



DEVELOPMENT OF MUNICIPAL ADMINISTRATION IN TAMILNADU

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Abstract:

The nucleus of Municipal Administration was laid by the India Act, 1850, which made provisions for the establishment of Municipal Councils. This Act authorised the Government to introduce Municipal Administration in any town in which inhabitants were willing to make better provisions for repairing, cleaning, lightning and improving the town in any manner. Under this Act, the Councils were established by a District Magistrate and a number of Commissioners who were nominated by the Government. They were authorised to levy taxes on houses or town duties or other penalties not exceeding Rs. 50 for causing nuisance. In Madras Presidency only seven Towns had such Councils. Any Municipality is established by an Act of State Government. A city or a town which has a population exceeding 10,000 will have a Municipality and some times its annual income also be taken into consideration. Depending upon the population, income, etc., the Municipalities are classified into Special grade, Selection grade, First grade, Second grade, Third grade and Fourth grade. After the Independence of the Country in 1947, new pages were added to the history of Local Self-Government. In 1948, the Ministers of Local Self-Government in the provinces met under the Chairmanship of Central Health Minister, Amritakaur. Prime Minister Jawaharlal Nehru inaugurated the conference and expressed the vital role of 'Local Self-Government as the basis of any true system of Democracy'. The constitution has allotted Local-Government to the 'State List' of functions. The Central Council of Local Self-Government was constituted by an order of the President in September, 1954.

Development of Municipal Administration in Tamilnadu:

The term 'Municipality' is derived from the Latin word 'Municipium' which means 'the duty of a citizen'. Later, the term 'Municipia' was applied to all the Urban and Local Governments in Italy where 'Self-Government' had its genesis along with Sumeria,¹ 'Municipalities are local authorities constituted under section 4 of the Tamil Nadu District Municipalities Act, 1920, in Urban areas for the purpose of carrying out the measures relating to public utility calculated to promote the safety, health convenience and education of the urban inhabitants.'²

The nucleus of Municipal Administration was laid by the India Act, 1850, which made provisions for the establishment of Municipal Councils.³ This Act authorised the Government to introduce Municipal Administration in any town in which inhabitants were willing to make better provisions for repairing, cleaning, lightning and improving the town in any manner. Under this Act, the Councils were established by a District Magistrate and a number of Commissioners who were nominated by the Government. They were authorised to levy taxes on houses or town duties or other penalties not exceeding Rs. 50 for causing nuisance. In Madras Presidency only seven Towns had such Councils.

The Act of 1850 was revised by the Town Improvement Act of 1871. Under the provisions of this Act, the Councillors were elected by tax payers. Provisions were made for the delegation of powers by the Chairman and Vice-Chairman Lord Ripon made the local government as a Local Self-Government. With the Madras District Municipalities Act of 1884 the term 'Municipality' was for the first time introduced and the terms Council and Councillors were adopted in the place of 'Commission' and 'Commissioners'.⁴

The important land mark in the history of Local Self-Government was the publication in 1909 by the Royal Commission Report upon Decentralization set up in 1906.⁵ The Madras Government appointed a special officer to draft a Revised Municipalities Act of 1884 and replaced by the Tamil Nadu District Municipalities Act of 1920. This act abolished the system of nominations, and provided for the posts of Health officers, and Municipal Engineers. It also granted larger powers to the Municipal Council to levy local taxes, to open schools and dispensaries and to fix the strengths of the staff. Thus, the Act of 1920 marked the end of one epoch and beginning of an era of new interest and activity in the field of Local Government.

This Act introduced radical changes in the constitutional structure of the Council. This Act provided that Government might declare any town or village as Municipality. An Inspector of Municipal Council was appointed to inspect and supervise the working of Municipalities. Later, his designation was changed as the Director of Municipal Administration. The term of Councillors was to be for three years. Election of Chairman by the Councillors and the preparation of 'Budget' by them were allowed.

