 252; para 27 (last but one sentence).

The Role of the Central Planning Authority.

(1) To prepare a general framework for the plan;

(2) to invite the appropriate local bodies to send in the plans affecting their respective fields;

(3) to assess the plans received in terms of overall priorities, to amend and adapt them in the light of overall needs and resources; and finally,

(4) to work out, in consultation with the bodies concerned, a comprehensive National Plan.

Page 10; para 9. The function of the Central Government is to evolve a co-ordinated policy and to act as an ultimate source of reference in case of conflict between local or sectional interests.

Page 243; para 2. (*See page 272*).

PART II

The main features of the Five Year Plan.

The Five Year Plan for the period 1951-52 to 1955-56 aims at completing the various projects which are now in progress and providing for the further development of the economy on a planned basis with the available resources. It must be regarded as a beginning in the direction of balanced and co-ordinated development.

Opening Part II; Page 35.

Magnitude of the Plan.

The Five Year Plan is presented in two parts, the first part, involving an expenditure of Rs. 1,493 crores, represents the outlay on development which seems manageable with the resources now in sight, and the second part, involving an expenditure of about Rs. 300 crores, has been drawn up with the object of attaining a somewhat higher rate of progress and to ensure a balanced and sustained utilisation of the technical organisation built up in connection with the various projects included in the first part.

Pages 36-37; paras 4-5.

The first part takes into account the resources that can be raised internally through taxation and borrowing, external assistance which has already been offered to India and which is likely to be available in this period for financing the Plan, etc... This part of the plan, which comprises largely of schemes in progress, has to be implemented in any case. The implementation of this first part will barely restore the pre-war availability of essential consumer goods by the end of 1955-56.

Pages 36-37; paras 4-5.

Share of Central and State Governments

The expenditure of Rs. 1,493 crores in the first part of the Five Year Plan is divided almost equally between the Central and State Governments as follows:—

(1) The share of the Central Govt.—about Rs. 734 crores.

(2) The share of the State Govts.—about Rs. 759 crores.

Page 40; para 17.

Distribution of responsibility and the magnitude of assistance from the Centre.

Broadly speaking, the distribution of responsibility for development between the Centre and the States is based on the premise that the States would concentrate on—

(1) Agricultural and rural development,

(2) social services, and

(3) the expansion of transport and communications falling within their jurisdictions.

The States would receive financial assistance from the Centre, the magnitude of such assistance depending on the resources which the Centre can spare as well as on the priorities laid down for the country as a whole.

Page 41; para 18.

For the development expenditure of the States in the first part of the Plan, it is estimated that about Rs. 211 crores will be made available by the Centre in the form of loans and grants.

Bombay Share [Appendix II (1)]

Bombay's share of the development expenditure is Rs. 120·4 crores, as detailed below:—

Head	Cost of development Crores.	Lakhs.	Thousands.
1. Agriculture	17	24	42
2. Veterinary and Animal Husbandary	7	39	41
3. Dairying & Milk supply			
4. Forests	-	83	62
5. Co-operative	1	46	49
6. Fisheries	-	15	98
7. Rural Development	1	31	50
I Agriculture & Rural Development	**28**	**41**	**62**
II Major Irrigation & Power Projects	**33**	**12**	**00**
1. Cottage Industries	1	3	28
2. Other Industries	1	53	89
III Industry	**3**	**57**	**17**
1. Roads	11	63	62
2. Road Transport	2	00	00
3. Ports & Harbours	—	25	00
IV Transport	**13**	**88**	**62**
1. Education	21	42	51
2. Medical	16	16	94
3. Public Health			
4. Housing	-	27	16
5. Labour & Labour Welfare	1	38	00
6. Amelioration of Backward Classes	2	13	57
V Social Services	**41**	**38**	**18**
Grand Total...	120	37	59

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PART III

CHAPTER 13

Transport and Communications.

In a country of India's size, the development of transport and communications is of vital importance. On it depends to a great extent a more effective utilisation of available reasources and the necessary stimulus to further econmic expansion. The amount set apart for transport and communications is (including the provision Pages 39-40; para 14. to be made for railways in the second part of the plan) over 25 per cent of the total planned outlay, ¾ of this being on railways which have special needs to be met.

Roads are a service for all forms of development, whether of Page 175; para 17. agriculture, trade or industry. In the development of roads, a national conception is necessary not only because of their strategic importance but also because of the need for co-ordination between different types of roads. The schemes alreaddy developed by the Centre and the States should be based on the consideration of the road system of India as an integral whole; and that development should be balanced as between different categories of roads and should proceed in a planned sequence, having regard to the requirements of traffic. The objective underlying the Nagpur Plan was that no village in a well-developed agricultural area should remain more than 5 miles from a main road, while in a non-agricultural area no village should remain more than 20 miles from a main road. It was a fundamental of this programme that no road should be considered by itself, but as part of a network.

Determination of priority of road programme.

Priority in the development of roads has to be determined in relation to plans of development in other spheres in the light of national and local resources and needs. Roads which assist production, and especially agricultural production, should have a high priority in our existing conditions. It is evident that such roads as are feeders to railways or which relieve congestion at certain junctions and help to open out the country, have to be given preference. Priorities within the State have to be determined by the Page 176; para 18. State itself, which would evidently tend to differ in different States.

Village Roads.

As regards village roads, the broad aim should be to connect all villages of a certain size and population with marketing centres and district headquarters. The absence of village roads is a serious drawback in the system of communications. State Governments should pay special attention to the construction and maintenance of these roads and for this purpose enlist the co-

operation of villages. In certain States, village roads are being developed with the active co-operation of the villagers themselves who contribute one-third of the cost of construction, the balance of two-thirds, including materials, equipment, etc., being contributed by Government. There is considerable scope for Page 178; para 21. development of village roads on a co-operative basis by mobilising the local population for local projects.

CHAPTER 15

Public Health and Sanitation.

In the calculation of the country's resources for economic development the health of the people must be reckoned Opening Para. Chapter 15; page 194. an important factor.

For sanitation in rural areas, it is important-not enough attention is being given to this at present-that cheap and effective type designs of latrines suitable for the locality should be Latrines Page 196; para 8. made available to the people and an effort made to provide technical supervision. Public latrines in the villages are not an adequate substitute for private latrines.

The medical and preventive organization in the country is Medical and preventive Organization. inadequate. According to the Health Survey and Development Committee, as a long term objective, there should be:—

	Objective	Corresponding proportions in India.
(1) One Doctor for a population of	2000	6300
(2) One nurse " " "	500	43000
(3) One Midwife " " "	4000	60000

Page 196; para 9.

It will be seen that the gaps are large in all directions. It is Page 197; para 12. recommended that during the next five years additional resources should be concentrated on preventive work rather than curative facilities.

Rural Health.

The health programme for rural area assumes great importHealth programme: Page 198; paras 15-16. ance in view of the major objective of the Five Year Plan-increase in the production of food and raw materials. Emphasis should be laid on the prevention of disease and the preservation of health.

A programme for developing health units should be worked Health Units. out, each unit with a body of personnel capable of looking after the varied needs of an area of about 40 square miles with a population of about 40,000.

For medical aid in the villages which are not adequately served, medicine boxes should be made available and some resident auxiliary personnel should, after training, be entrusted with the distribution of selected medicines for common and minor ailments under proper supervision.

Medicine Boxes

The accepted view is that for the rural population health centres should be so organised as to integrate the curative and the preventive services.

Dais in the villages are mostly untrained and short training courses for them have a high priority.

Dais (दाया)

Village girls with basic of senior basic training should be selected by Village Panchayats and given training as Nurse-midwives.

Nurse-midwives: Page 233, para 13:

CHAPTER 17

Education.

Directive of the Constitution:—

The State shall endeavour to provide, within a period of ten years from the commencement of the constitution, for free and compulsory education for all children until they complete the age of 14 years.

Free Compulsory Education. Page 220; para 4.

Objects.

The system of education has to be adopted to the requirements of national planning.

In relation to the development of the individual, education has to:—

Adaptation to requirements of National Planning: Development of the individual. Page 221; para 6.

(1) Train the senses,

(2) Develope the intellect,

(3) Humanize the emotions and

(4) Equip the individual for efficient living so as to ensure an integrated growth of his personality.

Basic Education.

Basic education is an accepted goal. It forms the foundation of the national educational policy for the age group 6-14 years. The essential principle of basic education is that the child learns through living, of which the central feature is socially useful and productive craft work. New schools should, as far as possible, be of the basic type and the existing schools should be converted into basic schools as rapidly as possible.

Foundation of National Educational Policy: Page 221; para 10.

CHAPTER 18

Social Welfare.

The welfare of the rural areas becomes, in the present conditions of the country, the first priority in social welfare.

First priority: Page 226; para 3.

The welfare of the rural areas becomes, in the present conditions of the country, the first priority in social welfare.

Its aim: Page 227; para 5.

Everything that helps to brighten the lives of the people, increases opportunities for health and recretion and adds to their joy is welfare work of a high order.

The central problem of rural development is the creation of sound leadership which will command the confidence of the villagers, place before them new objectives, create a desire for a better life, and mobilize them in common endeavour to accomplish programmes of community betterment. The organisation of co-operatives and community centres will itself be the means for developing this leadership. A programme of establishing at least 500 community centres during the next five years should be considered.

Problem of rural development: Page 231; para 11.

CHAPTER 19

Public Co-operation

MACHINERY FOR RURAL DEVELOPMENT

The present machinery of Rural Development, both official and non-official, has proved inadequate. In numerous villages Panchayats exist, but their primary functions are judicial and administrative.

Page 84; para 3.

Page 85; para 3 (4).

For the purposes of planned economy functioning on democratic principles, public co-operation is both a force and a sanction. A Democracy working for social ends has to base itself on the willing assent of the people and not the coercive power of the State.

Page 235 (Opening para)

In a democracy the State cannot make use of all the real resources of the community directly or through private enterprise acting under the impulse of profit. A large field remains for planned efforts to canalise on a voluntary basis the unused time and skill and other spare resources of the people and to secure for the community and its weaker sections a volume of economic and social benefit which would otherwise have not

Page 237; para 5.

accrued. Voluntary service can be marshalled in rural areas for the construction and repair of sources of water supply, roads school buildings and works for better sanitation and other various needs which would otherwise remain neglected for years because the State has no financial resources to spare for the purpose.

There is considerable scope for utilizing the voluntary labour of the people, especially in areas marked for intensive development. Most villages have some needs for the satisfaction of which they are prepared to put forth their contribution in labour and

Page 92; para 18. money. One village may require a school, a second a well, a third a link with a metalled road, and a fourth may require a tank. If an organisation could be set up which could provide the necessary leadership and technical knowledge, villagers could be persuaded to give free labour for works of common interest to the village.

CHAPTER 21

Planning and Administration

PROBLEMS OF ADMINISTRATION.

It is important that there should be the widest possible devolution of functions for the implementation of the Plan. The aim should be to ensure that in each State and in respect of each section of activity under the Plan, through the exercise of local responsibility and initiative and under the impact of public opinion,

Page 243; para 2. the Plan becomes an effective medium of local action. The role of the Central Government in relation to the National Plan is:—

(i) to ensure that the economic conditions necessary for the fulfilment of the Plan are maintained;

(ii) to ensure that the pattern for the utilization and development of the resources is in accordance with the Plan;

(iii) to make an objective assessment from time to time of the results achieved in its own sector of the Plan and and in the States, as also in the private Sector;

(iv) to keep under constant review the financial aspects of the Plan; and

(v) to make such changes and adjustments in the Plan as may be necessary from time to time.

It is a widely held view that the system of administration requires

Page 244; para 3. fundamental changes, so that it can be adapted to the new needs.

Careful use of manpower, employing the best men on functions most vital to the community, is essential, not merely for the efficiency of administration, but for the success of planning itself.

Measures for the improvement of public administration:—

Page 246; para 8. (i) Greater integrity

Page 246; para 9. (ii) " efficiency

(iii) " response to public needs.

Principal factors to increase the efficiency of administration are:—

Page 247; para 11.
(1) Right selection of personnel;
(2) Proper training;
(3) Efficient methods of work and organisation;
(4) Fixing of responsibility etc.;
(5) Improvement in the conditions of service.

Under democratic conditions, the response which an administration makes to the needs and views of the public is of the greatest significance for two reasons:—

Page 247; para 12.
(1) There is no surer test of the success of a policy than that it should be in tune with the genuine needs of the people and should receive their sympathy and goodwill;
(2) It suggests the need in all spheres which affect the public, of taking its best elements into confidence, seeking their advice and formulating policies so that they should afford the maximum public satisfaction.

The entire system of local government in India, it is urged, is based on the principle that certain functions are in part assigned

Page 247; para 15. to local bodies which are not merely outside the main structure of the administration, but are so starved of financial resources that they can achieve little.

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President Model



Visited the Fire Equipment Stall of Messrs. Kooverji Devshi & Co., Ltd., and am very glad to know that this Indian firm has taken up manufacturing fire equipments. I have checked some of the spare parts and I find that they are more or less upto the standard. The "FIRE-MASTER" is really a heavy unit and if water supply is available it is powerful pump to operate and can give at least 4 good jets. I hope their designs will improve and come up to the standards of other countries.

S. C. Chatterjee
B.A. Cantab. I. Fire E (Lond.)
Dy. Fire Officer,
West Bengal Fire Service.

e-3-51.

I have inspected the "FIRE MASTER" Model Fire Fighter manufactured by Messrs. Kooverji Devshi & Co. Ltd., Bombay, and I am much pleased to state that this heavy fire fighting unit possesses the ability and capacity to stand and fight against any sort of huge fires. The double arrangement of one trailer pump and one centrifugal pump both working independently shows best engineering workmanship and ensures efficiency and smooth running in case of emergency. I have seen the demonstration of the engine and I am entirely satisfied. I congratulate the above firm for their best efforts in the line and wish them every success.

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Fire Supdt. Central Secretariat.
C. P. W. D., New Delhi.

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M. G. Pradhan,
Chief Officer,
Bombay Fire Brigade.

Bombay Municipality.
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BOMBAY MARCHES ON....

LOCAL SELF-GOVERNMENT

(A Review of the Work and Activities of the Government of Bombay during the quinquennium 1946-1951.)

FOREWORD

WITH THE ATTAINMENT OF INDEPENDENCE in 1947, we have entered upon a new era full of promise and hope. In its long and chequered history, our country has gone through various vicissitudes and has seen many ups and downs. But all through this intricate and fascinating web of its history of varying fortune and prosperity, one thing stands out as clear as broad daylight, and that is, India has lived from times immemorial in those tiny and scattered conglomerations of human beings we have known as villages. Even in these days of modern industrialisation, this pattern of our life has not undergone any considerable change. That is why Gandhiji insisted that in the reconstruction of our Nation, "the village" should be made the pivotal point. We have consistently kept this advice before us while chalking out our policies. The Government has made special efforts to reorganise and revitalise the local bodies in the rural areas. At the same time, we have also not neglected our local bodies in the urban areas, namely, the Municipalities and the Corporations.

THE FACTUAL INFORMATION given in this brochure will clearly show that the Government has during the last five years, persued a dynamic policy in relation to our local bodies. In their reorganisation we have done away with the cankers that have eaten at the heart of our democracy like separate electorates and communal representation (except as provided for under the Constitution); we have introduced new principles such as those of adult franchise and of the distributive system of voting which, in the end, should prove strong and healthy influences in the sphere of local self-government. And, above all, we have given generous financial aid to the local bodies in the form of new grants and by enhancing the scales of the old ones; this has gone a long way in revitalising these institutions, not a few of which were standing on tottering legs. We have encouraged them to take up various schemes like water supply, drainage, construction of Harijans' Quarters, preparation of master plans..etc., by affording substantial help for such useful purposes. We have endeavoured to remove the various defects in their working by undertaking special legislation. We have created two new Municipal Corporations. We have appointed Divisional Directors of Local Authorities to supervise and guide the local bodies and have also set up an organisation of Special Village Panchayat Officers to guide our village panchayats

IN A WORD, we have endeavoured to reform, reorganise and revitalise our local bodies at every point. To put it concretely, we have given the local bodies, the tools and resources they needed. It is for these bodies now to use these tools and resources in the interest of the community in general. Success depends upon how these are used by the representatives of our people who constitute these local bodies. I am certain that with the generous treatment which the local bodies have received and can expect to receive in future from Government, their representatives, will, by their selfless devotion to duty, make the local bodies the success that every one of us would wish them to be.—JAI HIND.

G. D. Vartak,
Minister for Local Self-Government.

LOCAL SELF-GOVERNMENT

A REVIEW OF PROGRESS, 1946-1951

Democratisation, decentralisation and sound local finance are the key-notes of the Government's policy in the administration of local self-governing institutions in Bombay State. There are four types of local self-governing units in the State. The Village Panchayat, or the Gram Panchayat is the smallest unit catering to the needs of the villages. Next in order come District Municipalities and Municipal Boroughs established in areas more developed than villages and lastly Municipal Corporations. The District Local Boards are concerned with works of general utility and activities pertaining to the whole district. It is the policy of the Government to give more and more power to the local bodies and where control is exercised, to use it solely for the purpose of safeguarding the interests of the tax payers, especially where Government funds have been lent for local purposes. The Government has appointed Directors of Local Authorities for the three Divisions, namely the Northern Division, Central Division and Southern Division, with effect from August 15, 1950. They exercise the same powers, statutory and non-statutory, which the former Divisional Revenue Commissioners were exercising in relation to local bodies. In addition, they undertake extensive tours to inspect local bodies and adopt measures to tone up the administration of these institutions.

The success of democracy depends largely on the proper working of the local self-government institutions. In April 1946, when the present Ministry assumed office, the whole administration of local bodies in the State required reorganisation to suit the needs of changed times. This meant the overhauling of the entire machinery and refitting it with improved devices so as to make it work efficiently.

Within few months of its coming into power, the Government took up the question of amending the existing laws governing the local bodies with a view to investing them with additional powers and duties. Large resources including Government grants and assignment of fresh fields of taxation, have been placed at the disposal of the local bodies to enable them to function effectively in the new set-up.

ABOLITION OF SEPARATE ELECTORATES

A perfectly elective element has been introduced in the constitution of the Village Panchayats, District and Borough Municipalities and District Local Boards. One of the first steps taken by the present Government to democratise the local self-government institutions was to abolish the system of separate electorates, thereby doing away with communal representation which was the bane of public life for several years and which adversely affected their administration. In 1947, the Bombay District Municipal Local

Boards and Municipal Boroughs (Amendment) Act, was passed. This Act abolished the separate electorates in District Local Boards and Municipalities and introduced joint electorates with reservation of seats on population basis for Muslims and other minority communities.

In order to bring the provisions of the Bombay District Municipal Act, 1901, the Bombay Local Boards Act, 1923, the Bombay Municipal Boroughs Act, 1925, and the Bombay Village Panchayats Act, 1933, in line with the provisions of the Constitution of India, reservation of seats from District and Borough Municipalities and District Local Boards and Village Panchayats was abolished except for Scheduled Castes, Scheduled Tribes and women, for whom seats will continue to be reserved for a period of ten years. In accordance with the provisions of the Constitution of India, the Government also introduced in local bodies the adult franchise.

DISTRIBUTIVE SYSTEM OF VOTING

The election rules of local bodies were modified to make way for the distributive system of voting. Under this system every voter can give only one vote to one candidate and can elect as many candidates as there are seats in a ward. The system was recommended by the Local Self-Government Committee appointed by the Government in 1939. After examining the working of the distributive system in Ahmedabad and the cumulative system in other parts of the State, the Committee came to the conclusion that the cumulative system of voting tended to emphasise, widen and perpetuate communal and sectional differences which the distributive system would help to prevent.

The cumulative system of voting enabled a candidate to secure election with the solid support of a comparatively small minority of voters. Encouragement was thus given to the candidate to canvass support from a narrow section of the electorate, instead of making an appeal to the whole electorate, which is the essence of the democratic system of representation. Even in the case of candidates standing in a group, the cumulative system of voting encouraged individual candidates to work for their own return at the expense of their colleagues.

