

## NATURE AND FUNCTIONING OF LOCAL GOVERNMENT IN THE BRITISH INDIA (1680-1947)

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### ABSTRACT

*Nothing depicts the life of the people better than the institutions they build up and maintain. The creative spirit which expresses itself in the realm of art and literature is no less active in the field of politics and administration. The creation of these institutions reflects the nation's creative spirit, idealism and its endeavour to overcome the problems through collective efforts and to establish an egalitarian society which is the ultimate aim of all the modern states.*

*Local government institutions are more ancient than national governments everywhere; city-states of Greece, Panchayats of Indian sub-continent and counties, boroughs and parishes of England antedated the evolution of national, provincial or state governments. Since time period, the local communities were supposed to resolve their local issues by themselves. However, with the expansion and flourishing of communication system, the concept of nationalism evolved, which extended the control of central or federal governments to the local affairs. But, with the passage of time, the system of local government became apparent as distinctive area of governance from central or federal government. The present paper is an attempt to describe the system of local government in India during the British period.*

**Key Words:** Local Government, India, British India, History, Politics, Acts.

### INTRODUCTION

Local government may be loosely defined as a public organization authorized to decide and administer a limited range of public policies within a relatively small territory which is a subdivision of a regional or national government. Local government is the bottom of a pyramid of government institutions with the national government at the top and intermediate governments (states, regions, provinces) occupying the middle range. Normally, local

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government has general jurisdiction and is not confined to the performance of one specific function or service.

By local institutions means, small units at the local level, to whom, government assigns an authority with resources to resolve the local problems at the local level. These institutions assist the government in different administrative and developmental activities. In the Indian sub-continent the system of local self-government was introduced in the 19th century. Before the British, there were no local bodies in a collaborated form so as to make local self-government. However these institutions have prevailed on the Indian soil for centuries, in the form of *Panchayat*. Its history can be traced from the period of Vedas. Even during the Vedic period, Ramayana and Mahabharat times, the villages were autonomous bodies.

As it was an agro-based society, its affairs were administered by a council of five members generally known as “*Panchayat*” constituting of the elders of the village. Whatever changes emerged on the political sense, these *Panchayats* were responsible for the conduction of legal and administrative affairs, tax collection, administration of justice and to provide other public amenities. They also performed the duty of political communication between the village and the central government. In olden times, every Indian village had a village *Panchayat* as an autonomous body.

Since ancient times, these *Panchayats* were responsible to maintain temples, public guest houses, look after the public wells for the travellers and make arrangements for the security of the general public. The main sources of income of these institutions were mostly individual donations, taxes on different commodities of daily use and toll taxes etc. Their working was so efficient that every village community was a small republic. Sir Charles Metcalf observes that<sup>1</sup>:

“They (village communities) seem to last where nothing else lasts. Dynasties tumble down, revolution succeeds revolution. Hindu, Pathan, Mughal, Maratha, Sikh and English — all are masters in turn but village community remains the same”.

Local government has been regarded as a means not only to political but also to economic development as an education for democracy. It is educative for the electors who are called upon to do their voting in relation to the issues that are readily comprehensible to them and for the councillors who can gain experience in the art of responsible leadership, without being confronted (before they have gained experience) with issues that at that stage may be beyond their grasp.

The representative can maintain a direct contact with his constituents in human terms without having to rely upon those rather synthetic irritations of contact, of which we are honest. We must admit to be the characteristic of party politics upon the national scale.

It is easier for local government than for national government to be close to the common people. One of the responsibilities which the local government can teach is the financial responsibility; local government is an instrument of

economic activity. It is an attempt to give the people their own socialism, not to rely upon the central government socialism. The system of local government ensures the totality of participation of all people in achieving the nation's social and economic goals.

The primary objective of local government is political education and mobilization of the masses. In a democratic polity, a local government is to the national government what a primary school is to a university.

Not only the spirit of liberty but also the educative value that democracy possesses depends upon the nature and spirit of the local institutions a country has. People learn the art of self-government on municipal committees and district councils. It creates among the citizens a sense of their common interest in common affairs and of their individual as well as collective duty to take care that whether those affairs are efficiently and honestly being administered. Whoever learns to be public-spirited, active and upright in the affairs of the village has learnt the first lesson in the duties of a citizen regarding national affairs. Further, local institutions train men not only to work for others, but also to work effectively with others. They develop common sense, reasonableness, judgment, sociability, and learn the necessity of concession and compromise when minds have to be brought together. According to Lord Bryce, local institutions help in forming two useful habits of recognizing the worth of knowledge cum-tact in public affairs and of judging men by performance rather than by professions and promises<sup>2</sup>.