The Madras District Municipalities Act of 1920 completely eliminated the method of nomination and laid down every member of the Municipal Council should be elected. It also provided the reservation of seats for Minorities, Muslims, Indian Christians- Depressed classes, Anglo-Indians and Women. It also removed the disqualification of women to contest in the election.

This Act was amended by the Act of 1933 Madras District Municipalities (Amendment) Act of 1933. With this amendment Act, the system of appointing Municipal Commissioner came into existence. By the Amendment Act of 1955, the Commissioner was made as a full-time executive authority.⁶

Formation of Municipality:

Any Municipality is established by an Act of State Government. A city or a town which has a population exceeding 10,000 will have a Municipality and some times its annual income also be taken into consideration. Depending upon the population, income, etc., the Municipalities are classified into Special grade, Selection grade, First grade, Second grade, Third grade and Fourth grade.⁷

Structure and Functions of Municipality:

The Municipal functionaries entrusted with the administration of Municipalities are:

- ✓ Council
- ✓ Chairman and
- ✓ The Commissioner⁸

a) Municipal Council:

Municipal Council is the legislative or deliberative using of the Municipality. It is the representative body of the people of the town. The Council lays down regulations for the civic administration. The regulations are formed through discussions by the Members and Chairman.⁹ Prior to 1925, the Councillors used to be appointed by the Government. In 1925, Elections for the Council was introduced the term of office of the Councillors was three years. The government could, however, extend their term. Shri Ram Maheswari, in Tamil Nadu, the Councillors hold their office normally for 5 years.

The size of the Council depends on the population of the town. Therefore, the size varies from city to city and State to State. A Municipality with a population of less than 20,000 will have 16 members in the Council. Population from 30,000 to 40,000 provides for 24 Councillors some where, 28 Councillors are elected in a Municipality with 40,000 to 50,000 people. The Special Grade city Municipal Council gets 32 Councillors. A selection grade city will have 36 Councillors.¹⁰

The Municipal Council is a corporate body. It makes by laws with the approval of the State Government. It imposes taxes of various kinds; it raises its revenue through taxes on the public, it can revise the tax rates depending on necessity.¹¹ The Council approves the 'Budget' of the Municipality. It also has the power to acquire, hold and dispose of property. The Council has the power of appointments to certain categories of Municipal posts.

A Councillor can suggest any improvement for his 'yard' also for the city in general. He can move a resolution whenever he wants any improvement. The Council Appoints Committees to go into different problems brought forth in the Council. The Council has certain quasi-judicial powers also. The Municipal administration, in general, vests in the Council. But the functions specially assigned to the Executive Authority or the Chairman should not be exercised by the Council. A Municipal Councillor enjoys certain limited rights. He may call the attention of the Chairman to any neglect or waste and suggest any improvement in the execution of Municipal work. He has right to move any resolution to interpellate the Chairman on matters connected with Municipal administration and he can have access to Municipal records.¹² The Council may require the Chairman to produce the document in his custody. For this purpose, the Council may constitute Committees and delegate powers to them. It may also individual Councillors for any enquiry or advice.

The Chairman:

The Chairman or President of the Municipal Council is elected by the Councillors in their first meeting after the election. The Chairman is the Chief Executive of the Municipality.¹³ He is a non-professional and non-official person. He holds the office for the term of the Council. He heads the deliberative and executive wings of the Municipality and controls the proceedings of the Council Meetings. He is incharge of all financial, administrative and personal matters. He approaches the State Government whenever required. He exercises control over the financial, administrative and personnel matters.¹⁴ He has the power to take disciplinary action against Municipal employees. In case of emergency, he is empowered to direct or suspend the execution of any work.