In the smaller local bodies where voters are few, the cumulative system opened the door for the adoption of questionable means of securing votes. The inevitable result was that many candidates were returned who owed their allegiance only to a narrow section of the electorate and who were not committed to work with any organised group for a definite programme. Very often there were deadlocks providing a handle for personal and sectional interests to dominate in local administration.

The distributive system of voting in multi-member constituencies has provided in the existing circumstances, the only practic-

able alternative. Every candidate is compelled to make an appeal to the whole electorate and not to a section. What is even more important, every successful candidate becomes accountable to his colleagues and to the general electorate for his actions and is prompted to subordinate his personal or sectional interest to the common good. The establishment of well-organised and closely-knit parties with a definite programme having a general appeal is encouraged and every such party has a fair chance of swinging opinion in its favour.

VILLAGE PANCHAYATS

The conception of Government through Village Panchayats is, indeed, as old as the Indian history itself. In an economy where self-sufficiency was the rule, Village Panchayats took very rapid roots and became the most important units of the administration. With the advent of the British Rule, however, the Panchayat system began to decay and gradually withered away.

The first attempt to revive the Village Panchayat was made in the State in 1920. But because of the lack of sustained efforts, it could not meet with much success. A really great step forward in the direction was undertaken by the first Congress Ministry in 1939, when it carried out amendments of far-reaching character and importance to the Bombay Village Panchayats Act. But after the resignation of the Ministry, the reforms it introduced were not pursed with sufficient vigour, with the result that no progress was registered in the field of Panchayat administration.

The first Congress Ministry had fully realised the great role the Village Panchayats were destined to play in the administration of the State. The present Ministry, therefore, took up the question of revitalising the Village Panchayats in right earnest immediately it assumed office. After careful consideration, the Ministry came to the conclusion that unless adequate financial resources were made available to the Panchayats and they were allowed the greatest practicable freedom in determining how their resources should be utilised for local betterment, no real progress was possible. Legislation amending the Bombay Village Panchayats Act, 1933, was, therefore, undertaken in September 1947, which, though appeared simple on the surface marked a far-reaching change in the Government's policy.

Under the new legislation, it is obligatory for the Government to establish a Village Panchayat in every village with a population of 2,000 and above. Villages with a population of less than 2,000 can also have Panchayats if Government so desires. The Government has, however, accepted the policy that the population limit need not be insisted upon and Panchayats may be established in villages with a population below 2,000, provided effective co-opera-

tion in efficiently running the Panchayat is assured. As a result, there has been a considerable increase in the number of Village Panchayats in the State. Their number which stood at 1,400 in April 1946 rose to 3,825 by March 1951. In addition as many as 1,834 villages have been declared as "villages" under section 4 of the Bombay Village Panchayats Act, where Panchayats would soon start functioning. The Village Panchayats established in the merged area of the State are deemed as Panchayats established under the Bombay Village Panchayats Act and treated on the same level as other Panchayats.

The Village Panchayat Secretary is no longer a government servant. He is appointed by the Panchayat and is fully under its control. A recent amendment of the Village Panchayats Act has enabled the smaller Panchayats situated within a distance of three miles to have a common secretary.

IMPROVEMENT OF FINANCES

The first step in revitalising the Village Panchayats was naturally to improve their financial position. Additional sources of revenue have been placed at the disposal of the Panchayats to enable them to function effectively. In addition to the compulsory levy of a tax on houses and lands not subject to agricultural assessment, Village Panchayats can now levy all or any of the following taxes:—(a) a pilgrim tax; (b) a tax on fairs, festivals and entertainments; (c) a tax on sale of goods; (d) octroi; (e) a tax on marriages, adoptions and feasts; (f) a tax on shops and hotels; (g) a tax on premises where machinery is run by steam, oil or electric power for any purpose other than domestic or agricultural purposes; (h) a fee on markets and weekly bazaars; (i) a fee on cart-stands.

Besides the powers of taxation vested in Village Panchayats, the Government has further given direct financial assistance to the Village Panchayats. Provision has been made in the Village Panchayats Act to sanction a grant equal to 15 per cent. of the land revenue or 25 per cent. of the local fund cess collected in the village, whichever is greater. The Act also provides for the payment of a grant equal to three-fourths of the salary of the secretary of a Village Panchayat.

In addition to these two statutory grants, the Government gives grants equal to 50 per cent. of the expenditure incurred by the Village Panchayats on payment of dearness allowance to their staff.

The following figures show the extent of financial assistance granted by the Government to Village Panchayats during the six years ending March, 1952:—
Rs. 4,26,000 (1946-47); Rs. 6,87,450 (1947-48); Rs. 22,51,165 (1948-49); Rs. 24,21,230 (1949-50); Rs. 33,72,785 (1950-51); Rs. 37,98,190 (1951-52).

GUIDANCE IN ADMINISTRATION

Legislation and financial assistance alone cannot secure efficient village administration. The Government has, therefore, set up a machinery to give the necessary guidance in administration to the various Village Panchayats. Special Officers of the rank of Mamlatdars and honorary organisers have been appointed to advise and assist the Village Panchayats in the proper exercise of their powers and performance of their duties.

EXPANSION OF FUNCTIONS

Steps have been taken to expand the functions of the Village Panchayats with a view to enabling them to serve the local interests on a much broader basis than before. By amending the Village Panchayats Act, additional powers and duties have been conferred on the Panchayats. This is also a step in furtherance of the Government's policy of decentralisation. Most of the functions relating to village administration have now been given over to Village Panchayats. Some of these functions, such as water supply for domestic use, cleaning of public streets, etc. are obligatory; while others like the improvement of agriculture, establishment of granaries, village libraries, etc., are optional. A glance at sections 26 and 26A of the Village Panchayats Act will show that a Panchayat can undertake and carry out almost every possible activity that will result in furthering the welfare of the villager.

NYAYA PANCHAYATS

One of the important functions that the Village Panchayats have to perform in the new set up relates to the exercise of certain judicial powers. Nyaya Panchayats have been constituted from amongst the elected members of the local Panchayats. In the initial stages, Nyaya Panchayats have been invested with powers to try minor offences and settle disputes of ordinary character; but provision has been made to confer wider powers on Panchayats as they gain experience. Section 41 of the Village Panchayats Act gives details of these powers.

It is common experience that in order to settle even their minor disputes, the villagers have often to travel long distances to the court of a magistrate or a civil judge which is generally situated in a taluka town. The procedure involved at these courts is also complicated and lengthy even though the disputes may be petty and the facts quite clear. The villagers are thus put to much inconvenience, delay and expense. The Nyaya Panchayat does away with these difficulties. The procedure followed by it is quite simple. Many of the formalities have been dispensed with. Appearance of the advocate is prohibited by law. The trial is conducted by the Panchas in the presence of the village public who are generally in the know of facts

WATER SUPPLY

Water supply is an obligatory responsibility of a Village Panchayat. The Government has, however, embarked on a beneficent programme to provide adequate drinking water in villages with a population of 200 and above and in villages with a population of 100 and above in backward areas, where there are no such facilities. The scheme has since been extended to the areas of merged States. A sum of Rs. 221 lakhs was allotted by the Government for village water supply schemes for the first five years of its post-war reconstruction programme. During the period from March 1947 to March 31, 1951, in all 3,182 village water supply works were completed. Works in progress on that date totalled 1,992. The expenditure incurred on this account is as follows:—

1946-47	...	Rs. 39.63 lakhs.
1947-48	...	Rs. 17.35 lakhs.
1948-49	...	Rs. 47.82 lakhs.
1949-50	...	Rs. 77.11 lakhs.
1950-51	...	Rs. 45.32 lakhs.

In special cases, that is, in cases where it is not possible to obtain drinkable water by sinking wells, construction of bandharas or installation of pipe system has been undertaken. In such cases, the extent of Government assistance is 60 per cent. of the estimated cost of the scheme, the balance being provided by villagers themselves or by loans from Government. Grant-in-aid equal to 60 per cent. of the cost of the scheme is also paid to Panchayats desiring to have pipe water if water is not available at a reasonable distance from the village and at a reasonable depth. If, however, pipe water is desired merely for the convenience of the villages, the assistance is limited to 50 per cent. of the total cost. This has provided another useful field of activity for the Panchyats and many have come forward to take advantage of the scheme.

QUARTERS FOR HARIJAN EMPLOYEES

Assistance is given to Village Panchayats constructing houses for its Harijan employees. In such cases, the Government will sanction to the Panchayat concerned a grant equal to 50 per cent. of the estimated cost of the project. It is expected that a large number of Panchayats will take advantage of this concession and construct quarters for their Harijan employees.

MUNICIPALITIES

The total number of Municipalities in Bombay State including the Municipal Corporations of Bombay, Poona and Ahmedabad, is 233. The main efforts of the present Government were directed towards improvement of the financial condition of municipalities.

Most of them found it difficult to meet the increased cost of administration and could hardly provide to the public in their areas the necessary amenities and services. They were also unable to meet the pressing demand of their employees for the revision of pay scales and grant of dearness allowance. It was, therefore, necessary to get the whole question of municipal finance properly examined with a view to locating their untapped sources of income and assessing the financial aid they required from the Government. A Committee was appointed for this purpose in 1947. In pursuance of the recommendations of this Committee, the Government has sanctioned financial assistance to municipalities as follows:—

(i) Grants-in-aid equal to 50 per cent. of the expenditure incurred by the municipalities (except the Municipalities of Ahmedabad, Surat, Poona City and Sholapur) on payment of dearness allowance to their entire staff. The municipalities of Surat, Poona City and Sholapur were, however, paid grants equal to 25 per cent. of the expenditure incurred by them on payment of dearness allowance to their staff during the year 1949-50;

(ii) Grant-in-aid equal to 75 per cent. of the non-agricultural assessment and 15 per cent. of the land revenue excluding non-agricultural assessment collected within the respective municipal areas.

The expenditure incurred by the Government on dearness allowance grants alone amounted to Rs. 32 lakhs in 1948-49, Rs. 50 lakhs in 1949-50 and Rs. 63 lakhs in 1950-51. Grant of financial assistance of this nature to municipalities it may be noted, constitutes an important departure from the policy followed by the previous Government, which, as a rule, did not entertain requests from municipalities for financial assistance towards the cost of administration.

In addition to financial aid the Government has given valuable assistance to municipalities in the correct assessment of their taxes. In many municipal areas properties were under assessed. The rates of taxes also varied. Government officers were deputed to municipalities to undertake the work of revision of assessment lists and the municipalities concerned were required to raise their property taxes to a reasonable uniform level.

BONUS TO SANITARY STAFF

The sanitary staff of several municipalities threatened to go on strike if their demand for bonus was not granted. The municipalities with their meagre resources were unable to pay the bonus without additional financial assistance from the Government. Grants were, therefore, sanctioned by the Government to municipalities and Notified Area Committees for the payment of bonus to their sanitary staff at the rate of Rs. 25 for each member of the sanitary staff whose salary did not exceed Rs. 200 per month and

who had completed one year's service on January 1, 1947, and a proportionate grant in respect of those with less than one year's service to their credit. The municipalities, on their part, were requested to contribute an equal amount from their own funds. This was not, however, made a condition to the payment of Government grant. The bonus was sanctioned on the eve of Independence Day and is generally known as Independence Day Bonus.

WATER SUPPLY AND DRAINAGE SCHEMES

The policy and programme of the Government have been directed towards making the towns and cities in the State clean and healthy. Building houses and laying out roads on a previously planned basis, construction of footpaths, bridges and tunnels, slum clearance, supply of drinking water and construction of drainage works are some of the important items included in the Government's programme of improving the administration of local bodies. The programme is being implemented by giving financial and other assistance to local bodies, widening their powers and toning up their administration.

Provision of adequate supply of water and drainage facilities is one of the "must" duties of municipalities. It was, however, found that municipalities were unable to discharge this obligation entirely from their own funds. The Government, therefore, decided in 1942 to give grants-in-aid to municipalities towards water supply and drainage schemes. The extent of assistance is limited to 33⅓ per cent. of the gross estimated cost of the schemes undertaken by borough municipalities. In the case of district municipalities it is 50 per cent. Approval of the scheme by the Government and genuine inability of the municipality to finance the cost of the scheme entirely from its own resources are two important conditions laid down in sanctioning the grants.

The response from the municipalities to the scheme has been satisfactory. As many as 26 water supply and drainage schemes estimated to cost Rs. 3.27 crores are now under execution by the Government's Public Health Engineer. Nine other schemes estimated to cost Rs. 3 crores are being executed under his general supervision by the local bodies themselves. Seventeen new schemes have been approved by the Government recently, while 56 schemes involving considerable expenditure are under preparation. These apart, important schemes like the Neersagar Water-supply Scheme for Hubli and Dharwar and the Belgaum Water supply Scheme are being financed entirely by the Government.

The water-supply scheme has since been extended to the merged areas. The rough cost on this account during the first quinquennium of the post-war reconstruction period is expected to be in the neighbourhood of Rs. 50 lakhs. The expenditure incurred by the Government on payment of grants to municipalities for water

supply and drainage schemes amounted to Rs. 2.90 lakhs in 1946-47, Rs. 9.17 lakhs in 1947-48, Rs. 4.16 lakhs in 1948-49, Rs. 6.74 lakhs in 1949-50 and Rs. 18 lakhs in 1950-51.

SLUM CLEARANCE

Assistance is given to municipalities for slum clearance in backward class localities, in their areas. A sum of Rs. 2 lakhs is provided annually during the past two years for this purpose. Improving Harijan localities, shifting them to sites having better sanitary facilities and removal of obnoxious trades, such as tanneries from the backward class localities, are some of the principal features of slum clearance work. Subject to funds being available, grants are sanctioned for this purpose to borough municipalities including Ahmedabad and Poona Municipal Corporations up to a maximum of 33 1/3 per cent. and to district municipalities up to a maximum of 50 per cent. of the cost of the schemes from the provision of Rs. 2 lakhs mentioned above. The maximum amount so paid to a local body in any single year is limited to Rs. 50,000 and is given on condition of prior approval of the scheme by the Board of Health and genuine inabiliy of the local body to meet the cost of the scheme from its own funds.

HOUSING OF HARIJAN EMPLOYEES

The question of the housing of Harijan employees of local bodies, such as municipalities and District Local Boards had engaged the attention of the Government for a long time. In 1940, the Government advised the municipalities to take vigorous steps to provide suitable dwellings in healthy localities for their Harijan employees. For this purpose, the Government had type plans and estimates prepared by its survey and engineering experts. These were supplied to the municipalities for guidance. Very few municipalities could, however, do anything substantial in this respect. Scarcity of building materials apart, the main difficulty, was lack of finance. Realising the urgency of the problem as also the inability of the local bodies to solve it effectively without outside help, the Government decided to give them assistance in the form of subsidies, grant of free lands for building houses, free technical advice and assistance in obtaining building materials. Subsidy is granted at the rate of 33 1/3 per cent. of the total cost inclusive of the cost of site in the case of borough municipalities. It is 50 per cent. in the case of district municipalities, Village Panchayats, District Local Boards and notified area committees and individuals and associations interested in the welfare of Harijans. Grants for housing of Harijan employees and slum clearance paid to municipalities in 1950-51 totalled Rs. 2,58,000.

GRANTS FOR PUBLIC HEALTH MEASURES

Grants are paid to municipalities towards their expenditure on anti-epidemic measures. The condition for this grant is that the applicant municipality should have incurred a minimum expenditure equal to 4 per cent. of its total income on medical and public health measures, during the year for which the grant is sanctioned. At present, however, grants for this purpose are sanctioned at the rate of 50 per cent. of their expenditure on anti-epidemic measures irrespective of their financial position. Grants are also paid to municipalities equal to half of the expenditure incurred by them on salaries of Medical Officers of Health and one-third on account of the expenditure incurred on sanitary inspectors.

The extent of assistance granted to Municipalities and Local Boards during past five years on account of anti-epidemic measures was as follows:—

	Municipalities	Local Boards
1946-47	... 2,28,073	3,18,642
1947-48	... 31,454	1,07,951
1948-49	... 24,771	35,846
1949-50	... 18,887	8,849
1950-51	... 74,507	70,769

MASTER PLANS FOR TOWNS AND VILLAGES

With a view to improving the living conditions in towns and villages, a provision of Rs. 3,76,000 has been made for expenditure on the preparation of master plans for towns and villages, during the first five years of the Government's post-war reconstruction programme. Under this scheme, the Government intends to provide a master plan for each village and town in the State with a population of 2,000 and above. The plans would provide the basis on which the development of a village or town should proceed.

There was a general complaint that a town planning scheme took considerable time, in fact several years, before it reached the final stage and came into effect. Considerable time elapsed in the finalisation of the works, such as construction of roads, layout of water mains, drainage and lighting, contemplated under the scheme. Legislation amending the Bombay Town Planning Act was, therefore, brought in to remedy this defect. Under the new Act, there is option to split up a draft scheme into sections so that areas ripe for development need not have to wait until other undeveloped areas have also gone through the procedure prescribed under the Act. Broad aspects of the scheme, such as alignment of roads and reconstitution of boundaries of plots in areas ready for development, can be prepared ahead of finalisation of detailed financial implications. The local authority can acquire land necessary for

roads and other public purposes which was otherwise held up until the enforcement of the final scheme.

SPECIAL ASSISTANCE TO BARODA MUNICIPALITY

Special *ad hoc* grants have have been sanctioned by the Government to the Baroda Muncipality to enable it to meet its additional responsibilities. It was represented to this Government that the former Baroda Government assisted the Baroda City Municipality financially by payment of annual grants, totalling Rs. 6,81,125 for maintenance and repairs to roads, for expenditure on account of dearness allowance to the municipal employees, for maintenance of the zoo in the city public park and for maintenance of the local isolation hospital. In addition the municipality was allowed to retain the receipts from entertainment tax which amounted to Rs. 3,25,000. The management of the city's electric supply concern together with its assets was also handed over to the municipality as a parting gift and a new source of revenue to it, by the Baroda Government.

Many of the grants either discontinued or reduced when the municipality was brought in line with other municipalities after the merger of Baroda in Bombay State. As a result the municipality found it difficult to meet its existing as well as additional obligations. Some special assistance was justified until the municipality found new sources to augment its income. After full consideration of the issues involved the Government sanctioned to the municipality, as a special case, *ad hoc* grants for four years from 1949-50 as follows: 1949-50—Rs. 6 lakhs, 1950-51—Rs. 4½ lakhs, 1951-52—Rs. 3 lakhs and 1952-53—Rs. 1½ lakhs.

As many as 14 water supply and drainage schemes were under execution at the time of the merger of Baroda State with Bombay. The total estimated cost of these schemes was in the neighbourhood of Rs. 105 lakhs. The percentage of financial assistance by way of grants-in-aid sanctioned by the former Baroda Government varied from 25 to 66⅔. In addition loans had been promised to municipalities concerned for the execution of these schemes. Normally it is the policy of the Government to advise municipalities to raise loans in the open market if they required funds over and above the financial assistance usually sanctioned by the Government for such schemes. As a special case, however, the Government decided to continue the schemes which were taken up for execution by the Baroda Government. The execution of the schemes is now in progress.

Grants of Rs. 20,000 and Rs. 19,000 were also sanctioned to the Devgadh Baria and Dharampur municipalities respectively to enable them to tide over their financial difficulties.

MUNICIPALITIES FOR SMALL TOWNS

Municipalities are to be established in smaller towns which have sufficiently developed or are likely to develop. The Notified Area Committees at Malad, Kandivli and Borivli have been converted into municipalities. A municipality is also being established at Mulund. The Post-War Reconstruction Conference held at Jalgaon in 1947 had suggested that municipalities should be established under the Bombay District Municipal Act, 1901, in all villages and small towns in the State having a population between 5,000 and 10,000. After careful consideration of this suggestion, the Government has decided to establish municpalities in all places in the State which have a population of 10,000 and over and which are industrially or otherwise developed or are in the process of development and which can be expected to have at least an annual income of Rs. 40,000. In accordance with this decision, the proposal to establish municipalities at Ambernath and Dombivli and at Kurduwadi in Sholapur district is at present under consideration.

The Government has authority to supersede persistently defaulting or incompetent municipalities. However this power is exercised in very few cases and on serious and weighty grounds. Where advice and guidance from Government are likely to improve the position these are given without any reservation. Sufficient time is also given to the defaulting municipalities to set their affairs in order. Recently the municipalities of Godhra, Rander and Palanpur, which were under supersession. have been restored to the elected bodies who are now conducting the administration.

By amending the Bombay Municipal Boroughs Act, 1925, and the Bombay District Municipal Act, 1901, municipalities have been authorised to frame by-laws requiring owners of residential buildings to make provision for supply of sufficient and wholesome water to residents. Municipalities are also required under the Act to make provision for the conservation of night-soil and street garbage and to convert them if so required by the Government, into compost manure. In order to alert municipalities in time of the approaching danger to public health, provision has been made in the Acts requiring municipalities to get the water supplied by them to the public analysed and tested at a laboratory approved by the Government.

DISTRICT LOCAL BOARDS

Steps have been taken by the Government to augment the financial resources of District Local Boards by giving them statutory and other grants. Including the District Local Committees of Management at Sabarkantha, Banaskantha and Satara South and the District Rural Development Board, Dangs, there are in all 27 District Local Boards in Bombay State. The District Local Committees of Management and the District Rural Development Board, Dangs, were constituted to meet the exigencies of administration

consequent on the merger of certain ex-state territories in Bombay, but they enjoy the same powers and status as other District Local Boards.

The Bombay Local Boards Act and the Bombay Primary Education Act were amended to enable the District Local Boards to meet the increased expenditure on primary education, construction of roads, prevention and control of epidemics and other obligatory duties. The amending legislation provides for the compulsory levy by the Boards of local fund cess on land revenue at a uniform rate of 3 annas per rupee. The maximum rate of water cess levied by the District Local Boards was also revised and increased from 2 annas to 3 annas in the rupee. The Government is how bound by law to pay to each District Local Board a grant equal to 15 per cent. of the ordinary land revenue including non-agricultural assessment realised during the preceding year in the district, excluding the areas under the jurisdiction of Village Panchayats and municipalities. The grant is subject to the condition that the Board spends in each taluka at least 75 per cent. of the amount realised from that taluka on the basis of 15 per cent. of land revenue grant . The Boards are no longer under the obligation to contribute a portion of the local fund cess received by them to Village Panchayats.

In the case of District Local Boards which have large forest areas under them and as such are unable to derive appreciable benefit from the 15 per cent. land revenue grant, the Government has decided to pay with effect from 1949-50 to each District Local Board a grant-in-aid equal to 2 per cent. of the gross forest revenue realised during the previous year in the Board's area. The grant is subject to the condition that the share of the forest revenue so received by the Board is utilised for the construction and maintenance of roads and provision of medical relief to forest dwellers in addition to the expenditure on these items which the Board would have normally incurred in that year.

Grants have been sanctioned on a liberal scale to the Local Boards for purposes of local public works and for the construction of village approach roads and culverts and bridges on the main arteries of communication in rural areas. In addition, the Government, as a measure of further relief to the District Local Boards, has been paying a grant-in-aid equal to 50 per cent. of the expenditure incurred by them on account of payment of temporary additional pay and dearness allowance to their employees.

The following figures show the extent of assistance granted by the Government under different heads to the District Local Boards during the years 1946-47 to 1951-52:—

Rs. 14,83,000 (1946-47); Rs. 26,60,500 (1947-48); Rs. 67,93,010 (1948-49); Rs. 75,85,760 (1949-50); Rs. 1,05,61,200 (1950-51); Rs. 94,03,175(1951-52).

GRANTS FOR PRIMARY EDUCATION

Financial relief was given to the District Local Boards in regard to their expenditure on primary education. To start with they were given a grant at the rate of two-thirds of their admissible expenditure on primary education. The remaining one-third of the admissible expenditure was met by the Boards from their own resources.

With the increase in the cost of living and consequent demand of the primary teachers for higher pay and allowances, the Boards found it increasingly difficult to bear the one-third share of expenditure from their own resources. The Government came to their rescue and agreed to bear the entire admissible expenditure provided the Boards raised the local fund cess to 3 annas and earmarked 15 pies for primary education. However, with the introduction of the new Bombay Primary Education Act on April 1, 1949, the Boards ceased to have control over primary education which passed into the hands of District School Boards. The Government has agreed to bear all the expenditure of these Boards which is in excess of the receipts accruing to them in the shape of contributions from non-authorised municipalities, contribution from District Local Boards and fees and fines. The rate of contribution from the District Local Boards has been fixed at 15 pies in every rupee of the local fund cess. Contributions from the non-authorised municipalities are assessed on the basis of the rateable value of properties in their areas. Practically 90 to 95 per cent. of the Boards' income comes from the Government.

Assistance is also granted to authorised municipalities. In the case of bigger municipalities of Ahmedabad, Poona, Surat and Sholapur, the Government shares half of the expenditure on compulsory education. As regards non-compulsory items, the Government bears one-fourth of the expenditure on these items in the case of Ahmedabad Municipality. In the case of Poona, Surat and Sholapur municipalities, the Government's share is limited to one-third. In respect of other smaller municipalities, the Government bears half of their expenditure on admissible as well as compulsory scheme items. The Government's contribution towards expenditure on primary education for the year 1945-46 was Rs. 1,07,05,080, while the District Local Boards contributed Rs. 80,93,059. The corresponding figures for 1950-51 were Rs. 6,31,64,286 and Rs. 77,00,000 respectively.

Improvements have been effected from time to time in the Bombay Local Boards Act. Payment of octroi is now a personal liability and an officer of a Local Board, in certain circumstances, can board a vessel carrying goods leviable with octroi and take steps for the recovery of octroi dues in the manner provided. A President or Vice-President of a Local Board removed from office for misconduct, neglect or incapacity to perform his duty, is

debarred from seeking re-election or appointment to an office under the Board during the remainder of its term of office. Privision has also been made for disqualifying a member of a Local Board who participates in any transaction of loan with any officer or servant of the Board.

MUNICIPAL CORPORATIONS

While the Village Panchayat is the smallest unit in the sphere of local self-government the highest status which a local body can aspire to reach in that sphere is that of a municipal corporation. The present Ministry has given the same attention to the growth and development of municipal corporations as it has developed to the growth of Village Panchayats. The dream of a "Greater Bombay", which was talked of so much in the past, has now become a reality.

Until quite recently there was only one municipal corporation in Bombay State, viz., the Bombay Municipal Corporation. The Government had long ago accepted the need of having a unified system of local government in Poona where several local bodies had jurisdiction. The Ahmedabad Municipality was also pressing that it should be converted into a municipal corporation. Special legislation was necessary before new municipal corporations could be established. The necessary comprehensive legislation, which has enabled the Government to establish municipal corporations at Poona and Ahmedabad and which will enable the Government to establish municipal corporations in any other area, was enacted in 1949. This legislation is an important landmark in the field of local self-government.

GREATER BOMBAY

The idea of creating "Greater Bombay" by the amalgamation of the suburban local bodies with the Bombay Municipality was an old one. It was first conceived in 1909 when the Governor-General-in-Council invited the opinion of important representative bodies in Bombay on various points including the development of Trombay Island as a residential area. Committees were appointed from time to time to consider the question of Greater Bombay. For one reason or another, the matter was not proceeded with.

The question came to the forefront again in 1938 during the time of the last Congress Ministry mainly on account of the necessity of having co-ordinated police jurisdiction over the city and the suburbs. The Congress Ministry resigned before the question could be decided. The Advisers' regime which succeeded the Congress Ministry took up the question and so far as the extension of the police, judicial and magisterial administration was concerned, the reform was introduced in 1945 by the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945. The question of extension of the jurisdiction of the Bombay Municipality

to the Greater Bombay area was also considered by the Advisers' regime but it was decided that no radical change was called for in this direction during the suspension of popular Government.

The rapid growth of the population of the city in recent years, the absence of any scope for expansion within its present limits, the growing dependence of the suburbs on the city for essential services like water-supply, medical relief and fire-fighting and the urgent necessity of co-ordinating the development of the suburbs with the programme of slum-clearance and housing in the city had made the unification of the municipal administration of the city and suburbs inevitable. The presence of a large number of small local bodies was an impediment to co-ordinated and planned development of the whole area which is an organic whole.

This important question was taken up by the present Ministry in 1946 soon after it assumed office. Special legislation was brought in for this purpose and the reform was introduced on April 15, 1950. The new area now brought under the jurisdiction of the Bombay Municipality covers nearly 62 square miles as against the area of the city which is 26 square miles. The new area includes the following:—

(i) The five municipal areas of Bandra, Parle-Andheri, Ghatkopar-Kirol, Kurla and Juhu.

(ii) Twenty-eight villages of the Bombay Suburban District which had already been included in Greater Bombay for the purposes of police, judicial and magisterial purposes, by the Greater Bombay Laws and the Bombay High Court (Declaration of Limits) Act, 1945, and

(iii) Fourteen more villages from the Thana District. The most important of these is Bhandup which is fast growing as an industrial area.

FINANCIAL ASSISTANCE

The amalgamation of the suburban areas with the Bombay Municipality has placed a heavy responsibility on it. The people in the suburbs would now naturally expect the municipality to provide the same civic amenities as are enjoyed by the residents in the city. The Corporation is taking steps to provide them. But this will take time and require finance which is beyond the capacity of the Corporation. The Government has realised the difficulties of the Corporation and in order to enable it to tide over them, has sanctioned the following grants for a period of ten years:—

Recurring Grants—(1) A grant equal to 50 per cent. of the expenditure incurred on the payment of dearness allowance to the municipal staff employed for the suburban area excluding all supervisory staff whose sphere of duties extends beyond the suburbs and the primary education staff; (2) a grant equal to

75 per cent. of the non-agricultural assessment and 15 per cent. of the land revenue other than non-agricultural assessment realised by Government in the suburbs during the year; and (3) a fixed grant equal to the average for the three years ended the March 31, 1950, of the aggregate grants paid to the local bodies in the suburban areas for hospitals and dispensaries.

Non-Recurring Grants—A grant equal to one-third of the expenditure incurred on the extension and improvement of—(a) water-supply, (b) sewerage, and (c) surface drains in the suburbs, subject to a maximum aggregate grant of Rs. 90 lakhs spread over a period of 10 years.

Prior to the establishment of Greater Bombay, the State Government had not given any financial assistance to the Bombay Municipality except when *ad hoc* grants were paid during the last three years to enable the municipality to tide over temporary financial difficulties. The substantial financial assistance given to the municipality now and which is to continue for 10 years is an indication of the keen desire of the Government to improve the conditions in the suburbs.

As the suburbs will have their own special problems for some years to come, the Corporation has been given powers to appoint, if necessary, a special Deputy Commissioner for the suburbs. All the employees of the local bodies in the suburbs except the employees of the District Local Board and the District School Board, Bombay Suburban District, have as far as possible been taken over by the Bombay Municipality. As a part of the area under the District Local Board, Bombay Suburban District, was merged in the Thana district and a part in the Bombay Municipal Corporation. The staff of the District Local Board and the District School Board has been divided between the Bombay Municipal Corporation and the District Local Board and the District School Board, Thana.

For a period of one year, taxation in the suburbs was continued at the same rates as those prevaling before the merger of the suburban areas. Ordinarily the suburbs would have been liable to pay taxes at the same rates as those applicable to the city from April 15, 1951. But the suburbs include several villages which have hitherto been exempt from municipal taxation of any kind. The standard of civic amenities in these villages is also not quite on par with those obtaining in the rest of the city. The Government is, therefore, undertaking legislation for the levy of the general tax at reduced rates in these villages for the next few years.

With a view to giving representation to the suburbs the total number of seats in the Corporation has been raised from 117 to 135, the additional 18 seats being meant for the suburbs. The number of seats allotted to the suburbs is strictly in proportion to the population of the suburbs on the basis of the 1941 census. Pending general elections to the Corporation in 1952, the suburbs

are represented in the Corporation by councillors elected by the members of the former municipalities in the suburbs and also of the District Local Board, Bombay Suburban District.

MASTER PLAN FOR GREATER BOMBAY

With a view to co-ordinating the development of the area in and around Greater Bombay, the Government in 1945 set up a committee to draw up a master plan for the whole of the area up to the Bassein and Thana creeks. The Bombay Municipality has appointed a Special Engineer to draw up the plan. The work is in progress. The Government has agreed to bear 50 per cent. of the expenditure on account of the preparation of the plan subject to the maximum of Rs. 3,60,000. The plan is likely to be very comprehensive and its preparation may therefore take considerable time. In the meantime building development in the suburbs was going on in a haphazard manner. Unless this was checked, the Master Plan would be frustrated even before it was born. The Bombay Municipal Corporation Act was, therefore, amended to introduce the principle of zoning. The Corporation has been given power to regulate the location of factories and noxious trades. Powers have also been given to the Corporation to regulate the elevations of structures in particular locations, the size of building sites, extent of open spaces and architectural features of buildings so as to preserve aesthetic harmony.

B. E. S. T. UNDERTAKING

Under the terms of the licences granted to the Bombay Electric Supply & Tramways Company, Ltd., for operating the electric supply and tramways services in the city of Bombay and of a deed of concession executed by the Bombay Municipal Corporation in 1905, the Corporation acquired the undertaking of the company on August 7, 1947. Simultaneously it took over the transport services of the company. It was not possible to operate these services under the provisions of the Bombay Municipal Corporation Act, 1888, as it stood then. The Act was accordingly amended so as to give clear powers to the Bombay Municipality to acquire and operate the services.

The acquisition of the BEST undertaking by the Bombay Municipality is an important land-mark in the municipalisation of public utility concerns which is the policy followed by the present Ministry. It would not be out of place to mention here that transport services in Poona and Ahmedabad have also been municipalised. The Government has noted with great satisafaction that the transport services are running well under the aegis of the respective municipal corporations.

Besides improving the general standard of service to the citizens the municipalisation of the service has also benefited the

general revenues of the Corporation. During the years 1948-49 and 1949-50 an amount of Rs. 10 lakhs was credited to the general revenues of the Corporation from the profits of the BEST undertaking and the following amounts are to be credited in subsequent years:—

1950-51 Rs. 25 lakhs; 1951-52 Rs. 28 lakhs; 1952-53 Rs. 31 lakhs; 1953-54 Rs. 34 lakhs; 1954-55 Rs. 37 lakhs; 1955-56 and subsequent years Rs. 40 lakhs.

GREATER POONA

As has already been mentioned elsewhere, the presence of a large number of small local bodies is an impediment to co-ordinated and planned development of areas which can be considered an organic whole. This was the case with Poona. The Government had long ago accepted the necessity of having a unified system of local government in Poona and the surrounding areas by the constitution of a municipal corporation for Greater Poona. In 1947 the Government appointed a Committee popularly known as the BHAT COMMITTEE to examine and report on measures required to ensure a more efficient municipal administration of the Greater Poona region. The Committee recommended (1) the amalgamation of the areas included within the limits of Poona city and suburban municipalities, the Poona and Kirkee cantonments and certain neighbouring villages and (2) the establishment of an autonomous municipal corporation on the lines of the Bombay Municipal Corporation for the amalgamated areas. The Committee further recommended that as an interim measure, pending the establishment of a Corporation a Municipal Commissioner should be appointed by the Government for areas under the Poona City Municipality and Poona Suburban Municipalities and should be given powers corresponding to those available to the Municipal Commissioner for the city of Bombay. The Government accepted the recommendations of the Bhat Committee and as a first step enacted legislation providing for the appointment of a Municipal Commissioner for the Poona City and Poona Suburban Municipalities. A senior I.C.S. officer and a former Collector of Poona was appointed as the first Municipal Commissioner.

PROVINCIAL MUNICIPAL CORPORATIONS ACT

The establishment of a municipal corporation at Poona necessitated the enactment of a special legislation. The Ahmedabad Municipality had been pressing for its conversion into a corporation and it was possible that corporations would have to be established in other growing areas in the near feature. It was, therefore, essential that the legislation should not only enable the Government to establish municipal corporations at Poona and Ahmedabad but also empower it to establish municipal corporations later for

such other areas as may be found necessary. The Bombay Provincial Municipal Corporations Act, 1949, was accordingly enacted.

The provisions of the Act are, for the most part, based on those in the Bombay Municipal Corporation Act, 1888, which have stood the test of time and have served as a model for similar legislation in other States. The basic structure of the municipal government will be the same as in Bombay city except that, in regard to primary education, the executive responsibility will remain with a Municipal School Board constituted under the Bombay Primary Education Act, 1947, instead of being left with a Committee of the Corporation as in Bombay city. Another important difference is that power will be retained by the Government to supersede the Corporation or to interfere if anything is done or proposed to be done which is illegal or injurious to the public. Provisions on the lines of the Bombay Municipal Servants Act, 1890, have also been incorporated in the Act.

The Poona Municipal Corporation was established on February 15, 1950. An Advisory Committee of 12 persons has been appointed to advise the Municipal Commissioner on all matters till the general elections are held. It is expected that the general elections will be held in March or April 1952. A Municipal Corporation for Ahmedabad has also been established with effect from July 1,1950.

DYNAMIC POLICY

The foregoing facts and figures are a sufficient indication of the dynamic policy pursued by the Government in revitalising the local self-governing units, big and small in the State. Laws governing the local bodies have been amended or made to pave way for the introduction of adult franchise and a perfectly elective element in their administration and several other reforms Reservation of seats has been abolished except for scheduled castes, scheduled tribes and women in keeping with the provisions of the new Constitution. The election rules have been revised to bring in the distributive system of voting in place of the cumulative system which tended to perpetrate and widen communal and sectional differences.

The Government has fully realised that if democracy is to succeed in the largest sphere, the smaller units which are really the training ground for our younger generation must be nurtured effectively. More powers and duties have been given to the Village Panchayats and Municipalities to enable them to serve the local interests on a much broader basis. In the new set up every village with a population of 2,000 and over has or will soon have a Panchayat. The total financial aid granted to Village Panchayats in 1950-51 was Rs. 33.72 lakhs, against Rs. 4.26 lakhs in 1946-47. Grants to Municipalities and District Local Boards (also District School Boards) including grants for primary education during this

quinquennium increased to Rs. 270.6 lakhs and Rs. 737.2 lakhs from Rs. 188.4 lakhs and Rs. 121.38 lakhs respectively.

In the administrative sphere, services of experienced Government officers have been placed at the disposal of the local bodies, more especially for the revision of their assessment lists. This has enabled the municipalities to improve their finances. Special officers have been appointed to advise and assist the Village Panchayats in the proper exercise of their powers and performances of their duties. With the abolition of the posts of Divisional Revenue Commissioners, Directors of Local Authorities have been appointed for the three Divisions of the State. The posts are held by senior and experienced officers. They exercise the same powers, statutory and non-statutory, which the former Divisional Revenue Commissioners were exercising.

The conversion of the two Municipal Boroughs of Poona and Ahmedabad into Municipal Corporations and merger of the Bombay Suburban Municipal and District Local Board areas with the Bombay Municipal Corporation are two other major reforms introduced during this period.

With the practical, constructive and dynamic policy, which the Government has followed in relation to local bodies during the last five years, there can be no doubt whatsoever that the local bodies in this State will continue to grow from strength to strength and would be a great asset to the nation, in ameliorating the lot of the common man—particularly in our rural areas.

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Local Self-Government

IN THE

MADRAS PRESIDENCY
1850–1919

BY

K. K. PILLAY

CHAPTER IV

THE MACHINERY IN OPERATION

The success of local self-government depends partly on the structure of its organisation, and to a great extent on the enthusiasm and public spirit of the citizens. The popular interest shown in elections, the type of people elected, the earnestness and vigilance of the representatives are some of the important factors determining the effectiveness of local self-government. How far the working of local bodies in the Madras Presidency indicated progress in these respects may now be considered.