All the official correspondence between the Council and the State Government originates at the level of Chairman. The Chairman can delegate his powers to Vice-Chairman with the approval of the Board. The Chairman can resign his office by an advance intimation to the Commissioner when Chairman resigns, the Vice-Chairman assumes full charge of the administration until next election. The Chairman and the Vice-Chairman can avail three month's leave annually. If it exceeds three months, it will result in automatic relinquishment of Chairman. But, he can continue to be a member and can contest for re-election to Chairmanship.¹⁵

The Municipal Commissioner:

The Commissioner is the Executive Authority of the Municipality. He is appointed either from the State Civil Service or from a separate cadre of Municipal service or by the Council itself. From the first time the government appointed Commissioners in larger Municipalities. Many Chairman opposed this move, because

they felt that their powers will be reduced by the presence of a Commissioner. The government removed their misapprehensions by a clear demarcation of the powers of Chairman and Commissioner.¹⁶

The Commissioner is the whole time officer of the Municipality. His pay and allowances are met from the State Consolidated Fund, but the government recovers them from the Municipal Council concerned.¹⁷

The Commissioner prepares the agenda for the Council Meetings in consultation with the Chairman. He can rightfully attend the meetings of the Council but also that of Committees but he cannot move any resolution on the request of the he attends any meetings of the Council or Committee. The officers and employers of the Municipal Council are placed under his control. The Commissioner should co-ordinate the activities of various branches of the Municipal Administration.

The Commissioner is also responsible for the implementation of resolutions passed by the Council. He gives legal advice to the Council and he is duly bound to point out any legal or other flaws in the resolutions, if a Council ignores his corrective advice, he should bring it to the notice of the Collector and the government.

The Commissioner is the custodian of all the records of the Council. He can refuse any records either to the Council or to a Committee, if it is prejudicial to the interest of the Municipality or of the public. He also enters into all contracts on behalf of the Municipality.

The Committees:

A Municipal Council can constitute Committees for performing various Municipal functions. The Committee Members examine the subjects placed before them and submitted a report to the Council. The role of the Committee is advisory in nature.¹⁸ The Municipal Committees are of two kinds namely; statutory and non-statutory. It is compulsory for the Council to form Statutory Committees to deal with particular subjects. In other words, the Statutory Committees are a legal requirement. The important Statutory.

Committees are the Contract Committee Appointment Committee and Town Planning Committee. Non-Statutory Committees are appointed by the Council at their discretion.³² Moreover, it is not necessary that a Council should appoint Non-Statutory Committees. But, when necessity arise, the Council forms such Non-Statutory Committees such as Encroachment Committee, Lightning Committee, Sanitation Committee, Public Health Committee, Education Committee, Taxation Committee, Appeal Committee, Town Planning Committee and Finance Committee.

Functions of Standing Committee:

Some of the functions of the 'Standing Committees' are quasi-legislative in nature. The Standing Committee is invested with certain executive and managerial powers. It exercises general supervision over the Commissioner as the Chief Executive Officer. It also has the power of appointing certain employees in the Municipalities. It examines and reviews the 'Annual Administration Report and Statements of Accounts' before they are forwarded to the Council.

The Standing Committee is basically a 'Finance Committee'. It considers the financial estimate and proposals of the Commissioner. The Commissioner has to seek its approval for acquiring and disposing of certain categories of civic property up to a special value. It finalises the budget-estimates for submission to the Council. The accounts of the previous year are submitted to the 'Standing Committee'. The Municipal Examiner of accounts has to work under its general supervision.

The Standing Committee is the disciplinary authority for certain categories of Municipal employees. It also acts as the penultimate count of appeal against the disputed decisions of the Commissioner.¹⁹ In short, the Municipal or Corporation Council always seeks the advice and guidance of the Standing Committee and also it requires the Standing Committee to enquire and report on any civic matter. Hence, the Standing Committee is a quasi-legislature in nature, it is basically a 'Finance Committee', it is a disciplinary authority and standing as an Advisory body.