(I) THE MADRAS CORPORATION

As noticed earlier, election to the Corporation was introduced for the first time by Act V of 1878. Election to representative institutions was as yet a new practice in the Province. No wonder, the popular response to municipal elections was not very encouraging. Though the inhabitants of the Madras City were, generally speaking, more educated than people in the rest of the Presidency, they were not sufficiently advanced to use democratic institutions to the best advantage.

The fifteen Commissioners elected in 1879 were chosen by 45% of the registered voters. In the succeeding years a still lower percentage of voters exercised the franchise. For instance, in 1889, only 39%, and in 1895, 41% of the electors voted.[1]

Frequently, elections were uncontested. For example, in 1894, out of 16 elections only 6 were contested.[2] The same was true of bye-elections. Even when there was more than one candidate for a seat, the popular interest evoked was not remarkable. In 1892-93 all the three bye-elections were uncontested. Next year, only two of the six bye-elections were contested; for these two vacancies, however, 48% and 64% of the electors recorded their votes.[3] In 1895-96 there arose 7 vacancies; but only 3 were contested and at

1 M. M. Report, 1889-90, page 35; Idem 1894-95, p. 9.
2 Idem. 1894-95, pp. 8-9.
3 Idem. 1893-94, p. 10.

these 3 elections barely 21% of the electors voted. At times, however, by reason of the enthusiasm or local influence of rival candidates, some elections aroused remarkable interest.[4] But, normally, the percentage of voters who participated in the elections ranged between 33% and 35%[5]. Great apathy was displayed in 1903, when out of 14 seats, only 3 were contested, and barely 19% of the electors voted.[6]

These circumstances, however, need not be overstressed, for even in advanced countries, the percentage of voters at municipal elections has not been always high. The disconcerting feature about Madras was that the low average of polling co-existed with a narrow franchise. During the years immediately following the adoption of election, the qualified voters formed little over 1% of the total inhabitants.[7] The proportion of registered voters rose to barely 1.25% in 1897-98. It was not until 1913 that there was any marked improvement; in 1918-19 the proportion of voters had reached nearly 4%.[8]

Nor was the proportion of citizens qualified to be elected as Commissioners satisfactory. This is not surprising because the electors themselves represented only a small percentage of the population; and the candidates, besides being electors, had to satisfy additional qualifications.[9] The proportion of persons, eligible to become Commissioners, to the total population was so low as .117% in 1896 and .092% in 1902; and it tended to diminish as the years passed. The population was increasing; hence, the proportion of those qualified to be voters between 1902 and 1919 was even much less than .09%.[10] It is obvious that the democratic

4 For instance, in the two elections held in 1898-9 well over 60% of the electors voted. M. M. Report 1898-9, p. 9. In 1899-1900 six elections were held at which 42% of the electors polled.

5 See M. M. Report 1896-97, p. 10; Idem. 1897-98, p. 11; and Idem 1902-3, p. 10.

6 Idem. 1903-4, p. 10.

7 M. M. Reports 1889-90 p. 35; Idem 1890-91, p. 36; Idem 1891-92, p. 107, Idem 1892-93, p. 10, Idem 1893-94, pp. 10-11 and Idem 1897-98, p. 11.

8 A. R. M. M. 1918-19, p. 1. It is interesting to note that in recent times elections to Madras Corporation have evoked striking interest. See Official Evidence before the Simon Commission 1930, Vol. XV, p. 490. Mr. Hartshorn said: "I do not think you can find in any of the big Municipalities in Britain, a better record of voters turning up than the last election here in Madras".

9 See Supra Chapter III Section on qualifications for election as a Commissioner.

10 Beginning from 1902, the Administration Reports of the Madras Municipality have shown the ratio of those qualified to be Commissioners to the literate male adult population. Considered thus, the proportion was .653% in 1903; .7% in 1904, .734% in 1908, 1.34% in 1912-13 and so on. In 1918-19 it reached only 1.55%.

element represented in the Corporation was abominably low.

Generally speaking, the members chosen, were either rich citizens or ambitious lawyers who considered a seat in the council a mark of honour. Before 1914 there was nothing like an organised party system in the politics of the Corporation. No question of principle or programme on the part of candidates appears to have determined the issue at elections. Several classes of citizens who would have made proper custodians of the City's interests did not care to contest elections. The businessman or industrialist rarely entered the field; much less the average middle class citizens. In fact, the idea that the Corporation was everyone's concern took a long time to develop. Occasionally, retired officials were elected. Possessing wide knowledge, experience, public spirit and above all, ample leisure, they would have served a useful purpose. But, unfortunately most of them had developed false notions of prestige and disliked the idea of seeking the votes of lesser men.[11]

Among the learned professions, teaching, medicine, or engineering were rarely represented. Lawyers happened to be the largest professional group returned to the Council. This feature had its disadvantages. While lawyers were talented and enlightened, they were either too busy with their professional activities or too prone to be influenced by selfish considerations. A tendency to play to the gallery was a marked defect with them. Several lawyers considered a seat in the Corporation Council as a passport to professional popularity or as a stepping stone to a seat in the Provincial Legislature.

Even when suitable candidates contested elections, the voters rarely exercised their votes in the proper manner. More often than not, irrelevant considerations, like caste, religion or the affluence of candidates prevailed over personal fitness. What the Statutory Commission observed throughout India in 1929 was unfortunately true of a much earlier period, too. "While in some instances electors have recorded a strong verdict on corrupt and inefficient administration we are, on the whole, of opinion that questions of administration play little part in the elections and that communal, caste and personal considerations furnish in the majority of cases the motive power which takes the elector to the polling booth and decides the casting of his vote".[12]

In 1914 the Justice Party rose to prominence and it was opposed by the Swarajist or Home Rule Party. While the latter was an all-India organisation, the Justice Party was primarily confined to the Madras Presidency. The city of Madras was the headquarters of the Justice Party, and therefore the politics of the

11 J. C. Molony: "A Book of South India", p. 138.

12 Report of the Indian Statutory Commission (1930) Vol. I, p. 315.

Corporation came to be directly influenced by it. Since the Justice Party aimed at securing a just representation for the non-brahmin classes, elections continued to be fought, for the most part, on communal lines. Whatever the righteousness of the principles of the Justice and Swarajist parties, there was little advantage in importing these provincial or all-India bases of division into the Corporation politics. Undoubtedly it tended to create unnecessary bitterness among people of various castes and in the midst of these irrelevant conflicts, the real objective of service to the city was often ignored.

The dominant party often succeeded in getting men of their group nominated to the Council. There was a body of nominated members in the Corporation Council throughout its history. In the earlier stages, the nominated element predominated. Some were officials, but after 1871 most of the nominated members were non-officials. The proceedings of the meetings reveal that the non-official nominated Commissioners were rather indifferent to the interests of the Corporation. Most of them were nominated by reason of their wealth or social position.

In the period after 1904 the representatives of commerce and industry appeared. Though they were men of vast experience and knowledge, they failed to evince the broad outlook essential for City Fathers. Some nominees of Government were members of the Depressed Classes or of the Muslim or Indian Christian communities. More often than not, they cared for the interests of their communities only, and this was reflected in the scrambles for posts under the Corporation. Further, they were anxious to support the President in all his policies and actions, with the hope that through his favour, certain privileges might be secured.

The civic enthusiasm of the members could be judged from their attendance at meetings. Act V of 1878[13] had fixed the minimum number of meetings per annum at 6 and Act III of 1904 raised it to 12.[14] No limit was fixed as to the maximum number; the President might, whenever he thought fit, or on a written request signed by any 10 Commissioners, call a special meeting.[15] The administration Reports of the Madras Municipality show that on an average 20 meetings were held every year.

The proportion of Commissioners who attended the meetings would indicate, in some measure, the interest and enthusiasm evinced by them in civic affairs. Unfortunately we have accurate information regarding the attendance at meetings only from 1885. The availble data show that attendance was not poor. During the

13 Section 68, Act V of 1878, Madras.

14 Section 72, Act III of 1904, Madras.

15 Section 70, Act V of 1878, Madras.

period 1885 to 1891 the average attendance was 57%. In the three succeeding years (1892-94) there was an unaccountable fall, the average being 38%. A notable increase occurred during the period 1895-1903, when the proportion of attendance was 63%. In the reformed Council between 1904 and 1919 practically the same level was maintained.16

A noteworthy feature is that generally the attendance of elected Commissioners was more regular than that of nominated or Institutional Councillors. For example, during the period 1911 to 1919, on an average 75.4% of the Divisional Councillors attended the meetings, while the corresponding figures for the Nominated and Institutional Councillors were 58% and 57% respectively. The Divisional Councillors represented the democratic element, and it was a healthy sign that their attendance was satisfactory.

The reports of the meetings indicate that the discussions were often lively and animated. Irrelevant and personal considerations sometimes imported unjustifiable acrimony and heat into debates, but on the whole the deliberations and discussions were maintained at a fairly high level. Besides the approbation of the Government, we have the testimony of the last official President concerning the standard of the Council's proceedings.17

But, it is essential to observe that the interest evinced by the citizens at large in the deliberations of the Council was anything but encouraging. Nor were full reports of the proceedings published in the newspapers.18 Public meetings of the ratepayers or meetings of the elected representatives with the ratepayers were, and unfortunately even now, are almost unknown in Madras. Obviously, much leeway has to be made up in these directions if local self-government is to become an effective agency of political education.

Turning to the actual work done at Council meetings, it is found that in the early stages of the Municipal organisation, there was no clear-cut differentiation of functions. Deliberative as well as executive work was undertaken by the same body. The Council framed bye-laws or decided upon courses of action, subject

16 Data concerning attendance is gathered from the Annual Reports of the Madras Municipality.

17 See, for example, the verdict given by the Provincial Government in 1913: "The interest taken by the Commissioners in their duties is once more proved by the high standard of attendance at the meetings of the Corporation and keenness of the debates." Administration Report of the Madras Municipality (A. R. M. M.) 1913-14 p. 3. J. C. Molony says "The Corporation of my time was a capable public body; certainly, its standard of debate was higher than that of the Legislative Council of the Presidency". "A Book of South India, p. 138."

18 The position at present is definitely better. After 1920 papers like the 'Hindu' and 'The Mail' furnish full reports of the meetings.

no doubt to the approval of Government, and executed them. In the early period, the deliberative power of the Corporation was very limited in scope, because every question of policy was decided by the Governor-in-Council. In 1856, when three Commissioners were appointed, the activities of the body increased, and a beginning, though a faint one, was seen in the differentiation of functions. Though predominantly an executive organisation, this body of Commissioners had necessarily to undertake some deliberative work incidental to their discharge of administrative duties. The needs of any particular locality or specific schemes of improvement were suggested by either the administrative officials or by one of the Commissioners. These questions were discussed and decided upon by the Board.19

In 1865 when three honorary Commissioners were added to the body and given specified powers of raising funds, its activities increased. But still they had merely the right of deliberating on and recommending projects which could be executed only with the approval of Government. After the reorganisation of the Board in 1867, its deliberations became more frequent and more weighty. Though its resolutions were still of a recommendatory character, its enlarged composition, including a considerable number of leading non-official public men, secured for it a greater status. Government did not reject the proposals except for grave reasons.20

The deliberative activity of the Corporation Council had increased by 1872 to such an extent as to necessitate the organisation of special committees. In 1872 it was decided that all important subjects, before being submitted to the Commissioners as a body, were to be referred to small committees each consisting of a few Commissioners. Separate Committees for the consideration of each of the following subjects were constituted:—(1) Water Supply (2) Budget (3) Gas (4) Improvements (5) Schools (6) Land under cultivation (7) Markets (8) Pensions and gratuities.21 The recommendations of the Committees were usually accepted by the Corporation Council and approved by Government.

Even on financial matters, the Commissioners resolved upon changes and communicated them to the Government. Some were accepted, while others, on account of their radical character, were rejected. In 1876, apprehending a possible failure of the Red Hills Water Supply,22 the Commissioners suggested that a charge at the rate of 2 annas per 1,000 gallons be levied for water used for other

19 See, for example, an account of the scheme suggested and carried out for laying roads leading to the Royapuram beach — M. M. Report 1861-62, pp. 453-55.

20 A. R. M. M. 1859-60, p. 5.

21 A. R. M. M. 1871-72, p. 3.

22 See Infra Chapter V.

than domestic purposes. The proposal was approved by government, and in the latter part of the year, they even permitted the rate to be raised to 8 annas per 1,000 gallons.[23] But, when in 1877 the Commissioners, in view of financial difficulty, determined by a large majority to request the Government to postpone the receipt of interest on the Water Works Loan until such time as the Commissioners were legally enabled to provide for it by the imposition of a Water Rate, the Government rejected the proposals, and instead, directed the President to increase the House and Land Rates by 2½%.[24]

It is interesting to note that the Commissioners felt themselves strong enough in 1875 to request Government to introduce election in choosing members; and the suggestion was accepted.[25] When in 1878 half the number of Commissioners were elected by ratepayers, the body secured more substantial deliberative power. The consideration of the annual budget, the proposals of new schemes of municipal activity or of new appointments, were all discussed and decided by the Commissioners, though subject to the formal approval of Government. Moreover, the Commissioners were entitled through interpellations or resolutions to draw the President's attention to any neglect in the execution of Municipal work, to any waste of Municipal property or to the requirement of any locality and to suggest necessary improvements. Naturally the questions on which the deliberations of the Commissioners were needed, increased as the activities and income of the Corporation developed.[26] With the advance of time, the Council showed courage and assertiveness even to the extent of protesting, sometimes successfully, against certain governmental actions.[27]

Even when the Provincial authorities adopted a definite course of action in respect of the City, the Corporation Council registered its protest, if found necessary; and at times, succeeded in prevailing upon them to adopt its view. For instance, in 1910 Government had decided upon creating a Special Commission for carrying out the Water Supply and Drainage scheme. The Corporation passed a Resolution on 25th April 1911 that there was no need for such a move, provided that they received the necessary financial aid and expert advice from Government. And the latter dropped their original proposal.[28]

23 A. R. M. M. 1876-77, p. 3

24 A. R. M. M. 1877-78, p. 4.

25 Idem 1874-75, page 4. Though the Act of 1871 had permitted the introduction of election, it was not adopted till 1878. The resolution of the Corporation Council on the matter appears to have influenced the Government to introduce election.

26 See, for example, M. M. Report 1884-85, pp. 80-81.

27 See, for example, the Resolution of 21st July 1911, recorded in A. R. M. M. 1910-11, p. 7 and Resolution of 21st April 1911. Idem 1911-12, p. 5.

Nevertheless, the fact remained that the last word rested with Government. If some resolutions of the Corporation were respected and accepted, many were turned down by Government. For example, by a resolution of 18th July 1913 the Corporation proposed to place the Engineer on special duty for three months in order to prepare schemes for reorganising the conservancy system and for the extension of electric lighting. This did not meet with the Government's approval.[29]

Throughout the history of the Corporation down to 1919, both the deliberative and executive duties were discharged by the Council. In fact, a major part of the deliberative work itself pertained to the administration of the functions assumed by the Corporation. Despite this general feature, executive responsibility was inevitably undertaken by a body smaller than the entire Council. It was the Act of 1867 which introduced a differentiation in the Corporation's duties. The older Commissioners who became paid officials were entrusted with the day-to-day administration of the several services, while the new body of 32 Honorary Commissioners attended to the deliberative side. The President of the Municipality, however, was the head of the Executive as well as of the legislative branches of activity.

The differentiation was more explicitly recognised by Act V of 1878. Besides introducing the elective element, it specified that all executive responsibility was to be vested in the President and two Vice-Presidents, appointed by Government. The Act further laid down that one of the Vice-Presidents was to be an Engineer. In practice, the Engineer Vice-President was also entrusted with the control over sanitation and public health, and the other Vice-President with the assessment and collection of revenues.[30]

Soon after 1878, besides the two Vice-Presidents, two other high officials were appointed by Government to be in charge of executive branches of the administration. But there is no means of knowing the exact nature of the duties entrusted to these two officers, for we learn that "other officials excepting four of the highest rank were appointed by the President."[31] Hence, it is clear that besides the two Vice-Presidents, two high officials were appointed by Government. Presumably, with the increase of

28 Idem 1911-12, p. 5; see another example of Resolution similarly approved by Government. Idem 1915-16, p. 6.

29 A. R. M. M. 1913-14, p. 5. For other examples of Resolutions disapproved by Government see Idem 1911-12, p. 5; Idem 1912-13, p. 5; and Idem 1916-17, p. 6.

30 M. M. Report 1882-83, p. 51.

31 Idem 1882-83, p. 50.

functions, Departments like those of Public Health and Public Works were bifurcated.

Act I of 1884 introduced a modification in the designation of the Executive heads of Departments. The office of Vice-President was abolished and in its place three officers were appointed by the Governor-in-Council to assist the President. They were designated the Revenue Officer, Health Officer, and Engineer. Thus the number of high officers was reduced from four to three. Apparently this readjustment was made in order to secure effective departmental control as well as to economise expenditure. From 1884 to 1919 there occurred no notable change in the allocation of the different branches of executive administration. But the powers of the President and of the three officials appointed by Government tended to increase. Virtually responsible only to Government, they had often to meet severe criticisms at the hands of the Councillors.

Invariably, the President collected around him some of the Councillors as his supporters. The nominated members conventionally supported the President and the "Institutional" Councillors also did so. From among the elected members the President gathered to his side as many as he could and thus formed a "President's Party".[32] Hence, it was easy for a President to ignore the wishes of the popular representatives on any question.

The system of having an official President was entirely undemocratic and was bitterly resented by the Councillors.[33] On the recommendation of the Decentralization Commission, which was reinforced by the Central Government's Resolutions of 1915 and of 1918, the Presidentship became an elective office and the executive responsibility was vested in a Commissioner appointed by Government. Though the President's position before 1918 was undemocratic, it must be admitted that the Official President was invariably a person of proved ability and wide experience. Generally a senior officer of the Indian Civil Service, he knew that his efficient administration of the Corporation was a sure passport to higher promotion. On the whole, the contribution made by the Official Presidents to the improvement of the City is an undoubted fact.

No President, however able, could achieve success without the loyal assistance of a competent staff of subordinates. It is a truism that real efficiency of administration, local or central, depends upon the permanent civil service.[34] As the late Lord Stamp said "the

32 J. C. Molony: "A Book of South India", p. 140.

33 Decentralization Committee Evidence, Vol. II, p. 158 and p. 182. M. L. C. P. 1903, pp. 213–14

34 "The need for efficient administration in local government is so obvious that its attainment may be regarded as an end universally acknowledged to be desirable," W. A. Robson: "The Development of Local Government" (1931), p. 241.

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."[35]

Nevertheless, no aspect of the machinery of the Madras Corporation has been, and is, as defective and unsatisfactory as its civil service. There has been little of planning and forethought in the organisation of the service, a circumstance responsible in no small measure for the poor record of achievement in several branches of municipal activity. But this is not altogether surprising, for even in advanced countries, the local civil service was for long a neglected field.[36]

Before analysing the defects of the municipal civil service in Madras, it is essential to notice its development. To start with, a few tax collectors, clerks and scavengers formed the entire body of municipal servants. The addition to the staff of the various departments of administration occurred gradually year by year.[37] As they stood in the latter part of the 19th and during the present century, the main classes of employees of the Corporation may be grouped under five divisions, namely (1) the higher officers entrusted with supervision and management like the Revenue Officer, Manager, Sectional Superintendents of the Office, (2) the Superior Officers of the Professional and Technical Services like the Engineer and Health Officer, (3) the Executive Officers entrusted with outdoor work like the Sanitary Inspectors, Supervisors, Overseers, Tax Collectors and Food Inspectors, (4) the clerical services and (5) Menial servants and labourers.