Generally, the Committees are serving as the bridge between legislative and administrative arms of the local body. The effectiveness of the Committees largely depends on the healthy relationship with other authorities like the Commissioner, the Chairman, political parties and in between other Committees. The Committees are to assist the Council, in efficient performance of its duties. Therefore, it is recommended that 1) Every Municipal Council should have a Co-ordination and Finance Committee, 2) Each Municipality having a population of one lakh and more should have functional Committees for Planning and Development, Housing and Works, Health and Sanitation, and Education, 3) Every Municipality may establish Functional Committees for Roads and Communications, Electricity and Water works, Transport, Milk Supply, Sewage and sewage disposal, Recreation Facilities, A) In addition to the above, there should be a 'Tender Committee,' which shall call for and accept tenders.²⁰

A Joint-Committee can also be constituted. This Committee comprises of persons with special qualifications. There are certain advantages of the Committee system in the Municipal Administration. The Committees discuss the business in details and ensure the participation of the Councillors, since the Committees fulfilled the delegated works the Council would be able to get through the business more quickly. The Council gets the advantage of thinking twice of the business. The Committees act as checks and balance or Municipal bureaucracy.

However, the Committee system is working on the compartments method, problems of co-ordination in the administration arise. It creates delay tactics and consumes the time factor. As a result of many Committees, the uniform decision is not possible. The Committee system gets disturbed by the interference of the authorities and particularly the Council.²¹

With all these effects and defects, the Committee system in a democratic local body brings home the goal of democracy. It does the cultural tests in the body of body politics in the Municipal administration and so the committees system is an integrated system.

Financial Administration of Municipalities:

Any municipality is expected to discharge a number of functions and such functions are enumerated in the Municipal Act. As it has been already reviewed, the Municipal functions are classified into obligatory and discretionary. The obligatory functions are compulsory; they must be performed by the Municipal Council. Water supply, lightning, drainage, public latrines, scavenging and registration of births and deaths are the most important obligatory functions of the Municipality. Maintenance of Reading Rooms and libraries, Parks and Rooms and Libraries, Parks and Gardens, Play grounds and Recreation centres, Public Halls, Exhibitions and Fairs, Avenues and Laying out of Areas, Reclaiming of unhealthy localities, Orphanages and Rescue Homes for Women, Establishment of Labour Welfare centres, Supply of Milk, Providing Music, Organising Public Receptions, Promotion of Welfare of Municipal Employees, Provision of Transport Facilities within the Municipalities and so on are the discretionary functions of the Municipality.²²

The Municipal finance consists mainly of Taxes, Grants and Loans. The Municipality, in its pursuit of its objectives, mobilises the revenue from various sources. It may collect taxes and make profit out of its varied operations. It also collect funds through grants and loans from higher level government bodies or other external sources. Since, the local governments is not a sovereign, it does enjoy the same powers as the government. Any tax levied by the local government would require approval of the State Government. The State Government may delete or add any item to the list of taxes allocated for the local government. Apart from taxes and fees, the income is derived from grants-in-aid from State Government and loans from the State Government or any other sources.

In short, the major sources of income for the local government is derived from taxes, grants-in-aid and loans. The minor sources are fees charged for licenses and permits and earnings from public utilities like transport and electricity. Roughly, the Municipality derives 66 percent income from taxes, 13 percent income from Grants-in-aid and 21 percent income as non-tax revenue. The Municipal Corporation relay heavily on taxation for their revenue. Municipalities relay less on taxation for the purpose. Notified and town-area Committees need taxation to a lesser degree.²³

The Municipal taxes are of two kinds namely, 1) Mandatory or obligatory and 2) Discretionary. The mandatory taxes have the sanction of law. Municipal Councils are, therefore, under obligation to impose the mandatory ones. Property taxes, tax on vehicles, and tax on animals fall within this class of taxes. The discretionary taxes include profession tax, doctoral on goods, toll on conveyances, duty on transfer of property and entertainment tax. In this regard, the Municipality has the discretion to impose or not to impose the latter kind of taxes.²⁴

Before levying a tax, the Municipal Council passes a resolution for the purpose public opinion is sought on the resolution. The resolution is, then, submitted to State Government together with any objection from public. After the states, governments' approval the Municipal Council gets the resolution published in the gazette. It begins to collect the tax, thereafter, from the effective date.²⁵ The Municipal Council has the authority to enhance or reduce the rate of tax. It can even introduce a new tax. In any case, prior sanction of the State Government is a must for levying a tax. It is also a must that the Municipal Council reports reduction if any in the rates of taxes to the State Government.