The chief defects of the civil service have arisen from the fact that, generally, the scales of pay, except for the officers at the highest grade, have been too low. Molony, the last of the Official Presidents, rightly says: "There is too much in Madras of the false, unnatural and destructive system when the bad workman is

35 Inauguration Address to the Institute of Public Administration (London) in 1938.

36 "Until recent years, the question of the municipal civil service attracted but little public attention in England: a somewhat curious fact in a country which has led the way for almost the whole civilised world in the task of creating a national civil service based on principles which are everywhere regarded with admiration" Robson: "The Development of Local Government," p. 241.

37 The amount spent on salaries and allowances of the staff in 1867–8 was only Rs. 8,735. By 1919 the army of officials in all grades rose to a huge size. The total expenditure on the services amounted in 1919–20 to nearly Rs 19 lakhs.

allowed to offer his work at half price, and either take the place of the good or force him by his competition to work for an inadequate sum. The desire of the employed is to divide work that could be done by one energetic man among the largest possible number of inefficients and to divide a wage that could keep one man in decency into several wages just sufficient to keep a number from actual starvation."[38] Enthusiasm, efficiency and integrity were vitally affected by the inadequate remuneration which was, in most cases, below the living wage.

Moreover, only men of inferior quality were attracted to the service of the Corporation. Persons of merit and ability either sought service under Government or took to the more profitable pursuits of private business.[39] Poor salary and feeble prospects of promotion have, in their turn, inevitably affected the outlook and integrity of the Corporation staff. Their financial worries have driven them, in quite a large number of cases, to corrupt and dubious ways. True, in other countries, too, the civil servants in local service are not above suspicion; but in Madras the situation has been most deplorable and demoralising.

Finally, the absence of a proper system of recruitment and well-defined principles of promotion has led to undesirable developments. Till 1919 the President was in ultimate charge of appointments, promotions and punishments. But, in reality, he was rarely allowed a free hand. The members of the Corporation frequently yielded to the temptation of interfering with the discretion of the appointing authority. They tried to influence the President on behalf of candidates or of civil servants already in the employment of the Corporation, in matters of promotion, or increments. The observations of the Statutory Commission seem perfectly true of conditions which prevailed in the Madras Corporation. "We have noticed a tendency to misapprehend what are the duties and functions of elected members. There is on the part of elected persons a general tendency to meddle and interfere in details of administration which should be left entirely to the paid official."[40] Not infrequently, too, the question of appointments became a matter of party politics. The worst abuses of the 'spoils system'.

38. See the well-written Introduction by Molony in A. R. M. M. 1917–19. p. 11.

39 Though in the Western Countries too, the best men are not always attracted to the local civil service, the position is not so bad as in India. See W. Anderson: "American City Government" (1924) p. 472 for the condition in the United States.

40. Indian Statutory Commission Report (1930), Vol. I, p. 310. Conditions in the other Presidency Corporations in India were not much better than in Madras. See Forrest: 'Indian Municipality', p. 29 and Shah and Bahadurji: "Constitution, Functions, and Finance of Indian Municipalities," p. 26.

so common in countries like the U. S. A., had unfortunately crept into Madras.

It is high time that the Corporation addressed itself energetically to this vital question of the reorganisation of their permanent staff. A Civil Service Commission should be appointed and should be given unfettered freedom. Merit should be made the basis of recruitment. At the same time, the scales of salaries should be improved and municipal service made attractive.

(II) THE DISTRICT MUNICIPALITIES

In the beginning, the Commissioners of District Municipalities were exclusively appointed by Government. The employment of election was first contemplated in 1871; and in the succeeding years there ensued a prolonged discussion as to the desirability of adopting it. A few members of the Governor's Council held that the people were not advanced enough to make a proper use of election. Others of the Council, including Lord Hobart the Governor, felt that a beginning had to be made sometime, and the earlier the better.[41]

The Legislative Council of Madras, composed entirely of Government nominees, showed at first a disinclination to recommend the adoption of election. By 1874 their attitude had so far changed as to lead them to suggest the experimental adoption of election in suitable towns. After further consideration, in the course of which Lord Mayo's Resolution of 1870 might have influenced their views, this suggestion was adopted by Government for certain towns in 1879.[42]

Ten Municipalities were authorised to elect half of their Commissioners from 1st September 1879. In fact, only four towns introduced the elective system in 1879-80, followed by five more in the succeeding year. In 1881-82 it was extended to 3 more towns. Naturally, in a few cases the experiment did not prove quite promising; but, on the whole the operation of the system was fairly successful.[43] Encouraged by the progress made, Government permitted a far wider extension, for, by an order issued on 30th April 1883, the privilege of electing members was granted to all towns with a population of 25,000 and above. Thus, elections were held in 9 more Municipalities, which brought the total num-

41 See the interesting Minutes of Lord Hobart and of Mr. Sym quoted in the Report of the Local Self-Government Committee. pp. 9-10. Lord Hobart wrote: "One of the objections (to the introduction of election) is that the inhabitants of Municipalities have no public spirit. But this is one of the strongest reasons for giving them the elective franchise, which is the best expedient for supplying the want".

42 Municipal Report 1880–81, p. 2.

43 Municipal Report 1881–82, p. 1.

ber of towns to 21 in 1883-84, and the number rose to 27 in the succeeding year. But so far, only one half the strength of each Council was thrown open to election.

The District Municipalities Act of 1884, to which reference has already been made, produced a marked advance in the use of election. Prescribing a minimum strength of 12 members for each Council, the Act added that the number of elective councillors was to form three-fourths of the whole strength, unless special orders were given to the contrary. Though this privilege was theoretically granted and was continued throughout the period 1885 to 1919, yet in actual practice, the total number of elected members fell far short of the statutory limit, as shown in the following Table:—

Year	(1) Total Number of members	(2) Number of elected members	Percentage of column 2 to column 1
1885–86	813	297	36.5
1886–87	856	309	36.1
1887–88	870	371	42.6
1888–89	874	384	43.9
1889 90	880	438	49.7
1890–91	868	419	48.3
1891–92	871	398	45.7
1892–93	863	383	44.4
1893–94	852	371	43.7
1894–95	871	382	43.8
1895–96	908	395	43.5
1896–97	933	386	41 4
1897–98	868	367	42.3
1898–99	850	372	43.8
1899–1900	931	446	47.9
1900–01	883	412	46.7
1901–02	905	424	46.8
1902–03	938	447	47.7
1903–04	944	450	47.7
1904–05	925	436	47.1
1905–06	905	420	46 4
1906–07	940	461	49.1
1907–08	938	461	49.2
1908–09	919	438	47.7
1909–10	954	464	48.6
1910–11	940	466	49.6
1911–12	896	450	50.2
1912–13	947	490	51.7
1913–14	961	492	51.2
1914–15	980	505	51.5
1915–16	1,019	502	49.2
1916–17	1,089	548	50.3
1917-18	1,090	553	50.7
1918–19	1.051	586	55.7
1919–20	1,082	668	61.7

It is seen from the Table that, for the major part of the period, the proportion of elected members did not rise above 50%. Even after 1911-12, the increase was small until in 1918-19 it reached nearly 56%. Several causes accounted for this divergence between the statutory provision and actual practice. In the first place, Government did not permit the introduction of the elective system in all the Municipalities. Those towns which remained backward in education and public spirit were denied the privilege until such time as they were considered fit to exercise the right. Thus, for example, in 1892-93, only 33 Municipalities out of a total of 55 enjoyed the privilege of voting.[44] Secondly, the privilege of election was withdrawn by Government in a few cases, where it was found that the Councils had mismanaged Municipal affairs.[45] Again, on the same ground, occasionally, the number of seats thrown open for election was reduced from that originally granted.[46]

But, it was not the cautious policy of Government alone that was responsible for the elected seats falling short of the statutory prescription. In several cases, Municipalities which were given the right of election did not care to exercise it. For example, four towns to which the privilege was granted in 1884-85 did not avail themeselves of it;[47] and in 1896-97 Masulipatam and Calicut to which the elective right was extended, did not use it.[48] The most striking experience was that of 1897-98, when no less than 22 Municipalities to which the elective franchise was extended, failed to adopt it.[49] These circumstances indicate the lack of public spirit and enthusiasm for local self-government on the part of the citizens. On the whole, therefore, the inefficiency of elected members in some cases, the indifference and apathy of the people in a large number, and the timid policy of Government in respect of others, all accounted for the unsteady progress of the elective system in the District Municipalities. It need hardly be mentioned that the progress was definitely slower than in the case of the Corporation.

44 See the speech of Hon'ble Mr. Bliss. M. L. C P. 1895, p. 7. In 1918–19, election was adopted in 66 towns.

45 For instance, in 1891–92 the Municipalities of Masulipatam and Walajapet were deprived of the right "owing to the inefficiency of the elected candidates" M. A. R 1891-92, p. 213; in 1890-91, the same thing had happened to Calicut and Nellore M. A. R. 1890-91, p, 213.

46 For instance, the number of elected Councillors in Kumbakonam was reduced from 18 to 12 in 1905–06. See M. A. R 1905–06, p. 44. In Vellore, the number of elected Councillors was reduced from 15 to 7. Cf. M. L. C. P. 1900, p. 13.

47 M. A. R. 1884 85, p. 191.

48 Idem. 1896–97, p. 200.

49 Idem. 1897–98, p. 244.

Nor did the experience of elections in the early stages prove quite encouraging. In the first place, candidates did not come forward to contest elections in sufficiently large numbers. During the municipal elections of 1881 and 1882, the number of candidates for seats in Calicut, Madura and Salem was encouraging, but in other towns it was disappointing. In Tanjore, for instance, in December 1881 there was only one candidate for 6 vacancies though the election was twice postponed.[50] Again, in the election of December 1881 at Kumbakonam, though the town contained no less than 210 persons qualified to be elected, there appeared barely 7 candidates for 6 vacancies.[51] The experience in other towns like Trichinopoly and Bellary was the same. This is not surprising since election to a representative body was a new practice and it took time for the system to take root.[52] The great need was the growth of a public spirit which alone would, on the one hand, induce outstanding men to seek election, and on the other, persuade the citizens to take a lively interest in exercising their franchise. It was more in a spirit of optimism than as a result of past experience that the Native Associations in the Presidency pleaded for an extension of the elective system to all Municipalities.[53]

Secondly, even where elections were contested the percentage of voters who recorded their votes was unsatisfactory. For example, in 1880 in Tanjore only 64 out of 344 electors voted; in Trichinopoly in the same year, 90 out of 285 exercised the right, while in Kumbakonam barely 97 out of 520 electors voted in 1881.[54] No doubt, there were exceptions. In Calicut 316 out of 865 voters and in Tinnevelly as many as 108 out of 170 exercised their franchise in the Municipal elections of 1882. The existence of factions in these towns accounted for the remarkable interest shown in the election; but even so, the enthusiasm displayed was hopeful for the future.

As the years went on, popular interest improved. Thus, for instance, in 1887-88, when elections were held in 26 towns to fill 144 vacancies, 112 of them were contested, and 4,116 out of 9,157 electors voted.[55] This gives an average percentage of 45, which,

50 Report of the Local Self-Government Committee, Madras, 1882, p. 19.

51 Ibid p. 20.

52 Parliamentary Papers (East India) 1883, Vol. LI, p. 122.

53 Report of the Madras Native Association (1883), p. 36. (When Lord Ripon's Resolutions on Local Self-Government were published, the Madras Government invited various Associations in the Presidency to express their views on the proposed scheme).

54 Report of the Local Self-Government Committee, (1882) pp. 19-20.

55 Municipal Report 1887-8, p. 3.

though not quite satisfactory, shows a decided improvement over previous experience.[56]

The following Table shows how generally an increasing percentage of voters participated in Municipal election:—

Year	Percentage	Year	Percentage
1888–89	52.2	1905–06	58.6
1889–90	49.5	1906–07	52.2
1891–92	52.9	1907–08	67.6
1892–93	56.0	1908–09	58.2
1893–94	51.0	1909–10	68.2
1894–95	47.7	1910–11	68.3
1895–96	60.2	1911–12	66 7
1896–97	59.7	1912–13	62 6
1897–98	53.9	1913–14	62.6
1898–99	61.2	1914–15	73.6
1899–1900	54.0	1915–16	63.4
1900–1901	59.8	1916–17	70.7
1901–02	60.5	1917–18	70.9
1902–03	60.8	1918–19	66 3
1903–04	55.3	1919–20	66.7
1904–05	60.2		

While the high percentage of voters at Municipal elections was encouraging,[57] it must be noted that elections were not always conducted on sound principles. Considerations of caste, sect, family connections, economic position and other irrelevant considerations played far too important a part.[58] Frequently too, corruption and bribery decided the issue. These evils were definitely more marked in the case of the District Municipalities than in that of the City Corporation.

56 There were wide variations among the towns in the interest shown in elections. In Cochin, not one of the 8 seats which fell vacant during the year, was contested. On the other hand, in Vizagapatam and Cannanore 72.1% and 71.3% of the electors respectively voted. Municipal Report 1887–88, p. 3.

57 Even in England and Wales only about 30% of the electors normally vote in Municipal elections at present. See 'The Times' 3rd November 1947.

58 Sir A. P. Patro in his "Studies in Local Self-Government, Education and Sanitation", writes about the various irrelevant factors which dominated local election, pp. 33-35. "Personal reasons, wealth, position, influence and brsik canvassing or the number of agents appointed for the purpose and sometimes the extent to which underhand dealings are resorted to, decide the success in elections."

For some time after the introduction of election, towns were not divided into sections or wards; the entire town served as one electoral unit. Each elector was entitled to vote for one candidate and each member elected was considered a representative of the whole body of electors and not of any section of the town. This rough and ready method had its advantage: the parochial interests of the Commissioners did not mar the unity of the Council. But, as against this must be noticed the drawback that it afforded less scope for the development of a strong identity of interests between the representatives and electors. That intimate contact between the inhabitants of a constituency and their representative which renders local self-government more real, was lacking.

This defect was remedied by Act IV of 1884 which authorised Municipalities to organise elections on the basis of wards. But it took some time before the system was adopted throughout the Presidency. A beginning was made in 1887 when 21 towns were divided into wards for election purposes. The extension of the system was so gradual that even in 1919 only 56 out of the 73 Municipalities had adopted it. Several backward towns like Ongole and Mannargudi, partly because of their small size and partly because of the apathy of the citizens, continued the older practice.[59] Naturally elections in these Municipalities proved even more farcical than in the rest.

Regarding the type of members elected, it cannot be said that the most public-spirited citizens were chosen. For quite a long time, persons of high education and character rarely came forward as candidates. Often rich landlords or merchants triumphed in elections through the influence of their wealth or social position. Many of them were clearly unfit for the task of municipal administration. They considered membership of the local body as a matter of prestige and attendance at Council a mark of honour; but their contribution to the deliberations was often little or nothing.[60]

From the end of the last century lawyers tended to predominate. A desire to catch the public eye and thereby win professional success was apparently their chief aim.[61] The dominant proportion of lawyers has continued ever since.[62] Occasionally, unscrupulous trimmers and demagogues, succeeded in getting elected. Some of them brought discredit not only to their Councils but even to the cause of local self-government.[63] Frequently too, politicians whose ambitions stretched beyond the town used the Municipalities as their training ground. There was nothing unsound in it so long as their lofty ambitions did not deter them from devoting the necessary attention and time to municipal affairs. On the whole, a perusal of the annual reports indicates that in the present century, a better type of citizens entered the Councils. The spread of education and of public spirit have undoubtedly been reflected in the improvement of the quality of members.

59 By 1941 all the Municipalities in the Presidency were divided into wards.

60 See Madras Native Association (1883) p. 173.

61 Sir A. P. Patro: Studies in Local Self-Government, Education and Sanitation", p. 64.

62 See Supra Chapter III for the advantages and disadvantages.

If the quality of the average elected representative left much to be desired, it was decidedly worse in the case of the nominated Councillors. From the very inception of the District Municipalities down to 1919, and even still later, the Councils consisted of a nominated element.[64] In the early period, some of the nominated members were officials of the locality, while a majority of them were non-official citizens.

It is well known that the nominated members were, more often than not, mere 'yes-men', passive supporters of Government. They lacked that sturdy spirit of independence which would have made them bold and efficient councillors. In the first place, only "safe" men were usually nominated. The Madras Native Association described the position quite frankly when they said that "the persons selected have been either wealthy simpletons or needy adventurers whom the Collector's favourite for the time being pushed to a prominent station".[65] Secondly, even the abler members among the nominated group aimed more at pleasing the Government and its officials than caring for the real interest of the Municipality.[66] The nominated 'bloc' voted against new and bold schemes and constituted a drag on the progressive outlook of the Council. When, after 1909, backward classes were represented by nominated members of their respective groups, the position deteriorated. Most of them were ill-equipped for their duty. Moreover, they always cared more for pleasing the Government than anything else, in order that their re-nomination

63 See L. S. G. Report, p 22; Hilton Brown's evidence before Simon Commission – Evidence Vol. XV p. 489 and Decentralization Commission Evidence Vol. II, p. 270.

64 Their proportion was steadily reduced beginning from 1884; but even the Acts of 1920 and of 1930 some seats were reserved for nominating unrepresented classes. See Supra, p. ..... .

65 Native Association Proceedings (Madras) 1883, p. 101.

66 See Sir A.P. Patro: "Studies in Local Self-Government, Education and Sanitation", p. 47. In this respect conditions in the rest of India were no better. See Shah and Bahaduji: "Constitution, Functions of Indian Municipalities", pp. 38-39, and Amar Nath: "The Development of Local Self-Government in the Punjab," p. 43.

may be ensured. This weakness was clearly seen from the fact that the nominated members attended the Council meetings more regularly when the Collector was the Municipal President.

Before 1884 there was no hard and fast rule regarding the number of meetings to be held each year. The main factor determining the frequency of meetings appears to have been the convenience of the official President or Vice-President. Not infrequently, meetings were postponed until the President could find time to attend.[67] Apparently, accumulated business was rushed through at such meetings and even important questions were not properly discussed. Act IV of 1884 for the first time laid down the rule that each Municipality must meet at least 12 times a year.[68] Though most Councils met normally twice a month,[69] some were notably slack in this respect. Apathy of the members and indifference on the part of Chairmen accounted for the lesser number of meetings than the statutory minimum.[70] With the increase in the volume of work, the Councils met frequently. The average number of meetings held by each Council rose from 28 in 1889-90 to 31 in 1895-96 and eventually to 32 in 1919-20.[71]

Frequently, however, meetings convened by the President had to be adjourned for want of a quorum.[72] The apathy of some Councils like those of Calicut, Cannanore and Walajapet was more than once commented upon by the Government. The largest number of adjournments for want of quorum occurred in 1890-91, when no less than 288 meetings were postponed.

Members seem to have attended meetings regularly in the early period, presumably because the District Collector or Revenue Divisional Officer presided and the displeasure that absence may cause was viewed with concern.[73] Act IV of 1884 fixed one-third as the quorum for a meeting. Though in most Councils attendance was satisfactory, in some, like Masulipatam, Coonoor, Calicut, Cannanore, Anantapur, Chicacole and Vaniyambadi there appeared a notable indifference. In later years, particularly after

67 For example, in 1874-75 the Vizianagaram Council met only 4 times in the whole year.

68 Section 29, Act IV of 1884.

69 Some met more often. For example, in 1886-87 the Tinnevelly Council held 51 meetings, while in 1890-91 the Madura Municipality had 49 meetings.

70 For example, the Councils of Cochin and of Vaniyambadi failed to comply with the rule in 1887-8.

71 There was an unaccountable fall in 1906-7 when the average was only 27; otherwise there was a steady rise in the number of meetings.

72 For example, 200 meetings in 1888-89 and 237 in 1899-1900 were thus adjourned. In 1889-90 the number of adjourned meetings in Calicut exceeded the number actually held by three!