Expenditure:

The aim of Municipal administration is to improve the general welfare of the citizens without profit motive. The major items of expenditures are divided into

- ✓ Obligatory
- ✓ Discretionary and
- ✓ Extraordinary

The sanction of the Council is essential for the obligatory and discretionary expenditures. This is to be shown in the 'Budget', where as for extraordinary expenditure the sanction of the government is essential.²⁶

Budget:

The Budget is framed by the Municipal Council. A copy of the Budget has to be submitted to the State Government. The State Government can modify the Municipal budget and gives its sanction. After the State Government's sanction no alteration can be made in the budget.

The main item of expenditure is general administration which includes general establishment salaries to administrative staff, travelling expense and contingency. The next important item of expenditure is on public

works which includes construction and repair of roads, drains, bridges, culverts, lighting the town, planting trees etc.

Education occupies the most important place in the category of expenditure. The expenditure on Town Planning staff survey charges, legal expenses, Town Planning contingencies and capital items came in the next category. The maintenance of public health and sanitation covers a major portion of expenditure.

S.No	Title	No's
1.	Adi-Dravidas	2
2.	Labours	1
3.	Madras Chamber of Commerce and Traders Association	6
4.	South Indian Chamber of Commerce The Andhra Chamber of Commerce, The National Nagarathas Association The Southern India Skins and Hides Merchants Association, The Piece Goods Merchants, Association	5
5.	Anglo Indian Association	1
6.	Madras Port Trust	1
7.	The Railways	1
8.	Madras Senate	1
9.	Aldermen	5
	Total	23

Thus, the reservation of seats by election came to exist in the Corporation of Madras since 1934 and the system of nomination was abolished.²⁷ But, in the course of time, the system of Aldermen was also abolished and the introduction of Adult Franchise was introduced. The impact of political independence of the country was fully witnessed in the Municipal administration.

The Act No X of 1936:

After the Act of 1919, substantial changes were introduced by an Amendment Act of 1936. According to this Act, the term of office of the Councillors was retained as 3 years and a Deputy Mayor was elected from among the Councillors to help the Mayor in the discharge of his duties. The number of Standing Committees was raised from 4 to 6 and a Taxation Appeals Committee was constituted. The Corporation was authorised to levy graded tax on property and a new tax on advertisement was also introduced. A provision was also made for 5 Aldermen to form part of the Council 3 members as 'experts' with the right to vote and to speak on special subjects. Electrical Engineer, water work Engineer and Education Officer were appointed to head their respective departments.²⁸

A new Chapter was introduced in the Administration of the Corporation of Madras to provide necessary amenities to the slum areas where the poor Harijans live in unhygienic background and low-lying areas. This takes the model of Calcutta Municipal Act. The Corporation was given power to exercise to decide disputes between the Corporation and other-local bodies.²⁹

By 1947, the number of divisions was increased to 50 and the number of Councillors was increased to 85 including reserved seats. Thus, the number of Divisions was increased from 40 to 45 and then to 50 and the Councillors from 40 to 85. Saidapet, Sembiam and Aminjikarai were included in the city of Madras lay the Local Administration Department.

Conclusion:

After the Independence of the Country in 1947, new pages were added to the history of Local Self-Government. In 1948, the Ministers of Local Self-Government in the provinces met under the Chairmanship of Central Health Minister, Amritakaur. Prime Minister Jawaharlal Nehru inaugurated the conference and expressed the vital role of 'Local Self-Government as the basis of any true system of Democracy'. The constitution has allotted Local-Government to the 'State List' of functions. The Central Council of Local Self-Government was constituted by an order of the President in September, 1954.

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