73 See Proceedings of the Madras Native Association (1883), p. 98.

1901, the attendance of official members was unsatisfactory.[74] Their irregularity, though explained by exigencies of official duties, had a demoralising effect. It is found that from 1885 to 1919 the average attendance of non-official members was higher than that of officials in most Councils.

As regards the working of the Councils, if there was no clear cut distinction between deliberative and executive functions in the City Corporation of early days, it was more so in the District Municipalities. During the period 1850 to 1885 the Collector-President played the dominant role in conducting the entire activity of the Municipality. No doubt, all questions which involved considerations of policy or expenditure of municipal funds were seemingly deliberated upon and decided by the Commissioners acting as a body. In this deliberative work, formally the views of the majority prevailed. But, practically the Collector or Revenue Divisional Officer, whoever presided, carried the Council with him. This was partly due to the official position of the President and partly to the lack of assertiveness, knowledge, experience and enthusiasm of the average Municipal Councillor.[75] The presence of an official or nominated bloc, or of both, assured the President unquestioning support. Among non-official members, too, invariably some were lawyers, who, having to practice in Courts presided over by the Collector-Magistrate or his subordinates, feared that their private interests would suffer if they express any opinion opposed to that held by the presiding officer. The other non-official members were in a minority and found it advisable to adopt a policy of least resistance.[76]

The situation improved when a non-official Vice-President was allowed to be elected, and still further, when a non-official President was chosen. Thereafter, the members adopted a more assertive attitude; and, since this change coincided with an increased elective element in the Council, the President's domination over the deliberations became a thing of the past. The Municipal Chairman after 1884 continued to be the executive head of the administration, but did not have any special power over the deliberations. The development of differentiation between deliberative and executive authority contributed to develop efficiency and certainly to a more pronounced popular interest in, and control over, policy. Experience has shown unquestionably that the most successful Municipalities have been those where this distinction between the

74 Though this was a general feature, it became specially conspicuous in Tanjore, Vellore, Tellicherry and Walajapet.

75 "The traditional feeling of respect with which the Hindu mind is imbued towards those in authority deters all free communication of opinions and sentiments between non-official members and the President." Proceedings of the Madras Native Association, p. 20.

76 Ibid p. 177.

deliberative function of members on the one hand, and the executive responsibilities of the Chairman on the other, has been clearly recognised and consistently acted upon.77

However, as in the case of the City Corporation, the deliberative activity itself mostly related to administrative affairs. In the main, it assumed the form of urging the needs of particular localities, of drawing attention to the shortcomings of the administration and of suggesting improvements. Criticisms of executive acts seem to have assumed a predominant importance and sometimes resulted in unseemly comments. Accusations of administrative injustice, real or imaginary, inflicted on persons of localities figured prominently. A survey of the Municipal Reports indicates that this part of the duty was perhaps overdone by Councillors. Interpellations, adjournment motions and resolutions of no-confidence excited sensational interest and were resorted to rather too frequently. Nor were such tactics always actuated by altruistic motives.

A remarkable drawback of the deliberative activity was that broad questions of policy or enunciations of administrative principles rarely appeared. The reasons for this are to be found in the restrictions imposed partly by the Municipal Acts and still more by comprehensive control exercised by Government. Fundamental alterations of policy, either regarding functions or finance, had to be approved by Government. Perhaps the most important reason lay in the limited outlook and competence of the average Councillor. Nor was the active co-operation of Councillors secured through the development of a Committee system.

An advantageous method of carrying out the Council's duties is by mean of small committees. Experience of representative institutions shows that working through Committees is essential for securing speed and efficiency. Unfortunately, the Committee system appears to have been very rarely employed by the District Municipalities, in striking contrast to the City Corporation. Act IV of 1884 had provided for the appointment of committees.78 But it was totally disregarded.79

It is obvious that any assembly whose proceedings are regulated by more or less formal rules of debate finds difficulty in discussing questions involving the examination of a mass of detail. When it begins to discuss questions concerning which differences of opinions are likely to arise, it finds its task much sim-

77 Forrest: "The Indian Municipality" (Calcutta) 1909, p. 13.

78 Section 38 of Act IV 1884

79 "Save in Madras, Municipal Councils seem to work largely through Committees" Decentralization Commission Report (1908) Vol. I (p. 283) para. 856. See evidence of Mr. Venkatappayya before the Decentralization Commission, Vol. II, p. 265.

plified if the main points at issue and the principal arguments for and against each particular proposal have been settled and stated beforehand. Failure to employ the Committee system must have resulted in considerable wastage of the Council's time through prolonged debates on matters concerning which no doubt or difficulties would have arisen if they had been previously investigated by a representative sub-committee.80

The reason for the failure to organise committees in District Municipalities seems to have been that neither the Councillors nor the Chairmen ever seriously thought of it. It shows lack of administrative experience and knowledge of representative institutions. Nor were Collectors and officials of the District free from blame in this respect. Encouragement by them might have given a proper lead.81

A more serious difficulty experienced in the deliberations of Councils was the problem of language. Particularly in the earlier period when the Collector or Subdivisional Officer presided over the meetings, the difficulty was very great. Often the Presidents were British; even where Indian Collectors took their place, the position was not always better, for some were not well versed in the regional language.82 And it is essential to remember that until quite recently the native officials, even though acquainted with the local language, preferred to transact business through the English medium. Pretence of deficient knowledge of the native tongue was a common form of official snobbery. The consequent dominance of English inevitably restricted the chances of an average member making himself felt in the Council. True, there was no prohibition against a member speaking in his mother-tongue; but in practice, such a speech rarely carried weight. Moreover, those ignorant of English could hardly follow the Council's proceedings. No wonder, meeting after meeting resolved in 1882 that the foreign medium should be replaced by the local language in the deliberations of the Council.83

80 Sir A. P. Patro is perhaps inclined to overestimate the consequences of the absence of committee system in Madras Municipalities. See "Studies in Local Self-Government", pp. 29-31. See also T. B. Russell: "Principles of Local Government in England and their application to India," pp. 69-70.

81 After 1916 Committees were set up in some of the bigger Municipalities, and even today only six Municipalities have adopted the Committee system.

82 A native I. C. S. officer belonged to any part of India. Even the Sub-Divisional Officer was a Telugu, Malayalee, Canarese or Tamilian.

83 "The chief defect in the working of the present Local Fund and Municipal Boards is the adoption of English in lieu of the vernacular in transacting the business of the meeting" Proceedings of the Madras Native Association, p. 68. See again Ibid pp.8-9.— (*continued on next page*)

After 1885 the position improved in some measure. In the first place, elected Chairmen were invariably men of the locality, conversant with the regional language. Secondly, even when English education had spread considerably, at any rate in towns, and most of the Councillors were English-educated men. Nevertheless, the language problem has continued to be a severe handicap in the case of some members all through the history of Municipal development.

If the deliberative work of the Councils was subject to limitations, the executive administration was not free from defects. The supreme executive power was vested in the President who was responsible for the administration of the Municipality. The ex-officio President, the District Collector, either directly or through his assistants, was in sole charge of the administration in all Municipalities till 1884. This arrangement was open to grave defects.

In the first place, the Collector and his assistants were overburdened with ever-increasing revenue and magisterial work. Hence the attention devoted to municipal administration was not adequate. The result was that great delay and inefficiency in the conduct of Municipal business were often experienced.[84] Invariably, on account of the preoccupations of the Collector-President, the clerical staff of the Collectorate were able to play an unduly important role in settling questions of municipal administration.[85]

Secondly the ex-officio President, whether Englishman or Indian, had little active contact with the masses, their requirements and grievances. Question of time apart, these officers usually lacked the patience, sympathy and affability needed for getting into touch with the citizens. They were notoriously inaccessible.[86] Moreover, Officers were frequently transferred from one District to another, and consequently, the chances of understanding the specific problems of particular towns were reduced.[87]

Finally, the administration carried on by the ex-officio President was at best only local government; it was certainly not 'local

Also note this: "As things stand at present all business is transacted in English and the greater part of the native members simply affix their signatures to whatever is resolved upon by the more influential section" Ibid p. 27.

84 Evidence – Decentralization Commission. Vol. II, p. 289.

85 One of the common defects of the British bureaucracy in India was that the Collector, not knowing the language, customs and manners of the people, had to be inevitably led by clerks and subordinates.

86 It is common knowledge that the Indian counterpart of the British Collector out-heroded Herod in this respect. See Evidence – Decentralization Commission, Vol. II. p. 214.

87 Ibid Vol, II, p. 268. Evidence of Rev. Downie.

self-government'. The primary goal of local self-government is the political education of the people, making them shoulder responsibilities and gain experience in administering their civic affairs. That was far from being achieved through the system that existed before 1884. In fact, there is considerable force in the criticism that the so-called local self-government of the early period was a huge farce.[88]

It may, however, be observed that the system of administration by the official President had its merits. Normally he was above party or faction. Wilful corruption or nepotism did not hamper his administration. Moreover, the executive ability and wide experience of the officer were valuable assets, and could be used to advantage. Nevertheless, the price paid for these benefits was too great. If local self-government had to be made real, the official President had to make way; and, eventually in 1884 provision was made for the selection of non-official Chairmen.[89]

But the Act authorized the Government to decide when, and in what towns, election of Chairmen was to be allowed. No doubt, in 1885, when the Act came into force, as many as 40 out of 97 Municipalities were permitted to elect their Chairmen. However, during the period 1885 to 1919, frequently Municipalities which had been allowed to elect their Chairmen were deprived of the privilege.[90] Even though towns which had forfeited the right recovered it subsequently and though the privilege was extended to other towns from time to time, it appears that progress was on the whole slow and unsteady, with the result that even in 1919-20, out of a total of 73 Municipalities, 14 had no elected Chairmen.

One of the grounds on which the privilege was withdrawn from certain Councils was that they failed to secure the quorum necessary to elect the Chairmen on the appointed day.[91] But the peremptory deprivation of the right in such cases appears to have been too drastic and hasty. Prior to 1889 the quorum needed for electing the Chairman consisted of three-fourths of the existing

88 See article "Why local self-government failed?" by V. D. Mahajan in Indian Journal of Political Science, Vol. VII, No. 4, p. 521ff. In the midst of grotesque exaggerations and sentimental outpourings, the writer has some valid criticisms to offer.

89 Most of the Meetings of the Madras Native Association urged that neither Collectors, nor other officials should continue to be Presidents of Municipalities.—See p. 101. Some Associations even recommended that "officers of Government especially, Magisterial, Revenue and Police, should be completely excluded from the Council". Ibid pp. 13-14.

90 E. g. Tanjore in 1886-87 (M. A. R. 1886-87 p. 221); Nellore and Cochin in 1888-89 (Idem 1888-89, p. 201): Calicut and Madura in 1890-91 (Idem 1890-91, p. 212); Trichinopoly in 1895-96 (Ibid 1895-96, p. 206); Kumbakonam in 1905-6 and so on. See M. L. C. P. 1904 p. 2.

91 e. g. Tanjore in 1886-87; Nellore and Cochin in 1888-89.

strength of the Council; as revised in 1889, it was reduced to one-third of the Council with the proviso that no election would be valid unless the successful candidate obtained the vote of a clear majority of the Councillors.[92] While the apathy of the Councillors was deplorable, it is submitted that the proper procedure for Government would have been to draw the Councillors' attention to the matter through the Collector or other officers, to impress upon them the value of the privilege and to give ample chance for them to make amends for their indifference.

More serious was the withdrawal of the privilege owing to mismanagement and inefficiency on the part of elected Chairmen.[93] The inability of certain Chairmen and the dubious dealings of others brought their respective Municipalities to the verge of collapse.[94] But it is an open question whether the proper solution for such problems lay in a mere deprivation of the elective right. Mistakes were bound to be committed before people could learn the difficult art of local self-government. Perhaps a more appropriate method might have been to organise public meetings, mobilise public opinion and bring home to the citizens the gravity of the situation.

The responsibilities of Municipal Chairmen are great, as the general tone of administration ultimately depends on them. Tact, impartiality, and a spirit of service, coupled with courage and firmness are of the utmost importance. They have a specific duty to the ratepayers, to the Commissioners and to the administrative staff.[95] The efficiency and success of administration depends, in a large measure, on the manner in which they discharge these duties.

It must be admitted that though there were unfortunate cases of failure—and they were disconcertingly too many—Municipal Chairmen in the majority of cases acquitted themselves creditably.[96] Often, the existence of a rivalry between the Chairman

92 M. A. R. 1888-89, p. 201.

93 e. g. Calicut, Nellore and Madura in 1890-91, Conjeevaram, Masulipatam and Walajapet in 1891-92, Cocanada in 1893-94, Mannargudi, Srirangam and Vizianagaram in 1894-95.

94 See for example, the low level to which affairs in Vellore descended in 1901-3, See Sir Md. Halibullah's Evidence before Decentralization Commission Vol. II, p 274. Perhaps the worst instance of nepotism, corruption and mismanagement by a Chairman is that of Madura in 1930-31, which led to the suppression of the Municipality. See Report of the Inspector of Municipalities and Local Boards. (Madras) 1932-33, pp. 18 to 37.

95 Forrest: "Indian Municipality", pp. 23 to 31.

96 "The great increase of the non-official agency which has been a consequence of the new Act has not led, as was anticipated, to retrogression n administrative efficiency. The non-official Chairmen have generally done their work well; and, onerous though the office is in large towns, men have been found willing to devote time and trouble to it, often with conspicuous success". Municipal Report 1886-87, p. 24; see also Municipal Reports 1910-11, p. 16 and 1912-13 p. 8 for similar verdicts.

97 See Supra Chapter III.

98 Disputes between Chairmen and Vice-Presidents caused serious disruption of the Council's activities in Kumbakonam, (1893-94), in Mannargudi (1894-95) and in Palamcottah (1904-5).

and the Vice-President tended to serve as a corrective against maladministration. Before 1884 the office of Vice-President was of considerable importance, for, often many duties of the Collector-President were discharged by him. It is noteworthy that even though Act III of 1871 had permitted the election of Vice-Presidents, only a few Councils availed themselves of the right.[97]

After 1884, when Chairmen were elected, the importance of Vice-Presidents declined. True, they, too, were elected and they officiated for the Chairmen during their absence. But normally the Vice-President had no special powers. The history of Municipal Councils during 1884-1919 shows that in several cases the Vice-President and Chairman did not co-operate with each other in municipal activities. Frequently the Vice-President tried to lead the opposition against the Chairman in the Council and even manoeuvred to displace him. Much unwholesome bickering ensued in consequence, and 'municipal politics' reached a low ebb.[98]

It remains to notice the position of the subordinate staff. In the early days of municipal history the subordinate administrative staff was very small, consisting of a few clerks and collectors of taxes. In 1881 the total cost under this head in all the 47 Municipalities amounted to about 8% of the total Municipal expenditure, though in some of the smaller towns the percentage was considerably more. With the increase of Municipal functions and expenditure, additional staff was required and this was gradually provided. Technical experts, like health officers, vaccinators and engineers, were needed. The expenditure of the Municipalities on the administrative and technical staff reached 13% of the total expenditure in 1919-20.

Generally the persons employed were not properly qualified for their work. This was specially so in the case of clerks, superintendents, inspectors and teachers. The common tendency was to appoint low-paid men for the various posts. If this defect was bad in the case of the City Corporation, it was much worse in District Municipalities. Candidates who could not secure better employment elsewhere found their way into Municipal service. This meant inefficient adminstration. What was worse, the standard of integrity on the part of municipal servants often left much to be desired. Cases of defalcation of money, delayed payments or acceptance of bribes were brought to light, from time to time.

In order to escape punishment, frequently municipal employees invoked the aid of the Councillors who were induced to intercede on their behalf. One of the unfortunate tendencies throughout the history of Municipal administration was the readiness with which Councillors interested themselves in questions of appointment, promotion or punishment of the Municipal staff. This weakness was noticeable more prominently after 1885, when non-official Chairmen were elected.[99] A full meeting could always be counted on when a proposal to fill up a vacant appointment was on the agenda; and the amount of preliminary canvassing, lobbying and intriguing that took place on such occasions was highly demoralising. Very rarely were Chairmen found to be strong enough to assert their rights and restrict the unwarranted liberties taken by Councillors.[100] The common idea that the elected representative should utilise his position to fight for the spoils of office for his followers, was responsible, in no small degree, for local self-government falling into disrepute.[101]

In fact, all questions of appointment and disciplinary control over the personnel should have been left entirely to the discretion of the Chairman, or to a sub-committee of Councillors. Till 1919 no committee was set up for the purpose by any Municipality.[102]

(III) THE RURAL BOARDS

The striking feature in the history of the Rural Boards in the Madras Presidency is that the democratic element was introduced into them but slowly. Prior to 1884, the Local Fund Board consisted of officials and non-officials, all appointed by Government. While Act III of 1871 had provided for a partial election of members in Municipalities, a similar provision was conspicuous by its absence in the case of Local Fund Boards.

Act V of 1884 introduced the elective principle for the first time, when provision was made for electing one-half of the members of every District Board by the Taluk Boards in that area. This indirect election, as noticed earlier, was undemocratic, particularly because, for a long time, the Taluk Boards were composed solely of government nominees. Nor was the proportion of these so-called elected members increased for many years. It was not until 1918, that in respect of 17 Boards,[103] the elective seats were raised to two-thirds of the maximum strength.

99 Sir A. P. Patro: "Studies in Local Self-Government, Education and Sanitation", p. 31.

100 This pernicious tendency was by no means peculiar to Madras. See Forrest: "Indian Municipality", pp. 30-31.

101. See Decentralization Commission Evidence, Vol. II, p. 179 and p. 189.

102 Even now only 4 Municipalities have sub-committees for dealing with appointments and promotions.

103 Local Boards Report 1918-19, p. 3.

In the case of the Taluk Boards, down to 1909, all the members were appointed by Government. Virtually they were nominees of the District Collector. In 1908 the power of nominating members was transferred to the Presidents of District Boards.[104] But, since non-officials were not selected as District Board Presidents till 1914, this gesture was not immediately of any practical value. The real innovation appeared in 1909, when for the first time, one-third of the members of each Taluk Board were allowed to be elected.[105] An extension took place in January 1912, when the elective proportion was increased from one-third to one-half;[106] and it was further extended to two-thirds in September 1918.[107]

More slow and halting was the adoption of election in the Union Panchayats. Though Act V of 1884 had included a permissive clause for employing partial election,[108] for a long time, the Chairman and members continued to be appointed by Government. In 1887 this power was made over to the Presidents of District Boards with the definite instruction that Government officials other than village officers and medical subordinates were to be appointed only in very special circumstances.[109] The power of appointing Panchayatdars (members of Union Panchayats) was delegated to the Revenue Divisional Officers in 1908, and was eventually transferred to Presidents of Taluk Boards in 1909 in response to popular opinion.[110] It was not until 1913 that Panchayatdars were chosen by election. In the case of 24 selected Unions it was provided that the members were to be partly elected by the taxpayers of the Union and partly to be nominated by Presidents of Taluk Boards. The number of selected Unions where partial election was employed increased but slowly from 27 in 1917 to 45 in 1918 and to 131 in 1919.[111]

The extremely slow progress in the introduction of election into Rural Boards, in striking contrast with the development in Municipalities, is explained by the backwardness of the rural population. Education had progressed much less in villages than in towns and consequently there was a notorious absence of public spirit. Moreover, custom and tradition dominated the daily life of the rural folk to a great extent. Caste prejudices, factions and

104 Idem 1908-9, p. 32.

105 M. A. R. 1909-10, p. 34.

106 Idem 1911-12, p. 146.

107 Idem 1918-19, p. 43.

108 Section 16 Act V of 1884.

109 Though Panchayatdars were appointed by District Board Presidents, the power of removing them was retained by Government. Cf M. A. R. 1889-90, p. 205.

110 M. A. R. 1907-8 p. 38; Idem 1908-9, p. 32.

111 In 1919 there were 577 Panchayat Boards. By 1946 their number rose to 7,177 and election was adopted in all of them.

cliques were more rampant in villages, than in towns. As a result of all these circumstances, Union Panchayats were frequently mismanaged; numerous Pânchayats had to be abolished and, in other cases, members guilty of misconduct were compelled to resign.[112]

It looks as though the representative principle was not understood and appreciated by the villagers for many years. But restriction of election was not the proper remedy. Probably, it would have been better if officers had been appointed for the purpose of explaining to the people the significance of local elections. If the masses had been made to realise the importance of local self-government, in course of time, better results, in all probability, would have followed.[113]

Lack of popular enthusiasm in Rural Board elections appears to have explained, if not justified, the slow adoption and extension of the elective principle. Even in the case of District Boards, which comprised a larger population and higher proportion of educated people than Taluk or Union Boards, the interests in elections was far from encouraging. Though Act V of 1884 had provided for the election of one-half of the members of each District Board, yet in many years, a sufficient number of candidates was not forthcoming. For instance, in 1892-93 the proportion of one-half was attained only in the District Boards of South Canara, Chingelput, Coimbatore, Cuddappah and Tinnevelly. In 14 other Boards the proportion of elected members was still less, owing to a dearth of candidates.[114] Even after several years the position did not improve in any substantial measure. In 1906-7 for instance, the number of elected members on eleven Boards was less than 50% of the strength, while the average proportion for all Districts was only 45%.[115] In 1918-19, though the proportion of elective seats was raised in the case of 17 Boards to two-thirds, no fewer than 119 vacancies remained unfilled at the end of the year.[116]

In the matter of elections to Taluk Boards also the experience was not encouraging, even though elections were introduced as

112 Local Boards Report 1910–11, p. 34; Idem 1913–14, p. 36. Even in 1946, 18 Panchayats were abolished on account of maladministration. Cf. M. A. R. 1946 Part I p. 25.

113 District Panchayat Officers were appointed in 1940. They could have been appointed much earlier with advantage.

114 Local Boards Report 1892–93, p. 2. For the District Boards of Kurnool and Nilgiris members were not elected, since in Nilgiris there were no Taluk Boards and in Kurnool the number of Taluk Boards was too few. In 1894–95 again, only in 9 District Boards the full proportion of elected members was attained. Cf. Local Boards Report 1894–95, p. 2.

115 Idem 1906–7, p. 3.

116 The proportion of elected members to the maximum strength was less than the sanctioned proportion in 19 Boards. Idem 1918–19, p. 4.

late as 1909. Frerquently elections were uncontested.[117] Nor did a large proportion of voters exercise their right in the contested elections. The following Table shows the percentage of voters for Taluk Boards who went to poll. The actual number of voters who polled are not available.[118]

Year	Percentage	
1909–10	42.8	
1910–11	41.0	
1911–12	38.5	
1912–13	50.0	
1913–14	44.5	
1914–15	45.4	
1915–16	45.4	
1916–17	—	(The percentage for this year has not been recorded)
1917–18	51.6	
1918–19	45.5	
1919–20	47.8	

It is seen that, on an average, about 45% of the voters exercised their voting privilege during the period 1910 to 1919. But, figures are often misleading; it is extremely doubtful if a substantial proportion of those who voted, took a genuine interest in the elections. More than in towns, elections in rural areas have frequently proved farcical. They seem to have been essentially tests of the organising capacity and the financial resources of the rival candidates.[119]

Lastly, the experience of the Union Panchayats was disappointing in the extreme. Here, the people were well-known to each other, and canvassing by candidates was confined to a small area. Yet, when 24 Unions tried election from 1913, the response was far from satisfactory; little more than 10%, on an average, went to the polls during the years 1914 to 1919. Though the number of selected Unions had increased to 131 in 1919, nine vacancies had to be filled by nomination for lack of candidates, and in 37

117 In 1909–10 only 87 out of 273 seats thrown open to election were contested, and in 1910–11 only 26 out of 100 were contested. In 1911–12, 26 seats were filled by Government because voters failed to propose candidates in time. Even in 1918–19, no fewer than 128 elections out of 304 were uncontested and nominations became necessary.

118 The percentage of electors who voted at the elections has been gathered from the Local Boards Reports.

119 M. L. C. P. 1915, p. 22.

cases the candidates were returned unopposed, while in the remaining 33 elections barely 12% of the voters exercised their franchise.120

It cannot be said that, as a general rule, the candidates elected to District, Taluk or Union Boards were men of outstanding ability or experience. Nor can it be said, that men of lofty principles, prepared to work sincerely for the uplift of the common people, were chosen. It is not meant that the only qualified representatives were those with a University education. It will be readily admitted that the average villager has a fund of commonsense. But, the successful candidates were, more often than not, rich and influential persons who were not at all actuated by ideals of social service. A proper idea of the duties and rights of a representative does not seem to have been grasped by either the electors or the elected. Membership of a local body was considered a mark of honour. Hence, wealthy and vain-glorious 'title-hunters' on the one hand, and intriguing demogogues on the other, formed the bulk of the representatives.121

More than in towns, social position, wealth, caste and other irrelevant considerations seem to have commonly decided elections. For the Disrict Board, wealthy landlords and occasionally a few lawyers were elected. Where Taluk Boards and Union Panchayats adopted elections, again, it was generally the prosperous landowners who were returned. It was notorious that the rich landlords of Madras were far from being public spirited. Nor were they the natural leaders of the people. What the Native Association said in 1882 has remained true down to recent years: "For reasons, which everyone knows, but which some profess to be ignorant of, really capable men do not, as a rule, care to serve in the local bodies."122

The quality of the nominated members was worse than those elected and unfortunately, the proportion of members nominated to Rural Boards was always higher than in the case of Municipalities. Even in District Boards, where election was introduced earliest, nominated members were in a majority till 1893.123 Gradually, the proportion of elected members increased, until in 1919 there were 483 elected, as against 195 nominated. In Taluk Boards and Union Panchayats till 1909 all were nominated, while even subsequently, the nominated members formed a considerable part of the Boards.

120 Local Boards Report 1918-19, p. 3.

121 Decentralization Commission Evidence Vol. II, p. 256 and p. 269.

122 Proceedings of the Madras Native Association, p. 101.

123 For example, in 1889-90, there were 304 nominated and 241 elected members; in 1891-92, there were 298 nominated and 277 elected members.

As in the case of Municipalities, in Rural Boards too, the nominated member was often an innocuous supporter of officials and of Government policy. In nearly all the Boards rich men of the locality were chosen. Even when Government had the formal right of nomination, it was virtually exercised by the Revenue Officials and their subordinates. No wonder, wealth and social rank formed the deciding factors. Much more than the elected representative, the typical nominated member was a passive spectator of the Board's deliberations.124 The nominated members felt as if they owed their appointment to the Collector or his subordinates, and so, were unwilling to pronouce any opinions opposed to those of the officials.125 This was the state of affairs even as late as 1907. Several witnesses before the Royal Commission on Decentralization stated that the nominated members were docile supporters of the officials.126

The proportion of officials in the Rural Boards during the various periods of their history deserves to be noticed, because normally, the lower the percentage of officials the greater the scope of free expression of views on the part of non-official members. The official was regarded by the villager with awe and reverence. In the District Board, during the early period 1871 to 1884, officials numbered well over one half the total strength. Beginning from 1885, there occurred a remarkable rise in the number of non-officials; ordinarily, during the period 1885 to 1919 they formed three times as many as the officials.

The officials appointed to District Boards were of three classes: first, ex-officio members like the Divisional Officers and officials of the Public Health and Public Works Departments of the Provincial Government; second, certain nominated officials like the District Superintendent of Police, the Deputy Registrar of Co-operative Societies, or the District Educational Officer; and third, officials who happened to be elected by Taluk Boards. It is surprising that a considerable number of elected members, on an average about 25%, were officials. Perhaps, it would have been better for the development of local self-government, if the election of officials had been totally prohibited. As it was, with these three classes of officials dominating the District Boards, the voice of the non-official section was practically stifled, for even though numerically larger, the non-official did not have the knowledge or courage to oppose the views of officials.

Taluk Boards again, had always a fair representation of the official element, though the proportion was a little less than in

124 Proceedings of the Madras Native Association, p. 116.

125 Ibid p. 131.

126 Decentralization Commission Evidence Vol. II-Evidence of Rev. Downie, p. 268 and of Kesava Pillay, p. 167.

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126 Decentralization Commission Evidence Vol. II-Evidence of Rev. Downie, p. 268 and of Kesava Pillay, p. 167.

District Boards. From 1885 to 1893 officials formed about 40% of the total strength of the Taluk Boards. After 1893 their proportion declined gradually to about 32%, and again from 1914 a further reduction appeared till in 1919 only about 20% were officials.[127] The nomination of officials was justified on the ground that their administrative experience would be available for the Boards. On the other hand, their presence tended to defeat the aim of local self-government. It was indeed a perplexing situation for the Provincial authorities, because they knew that in the interest of local self-government official influence had to be removed, and at the same time apprehended that a total exclusion of officials would have landed the Boards in difficulties. The problem might have been solved had it been possible to bring about a complete change of attitude on the part of officials, to convince them that they were the servants of the people, not their masters.[128]

The official domination was not so pronounced in the Union Panchayats as in the Taluk or District Boards, for, normally the Panchayats had a non-official majority. Of course, the headmen of the revenue villages within each Union Panchayat were ex-officio members. Certain other officers like the local revenue inspector, Karnam and Village Munsiff were also nominated.[129] The Madras Government realizing the importance of reducing official influence in Union Panchayats, in 1888, instructed the District Board Presidents that officials, other than village officers and medical subordinates, were to be appointed only under very special circumstances. But, the instruction was often ignored in practice. Revenue and School Inspectors, as well as Inspectors of Co-operative Societies—all officials of the Provincial Government—were occasionally nominated, with the result that in some Unions the number of officials exceeded that of the non-officials.[130] This feature was viewed with disfavour by the Government, who advised the District Board Presidents in 1901 to take the necessary stepes for remedying the anomaly; and, as a result, the official preponderence was considerably reduced. Occasionally, however, owing to the rise of uncompromising factions in certain Unions, officials had to be nominated as a temporary measure. The

127 After election was introduced in 1909, the elected persons included officials. In 1934, when Taluk Boards were abolished, the proportion of officials stood at 12%

128 It is difficult to exaggerate the meek submissiveness of villagers before officials. From the twenties of the present century there has been a marked change, thanks to the spread of education and to the dissemination of political ideas by the Congress.

129 The 'Karnam' or accountant and 'Village Munsiff' or local Revenue Collector were hereditary officers continued from pre-British days.

130 For example, in 20 out of the 320 Unions in 1892-93, in 14 out of the 340 in 1893-94, and in 10 out of the 352 in 1894-95, officials outnumbered the non-officials.

officials, on their part, were not eager to serve on the Rural Boards; in fact, they considered the obligation to attend the Board meetings as an unwelcome responsibility.

The lack of enthusiasm on the part of the elected, and still more on the part of the nominated and official members, resulted in the irregularity of holding meetings. The number of meetings held by all classes of Rural Boards was remarkably disappointing. The District Boards rarely met more than once a month, the statutory minimum required by Act V of 1884. Even in 1919-20 the 25 District Boards held only 302 meetings in the whole year.[131] Hence, it was a common practice to rush through the accumulated business without adequate discussion. Surprisingly, even the Taluk Boards and Union Panchayats met on an average only 13 times a year. The members resided within a short distance of each other and the amount of leisure enjoyed by most of them was considerable, so that they could have easily met more often if they had been enthusiastic. As it was, several Taluk Boards failed to meet even once a month, which was the minimum statutory requirement.[132]

Nor was the attendance at meetings encouraging. At the meetings of the Local Fund Circle between 1871 and 1882 the attendance of members was very unsatisfactory.[133] From 1884 to 1893, there was a slight improvement, about 41% of members attending.[134] During the period 1893 to 1919, a substantial improvement took place, the average rising to a little over 50.% The long distance that many members had to travel to attend meetings was partly responsible for the unsatisfactory attendance; but largely, it resulted from indifference.[135]

A remarkable feature was that the attendance of the official members was poorer than that of non-officials. At times this tend-

131 Local Boards Report 1919-20, p. 1. This works out to one meeting on an average for each Board.

132 For example, in 1893-94, 7 and in 1897-98, 11 Taluk Boards failed to meet once a month.

133 Report of the Local Self-Government Committee (1882), pp. 73–74.

134 For instance, in 1892-93 the average attendance was 15 (5 officials and 10 non-officials) out of an average strength of 31. "This being less than half the strength, must be considered below the mark. In some Districts like North Arcot, Bellary, Nellore and Tinnevelly, both officials and non-officials were irregular in attendance." Local Boards Report 1892-93, p. 2.

135. Sir A. P. Patro, an ex-President of a District Board says: "Experience proves that the District Committees are, as a rule, very badly attended by members actually residing in the vicinity of the headquarters' station", "Studies in Local Self-Government, Education and Sanitation", p. 55. See also M. L. C. P. 1913-14, p. 561 et seq

ency was very conspicuous in certain Boards.136 Frequently the Government as well as the District Collector admonished the erring officials. Pressure of official work was usually pleaded as the cause for irregularity. Whatever the causes of absence, there can be little doubt that it had a demoralising effect on the other members of the Board as well as on the subordinate staff.137

In the case of Taluk Boards, the average attendance was better than in District Boards. Between 1882 and 1893 it was about 52% of the total strength and between 1893 and 1919 it increased to about 56%. Here, too, the attendance of official members was very often unsatisfactory.138 It is gratifying to note that, on the whole, the Panchayatdars showed a better regularity in attendance. Normally over 75% of the members attended meetings.

As for the business transacted at the meetings, it is found that the deliberative work of the District Board mainly centred round the allocation of the revenue to particular divisions of the District. Members were not called upon to deliberate, much less to evolve any policy or principle. Uuder a proper scheme of local self-governmnt, District Boards could have framed well-defined principles on the basis of which expenditure on various items could have been distributed. But the Reports of Local Boards show clearly that such general rules were rarely discussed or evolved. Representation of the needs of particular localities was, at best, the most important part of the deliberative work of the members. In fact, until non-official Presidents were appointed, the settlement of policy was largely left to the Collector and his assistants.139

Added to the inherent limitations of the Board, the outlook and equipment of the average member precluded him from playing an effective role in its deliberations. Many of them were not acquainted with English, in which language the proceedings of the Board were conducted. Indeed, the language difficulty was more serious in the Rural Boards than in the Municipalities, for in the former, a larger proportion of members was ignorant of English.140 While in the Municipalities, with the lapse of years, a higher proportion of members consisted of English-educated men, in Rural

136 Local Boards Report 1894-95, p. 2; Idem 1896-97, p. 3; 1897-98, p. 3.

137 Decentralization Commission Evidence Vol. II, p. 168.

138 Vide Local Boards Report 1892-93, p. 3; Idem 1895-96, p. 2.

139 "The entire proceedings of the District Board are sometimes mere formal sanctions of the proposals made by the President" Sir A. P. Patro: "Studies in Local Self-Government, Education and Sanitation", p. 56. M. L. C. P. 1914-15, p. 570.

140 Proceedings of the Madras Native Association, p. 27 and M.L.C.P. 1914-15, p. 233.

Boards the proportion did not show any material increase.141 Under such conditions the members, perhaps with the exception of a few, were passive spectators and took no part in the deliberations of the Boards.142 Everything was left to the President and a few of the leading representatives.143 Unfortunately these characteristics continued unchanged throughout the history of District Boards. True, the reduction of official members and the increased use of election brought in new blood. Moreover, with the appearance of non-official Presidents the position seemed to improve. Nevertheless, the real part played by the representatives in the deliberations did not show any substantial improvement, for the quality of the average member remained unchanged.

Wrangling over appointments was a common feature as in Municipalities; and, perhaps, that constituted the only item of interest for many members. Most of them used their time inside the Board as well as outside, in struggling to find employment for relations or friends.144 Indeed, this matter of procuring appointments in the Boards might not have proved a thorny problem if it had been delegated to a small sub-committee. But the system of appointing committees for this or for other items of business was not attempted until very recently. Though Act V of 1884 provided for the appointment of committees, District Boards failed to put this provision into effect.145 Undoubtedly this formed a serious defect of the District Board administration.

If the deliberative work of the District Board was ineffective and farcical, the position was decidedly worse in the case of the Taluk Boards, where, for a long time all members were nominated. Even when the elective system was introduced, the type of members elected was not, as noticed earlier, of such quality as to bring about a marked improvement. The majority of the members were totally indifferent to the proceedings of the Board. At best, a few of them attempted to draw the Board's attention to the requirements of particular localities. A certain amount of lobbying and wire-pulling was common for the purpose of securing facilities for the various villages within the Taluk.

An important circumstance which weakened Taluk Boards was

141 This was mainly because the educated men usually migrated to towns.

142 "The non-official members are more or less irregular in their attendance and do not in the least appear to take any lively interest in the discussions of the subjects set down for decision." Proceedings of the Madras Native Association, p. 17.

143 Decentralization Commission Evidence. Vol. II, p. 268.

144 Evidence of Mr. Graham-Decentralization Commission Evidence, Vol. II, p. 179.

145 Even by 1946, committees had been constituted only in four District Boards.

the excessive control that the District Board exercised over them. The Madras Local Fund Code had formulated a series of powers to be vested in the District Board President for controlling the activities of Taluk Boards.[146] For instance, his sanction had to be secured for the employment of medical subordinates and midwives, of watchers and sweepers in Travellers' Bungalows and of teachers in schools. This stringent system of control appears to have been unnecessary, because the periodical audit and inspection furnished a sufficient check over extravagance. Moreover, the Engineering Department was completely under the control of the District Board President, and even an emergent repair to a road could be undertaken only with his approval. This limitation imposed on their freedom should have been resisted by the Taluk Boards, especially as they made an annual contribution towards the upkeep of the Engineering Department. Again, the sanction of the District Board was required for a transfer of funds, above a certain limit, from one head of expenditure to another or to appropriate the surplus balances for essential purposes. It is indisputable that a certain measure of control was necessary, but that was amply provided by audit inspection.

The fact was that such a rigorous control by the District Board made the Taluk Board and Union Panchayat merely subordinate agents. Their deliberations were unduly hampered by restrictions from above. The work of the Panchayats was, as a rule, confined to the supervision of conservancy establishments and the carrying out of local sanitary improvements. In a few instances the management of elementary schools and markets was transferred to them by Taluk Boards. The Panchayats, in their turn, were subject to supervision and control by the Taluk Board President. Here again, though a certain measure of supervision was necessary, when carried to excess, it checked the freedom and initiative of the Panchayat. Transfers of budget allotments from one head of expenditure to another or even slight deviations from the normal line of activities had to be approved not only by the Taluk Board but also by the District Board. Purchase of implements and plants including petty scavenging tools required by Panchayats needed the District Board's sanction. All this meant delay; what was worse, it produced a sense of frustration among the Panchayatdars.[147]

The annual Reports of the Provincial Government have repeatedly recorded that the work of Taluk Boards and Panchayats was generally satisfactory.[148] But these estimates have to be taken with some reservation. These verdicts might have been

146 Madras Local Fund Code (1912 edition) pp. 48–53.

147 Decentralization Commission Evidence Vol. II, pp. 139-40.

148 Local Boards Report 1892-93, p. 3; Idem. 1894-95, p. 3.

intended either to encourage the nascent institutions of local self-government or to impress on others that the creation of government was functioning satisfactorily. Above all, these estimates pertain to the success of administration alone; they throw little light on the measure of local self-government enjoyed by the people. A survey of the annual Reports indicates that this aspect was far from adequately developed. Lively discussion and deliberation, followed by eventual settlement of principles and policies on the basis of views expressed, seem to have been woefully lacking.

An important reason for the absence of enthusiasm in the meetings was the fact that the President was a government official. The ultimate executive authority over the District Board was vested in the Collector-President till 1914 and in a non-official nominated Chairman in some cases from 1914 to 1919. Even the Vice-President, for the major part of the period 1871 to 1919, was an official.[149] The enormous power wielded by the Collector-President negatived the chances of democratic development.[150] The President, who was the chief administrative and executive officer, very often disposed of matters independently of the Board. As observed earlier, his powers over the Taluk and Panchayat Boards were vast. He distributed the Government Grants among the Taluk Boards and reviewed their budgets. The right of nominating members of Taluk and Panchayat Boards was virtually vested in him. It is extremely doubtful whether the Collector-President could efficiently discharge the multifarious duties connected with the Rural Boards.[151] The position improved with the appointment of non-official Presidents in 1914.

So far as the Taluk Board was concerned, for a long time, the Divisional Officer continued to be its President. He exercised in respect of Taluk Boards and Union Panchayats the same powers that the Collector discharged over a wider area. Naturally the same drawbacks existed in the administration of the Taluk Board also until 1909, when Government authorized the election of

149 So late as 1907 there were only 5 non-official Vice-Presidents in the whole Province. Cf. Decentralization Commission Report, Vol. I, P.266. By 1919 seven more Districts obtained the privilege. The reluctance of the Government to make the Vice-President's place an elective office was hardly justifiable.

150 Practically the entire work of the Board was done by the President and his assistants. The Board merely endorsed the matters already disposed of by him in anticipation, or approved matters about which his opinion had been expressed one way or another. Cf. Decentralization Commission Evidence Vol. II, p. 215; Proceedings of the Madras Native Association, p. 179; and Sir A. P. Patro: "Studies in Local Self-Government, Education and Sanitation." pp. 56 and 61.

151 See Supra Chapter III for the causes of the inability of Collectors to prove efficient Presidents.

Presidents in certain Taluks. But the actual change was effected too slowly. In fact, the Government's policy in this respect was not merely one of caution; it seems to have been rather a policy of indifference.

It is noteworthy that in the few Taluk Boards where Presidents were elected, nothing untoward happened. True, occasionally, the budgets were not balanced, and the financial position caused considerable anxiety to the Provincial authorities.[152] But Government could, and did intercede wherever necessary. It is gratifying to note that the members, as well as the elected chairmen, took a greater interest in the affairs of their Boards after the system of appointing Presidents by election was introduced.

Till 1909 the President of the Union Panchayat was nominated by Government on the recommendation of the District Collector. Subsequent to that date, the Taluk Board Presidents were given this power of recommendation.[153] In those Taluks where the Presidents were elected, there was an attempt at making the choice acceptable to the bulk of the people in the Union. Earlier there had been several complaints against certain nominations made by Government.[154] The President of the Union Board supervised its activities, limited though they were. Election of Presidents could have been introduced earlier than was actually done.[155] The risk was not great; on the other hand, a popular interest in local affairs could have been created.

A survey of the working of the Rural Boards would not be complete without a reference to the subordinate administrative staff employed by them. For correspondence work and the maintenance of accounts each Taluk Board had but two clerks. Union Panchayats rarely employed any clerical assistant. The President, headman and Karnam, between them, managed the entire clerical work and maintenance of accounts.

The District Board Office, on the other hand, had a considerable amount of administrative work to cope with, and so, from the beginning a body of clerks, superintendents, and inspectors was needed. The expenditure under 'Supervision and Management' normally ranged from 6 to 8% of the total expenditure during the period 1885 to 1912 and from 8 to 9½% between 1912 and 1919.

While experts like Engineers and Doctors were apparently

152 In Ponnani Taluk there occurred a serious deficit in 1916-17; but it was set right in the course of two years. Certain Boards mismanaged their finances during 1924 to 1928 and again during 1931 to 1933.

153 M.A.R. 1908-9, p. 32.

154 M.L.C.P. 1907, p. 157.

155 The privilege of electing the President was granted for the first time so late as 1920.

chosen from competent candidates, it is doubtful whether this was true of the administrative and clerical services. Mistaken ideas of of false economy were the guiding factors in Rural Boards as in Municipalities. Low salaries were paid, and hence, the persons chosen were often unsuited for the work.[156] Again, as noticed earlier, frequently, undeserving candidates were appointed through the manœuvres of interested members. Often, the discipline of the administration was affected by the undue interference of the members in the promotion or punishment of the staff.[156]

On the whole, it is clear that the progress of local self-government in the rural areas was remarkably unsatisfactory. The degree of independence granted to the Rural Boards was so limited and the popular element represented on them so inconsiderable that the people obtained little experience in local self-government. The Acts, the Rules, and the officials, all hampered the freedom of the District Boards. The Taluk and Union Boards, besides being subjected to all these restrictions, were also subordinated to the severe control of the District Boards.

156 M.L.C.P. 1916, p. 22.

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Conference:

Special Officers of Village Panchayats of Central Division

(I) Opening Speech

By Shri D. R. PRADHAN, I. C. S.,

Director of Local Authorities, Central Division, Poona.

Hon'ble Shri Vartak and Gentlemen!

I have great pleasure in welcoming to this Conference, Hon'ble Shri Vartak who has so kindly accepted our invitation to inaugurate this Conference inspite of illhealth and other pressing engagements. As you all know, his knowledge of local bodies is first-hand and unrivalled, as he has worked as Sarpanch and President of District Local Board in the Thana District for a long time. The far reaching reforms he has carried out in the working of the local bodies in this State also fully reflect that knowledge. During the British regime, the local bodies were kept in a state of perpetual financial stringency and immediately on assumption of office, he set himself to the task of improving their financial condition. As a result, the local bodies which were getting only about Rs.22½ lakhs from Government in 1945-46, began to get in 1950-51, 211 lakhs, a net increase of about 189 lakhs. I have not the least doubt that when the history of local self-government comes to be written, a prominent place will be given to his achievements. I am sure, therefore, I am voicing your feelings when I say that we are very happy to have him amongst us to-day.

It will not be out of place if I take this opportunity to state the progress made in the establishment of Village Panchayats in this Division since this office was newly started on 15th August 1950. We began with 593 Village Panchayats. To-day we have 144 new Village Panchayats and we will have 120 more in a short time, as elections have already been completed for 264 Village Panchayats. This constitutes an increase of 44% in the number of Village Panchayats over last year. The Special Officers for Village Panchayats were not appointed till 1st October 1950, and two of them were not able to join till January and February 1951. This progress has thus been achieved in the short period of a few months and I think it can be called substantial, without being guilty of over-statement.

We are, however, not satisfied with the progress we have made. The target is a Village Panchayat in every Village with a population of 1,000 and more and there are 2,019 such villages in this Division. We have, therefore, a considerable way to go yet. As, however, the preliminaries of establishing a new organization for

this purpose are now practically over, there will be greater progress in the coming year and there is every hope of our being able to complete the target in the next 2 or 3 years.

The establishment of new Village Panchayats is however not the only work entrusted to the Special Officers for Village Panchayats. It is also their duty to improve the working of the existing Village Panchayats. As this aspect had not received adequate attention in the past, their inspections have revealed a good many defects. The reluctance to tax themselves still persists and factions still continue to mar the progress in many cases. A greater danger is indifference on the part of Village Panchayat members who still do not in many cases take as active an interest in the affairs of their Panchayats as they should. There is also room for improvement in the quality of the work put in by the Secretaries of the Village Panchayats.

Vigorous efforts to remove these defects are in progress. The Special Officers for Village Panchayats are constantly impressing on the Village Panchayats the necessity to carry out their obligatory duties, and in some districts considerable progress has been made in constructing gutters, drains, latrines, repairs and construction of Village roads, bunds, culverts, and preparation of compost manure. A large number of Village Panchayats have built quarters for their Harijan staff and a growing consciousness in this matter is noticeable amongst other Village Panchayats also. The Special Officers for Village Panchayats are doing their best to generate among the villagers a spirit of self-help and co-operative endeavour without which rapid development of our villages will not take place.

The cause of inefficiency in Village Panchayats is often not so much lack of civic sense as ignorance of the elementary principles of public administration. It is, therefore, proposed with the co-operation of District Local Boards to intensify the training of Village Panchayat Secretaries on whom the responsibility of running the day to day administration largely devolves. It is also proposed to prepare in simple, non-technical language a guide for the office bearers and members of Village Panchayats which will enable them intelligently to tackle day to day problems of Village Panchayat administration. Visits of Sarpanchas and Secretaries of older and successful Village Panchayats will also be arranged to enable new and small Panchayats to benefit by their experience.

Absence of factions, adequate finance, a well balanced programme of development and the will to put it through—these are indispensable conditions for the successful working of Village Panchayats and our task will be to help to create these conditions. With sympathy and support from all, we hope to succeed in this task. I have great pleasure now in requesting Hon'ble Shri Vartak to inaugurate the Conference.

(II) Inaugural Speech

By The Hon'ble Shri G. D. Vartak,

Minister for Local Self-Government, State of Bombay.

Gentlemen,

I am thankful to the Director of Local Authorities, C. D., for inviting me to inaugurate this Conference. Conferences such as these have considerable value. They enable you to compare notes, exchange ideas and information and solve doubts and difficulties by mutual discussion. They also enable you to broaden your perspective.

There is also another reason for which such Conferences are to be welcomed. Policies of Government are formulated on definite principles, but field workers like you sometimes experience difficulties in grasping their full background or bearings. Such Conferences are, therefore, useful for explaining them. Indeed, I myself propose to take this opportunity to explain some of the important aspects of the policy which you have been called upon to implement.

For the successful discharge of your duties, it is in the first place necessary for you to understand the true meaning and purpose of local self-government. Fundamentally, local self-government stems from the idea that matters of local interest such as sanitation, water supply, drainage, roads, medical aid etc. are best settled by local people. Need for decentralization also arises when a country is vast or scattered like ours or when multiplication of state functions takes place as in a Welfare State. There is thus a perennial need for local self-government.

With the adoption of our Constitution, local self-government has received new and added emphasis. We have accepted democracy as the form of our Government. There will, however, be no true democracy in this country, unless it exists at all levels. We must remember that the heart of India lies in its villages. These villages as you all know, are inhabitated by our brethren majority of whom are still steeped in ignorance. It is these people whom we must reach at all costs to make democracy a success in our country. It is for this reason that our Prime Minister some time ago said:

> "Local Self Government is, and must be the basis, of any true system of democracy.....Democracy at the top will not be a success unless it is built on this foundation from below".

You will thus see, that if democracy is our aim, as it undoubtedly is, we must have Village Panchayats. They will constitute the base of our democratic structure as Parliament will be its apex. They will have to be developed as instruments for educating our inexperienced electors in democratic citizenship and also

for educating their elected representatives in the art of public administration and democratic leadership. Only in this way we will be able to produce leaders to man our democracy at all levels.

Our Constitution fully recognises this. It has laid down several directive principles of State policy—principles which are fundamental in the governance of the country and which, it is the duty of the State to apply in making laws—and one of the principles is that "the State shall take steps to organize Village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government" (Article 40).

The development of Village Panchayats is thus no longer a matter to be left to chance or choice. It is a sacred duty under the Constitution. The creation of the posts held by you is one of the steps taken by Government to fulfil its obligations under the Constitution. This connection between your appointments and the Constitution should always be present in your mind.

The task we have entrusted to you is two-fold. Your duty is to popularise Village local self-government and to make the working of Village Panchayats really effective and beneficial to the common man. You should explain the advantages of having Village Panchayats to the Villagers and arouse their interest in the national task of building up democracy in this country. In the areas in which you have to work, self sufficient village communities, capable even of self-protection against outside aggression, flourished till the advent of the British. That was not so long ago and it should be possible for you to revive and recapture the spirit that animated the villagers in those days. As regards Village Panchayats already established, your endeavour should be to see that there is no waste and that money whether raised by taxation or received in grants is well spent on services or works of general utility. Items requiring immediate attention should be brought to their notice and help should be given to work out a 3 or 5 year plan of all-round improvement in the village. You should also take particular pains to explain the elementary principles of administration to the office bearers and members of your Panchayats. In matters of administration what appears to you obvious, is often unknown to them and unless you take particular pains to explain the right way of doing things, improvement will not take place. You should make full allowance for their illiteracy and inexperience.

What should be your relations with the Village Panchayats? Let me tell you at once that there is no set formula which can be applied on all occasions. You should treat each case on merits according to its circumstances. Broadly speaking, your object

should be to strike a balance between good Government and self-government and mould them in such a way as will make them effective instruments of execution of national plan or policy. When the national plan is adopted, the Village Panchayats will have to play an important role and you will have to help to build them accordingly. Good Government is often a casualty in Self-Government, but you should exercise restraint. You should not flourish the pole axe. Your aim should be to apply the rein or spur as occasion demands. Whatever you do, it must promote the twin objects for which, as I mentioned earlier, your appointments have been made.

Your task is by no means easy. It will tax your ingenuity to the utmost. You should remember that quick results are not obtained in rearing human institutions. Like plants they grow slowly and require tender care. Persuasion, patience and perseverance should be your watch-words and occasional failure should no depress you. Above all, the success of your work requires the cultivation on your part a missionary spirit which alone will sustain yours efforts. Sometime ago, speaking before another audience, I said that our policy is democratisation, decentralization and sound local finance. I hope your efforts will be calculated to fulfil that policy. I have great pleasure now in inaugurating this Conference and wishing its deliberations every success.

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CHAPTER VII

SUMMARY OF FINDINGS & RECOMMENDATIONS

In the preceding six chapters the system of administration and finance of primary education in six important countries of the world was described and discussed. In the light of this discussion and against the background of the historical evolution of the administration and finance of primary education in the Province of Bombay which was described in Chapter I, it is now possible to offer tentative solutions to the important problems in the administration and finance of primary education.

2. Should the Local Authorities be Abolished?

The first and the most important point to be decided is whether the local authorities should or should not exist. The suggestion that the local authorities in the Province of Bombay should be abolished is put forward so frequently that it deserves a close scrutiny.

This study shows that of the important countries of the world, it is only Australia where the local authorities do not exist. In all other countries, the local authorities do not exist and play an important part in the administration and finance of primary education. It is worthy of note that the democratic nations of the World-England, U. S. A. and France—attach particular importance to the existence of local authorities. Democratic administration is different from the dictatorial one, because it is based on collaboration with the puplic, co-operation with all agencies working in the field and decentralization of authority. These fundamental principles of democratic administration necessitate the existence of local authorities. It may, therefore, be concluded that if we have faith in democracy and decentralization and if we believe in following the example and traditions of the great democracies like England, U. S. A. or France, we insist on the continuance of the local authorities.

Those who point to the example of Australia and suggest that the local authorities should be abolished in the interests of efficiency overlook a number of important considerations. The socio-economic conditions in Australia under which a centralized form of administration originated and developed are materially different from the conditions that exist today in the Province of Bombay. Even in Australia the people are becoming more and more conscious of the shortcomings of a centralized administration and

a move is already afoot for the creation of local authorities. It would, therefore, be a pity if we imitate the Australian model in spite of the difference in socio-economic conditions and at a time when the Australians themselves are preparing to abandon it. The price for centralization is heavy, as is shown by the Australian experience. It is highly doubtful whether we should pay that price for an alleged gain in mechanical efficiency.

3. What should be the size of A Local Authority?

Assuming, therefore, that the local authorities are to continue in existence let us consider the various problems that arise in this connection. The first of these refers to the size of a local authority. In the Province of Bombay, to-day a local authority is established for a district as a whole and for a few big towns. The total number of local authorities in the Province is only 38 (20 district school boards and 18 municipalities).

Even a casual comparison of the size of our local authorities with that in other countries shows that our local authorities are too big. In New Zealand the total population of the country is 16 lakhs that is to say a little more than that of a district in the Province of Bombay. Yet there are nine local authorities in New Zealand. In other words, the population under a local authority in New Zealand is about the same as that of a Taluka in the Province of Bombay. England has a population which is only two and a half times the population of the Province of Bombay (1941 census) and an area which is about one and a half times as great. We are today at that stage of educational progress where England was in 1870. But England had about 3000 local authorities in 1870 whereas we have only 38. Even today England has about 150 local authorities. On this analogy the Province of Bombay must have 100 local authorities on the basis of area and 60 local authorities on the basis of population. In France, every commune is a local authority. In U. S A. there are more than 1,14,000 local authorities for a population of 130 millions. These comparisons will broadly make it clear that the size of our local authorities at present is too big.

A big local authority is not really able to perform the essential functions of a local authority. The main object of creating a local authority is to give scope to local patriotism, local enthusiasm, local knowledge and local initiative. These objectives can be secured only if the size of the local authorities is not too big. At present we have one local authority for the district as a whole and 16 persons are in charge of it. It is impossible for these 16 persons to have full knowledge of local conditions, and a district school board is in fact not a local authority but an institu-

tion of centralized administration. It is, therefore, essential to give up these big units of administration and to adopt smaller units instead.

4. What should be the Local Authorities in Urban and Rural Araes?

If it is granted that the size of our existing local authorities is too big, the question arises regarding the manner in which new and smaller local authorities should be organized. From this point of view we make the following proposals:-

(i) A big town or city must be a single local authority, irrespective of its size and population. The reason for this proposal is that a big town or city is a single corporate unit of civic life, and it would be inadvisable to divide it into independent units. The city of Ahmedabad, for instance must remain a single local authority in spite of its huge population. This leads to no inconvenience because the distances are small.

It is true that full local knowledge and enthusiasm will not be utilised if a single local authority is created for big towns or cities. In order to overcome this drawback, it is necessary for us to adopt the plan envisaged by the Education Act of 1944 (England). According to this system, the area of each local authority is divided into a number of school districts each having a total population of about 75,000 or about 7000 children of school going age. In each district there is a school committee to whom certain powers are delegated. In the Province of Bombay, we might adopt an election ward as a unit and have one or more school districts in each election ward of each big town or city. A school committee may be appointed in charge of each school district and certain definite duties may be delegated to it.

In this connection the report of Mr. R. V. Parulekar on the administrative problems of primary education in the city of Bombay is very illuminating. The city of Bombay has now a population of about 27 lakhs and 34 election wards. It is proposed that the city should be divided into 75 school districts with a committee of each. Each committee should consist of

(a) the elected members of the Corporation in that ward,

(b) thrice as many non-official residents of that ward who are to be appointed by the Corporation, and

(c) the head masters of municipal and aided schools in the school district (on a fixed basis).

These are really valuable proposals and they might be adopted as the basis for reorganizing the administration of primary education in all the big

towns and cities of the Province. If this is done full scope will be given to local knowledge and initiative without losing the advantages of having the whole town or city as a single local authority.

(ii) Coming to the rural areas of the Province, we find that an urban country like England cannot serve us as a model. We must, therefore, look to either America or France or the Philippines. In all these countries the size of the local authorities is far smaller than the district which is our unit of administration. An average district in the Province of Bombay has an area of about three to four thousand square miles, a population of about ten lakhs and about one thousand towns and villages. This is too big an area to be considered a local authority. And it is, therefore, necessary to adopt much smaller units of local administration. We, therefore, make the following proposals:

(a) In all towns where municipalities exist and which are not big enough to go under proposal (i) made above, there should be a single local authority without any subordinte school districts or school committees;

(b) In all village or groups of villages where Panchayats exist, there should also be a single local authority without any sub-districts or committees;

(c) There are today a large number of villages where Panchayats do not exist. This number will become smaller and smaller and will ultimately disappear becaue it is the policy of the Government of Bombay to establish Panchayats in every village or group of villages Until such time therefore, when a Panchayat is established under this policy, the Provincial Government should be directly responsible for the primary education in these villages. In order to enlist local co-operation and knowledge advisory school committees should be appointed by government.

If these proposals are adopted we shall have really good units of local administration in our rural areas and local knowledge and enthusiasm will be fully harnessed to the course of primary education.

5. How should the Powers over Primary Education be divided between Government (Federal and Provincial) and the Local Authorities?

In so far as the Federal Government is concerned it has already been suggested in Chapter VI that, it should give financial assistance to Provincial governments to the largest extent necessary but should exercise only the minimum of control consistent with its financial responsibility.