Besides, local self-government implies decentralization and devolution of functions, and hence, it is a useful and important counter-balance to the over-centralization of the activities of the government. It also saves the central and provincial governments from much of the burden of the local problems. The functions of the government are increasing with an increase in the activities of the modern welfare state and consequently central and provincial governments are generally overworked. Under such circumstances, it is but natural that local problems cannot generally get a square deal at their hands. That makes the institutions of local self-government a necessity in these days. The many services which the citizen needs for the normal comfort of his daily life are, to a very large extent provided by the local authorities.

## **ETYMOLOGY OF LOCAL GOVERNMENT**

The concept of local government has been defined varyingly, like, "Local Government as the very term implies, has two distinct features, firstly that it is local and secondly that it is a government." The term local signifies that it pertains to a locality, or specific local area. The word government indicates that it is a mechanism for the exercise of authority<sup>3</sup>.

According to the *Encyclopaedia of Social Sciences*<sup>4</sup>, "Local government may be said to involve the conception of a territorial non sovereign community possessing the legal right and the necessary organization to regulate its own affairs."

Jackson W. Eric in his book, *The structure of Local Government in England and Wales*, defines<sup>5</sup>, “Local government as a government by elected local bodies charged with administrative and executive duties in matters concerning the inhabitants of a particular district or place and vested with powers to make by-laws for their guidance.”

So the above mentioned definitions reflect the following characteristics of local government, firstly, that local government is a political system. Secondly, such institutions are representatives of the people. Thirdly, that under the system, institutions are set up for specified local areas. Fourthly, that such institutions are vested with certain authority and responsibilities and fifthly, that such units are sub-ordinate to government<sup>6</sup>.

### **DISTINCTION BETWEEN LOCAL GOVERNMENT AND LOCAL SELF GOVERNMENT**

Local government and Local Self-Government are interchangeably used. The difference between them is a legacy of the alien rule. “It was only during the 19th century that the terms local government and local self-government came to be used for the first time in those countries which were under the colonial rule. For example, in the sub-continent, when the British Government decided to include the Indians in the administration of the local affairs, it meant a share of self-government for the people. Earlier, the term sub-ordinate government was used to refer to the local machinery for enforcing the laws of the realm”<sup>7</sup>.

Toulmin Smith used the term local self-government for the first time. He advocated local self-government “as a counter poise to the executive arms of the state”<sup>8</sup>. He used the term of local self-government in his book *Government by Commissions, illegal and pernicious* published in 1849. In 1851, he used the term again in the title of his book, *Local self-government and Centralization*<sup>9</sup>.

In Indo-Pakistan subcontinent the term local government was originally used to denote the provincial governments which were the local agents of the central government. Before the introduction of provincial autonomy there was only one government for the Indo-Pakistan subcontinent i.e. the Government of India and Governments under the Governors were merely local governments.

It was Lord Ripon who used the term ‘Local Self-Government’ in his famous *Report on Local Government in India*, in 1882<sup>10</sup>. Under the Government of India Act 1935, when the provinces got provincial autonomy and became “governments” the term local government came to be used to denote local bodies<sup>11</sup>.

No country can look to rural development and in particular the reduction of poverty without devising a system of decentralized government and administration that is at once sensitive to the needs of the inhabitants as individuals and to the broad plans of the government in this sector. Quite a plethora of literature has been published on the subject. Several research studies have also been conducted.

In order to explore the extent of the impact of local government for rural development and political education of the masses, following premises have been focused in this study:

- i. What was the role of ordinances, laws and procedures of local government in promoting rural development programme in the country?
- ii. What was the nature of the organization and structure of the system of local government in the country for facilitating the developmental efforts?
- iii. How far the functions, funds and mass participation in rural development especially at district level contributed for accelerating development performance and to run the administration smoothly.

### **EXISTENCE OF LOCAL GOVERNMENT IN INDIA**

The Local government has existed in the Indian Subcontinent for centuries in the form of *Panchayats* or in some other form.<sup>12</sup> Literally, *Panchayat* means a “Council of Five”. The word Panch of Sanskrit is equivalent to the Greek pente, as in pentagon.<sup>13</sup> These institutions were, however, not representative in character. They represented the feudal aristocracy, which governed by virtue of authority rather than mass participation.

The Mughals were essentially urban people in India and in the domain of local government; their main concern remained with urban administration. They established the office of *Kotwal* as the key-stone of municipal organization; appointed under the *Sanad* [Urdu: Order] of the Emperor, the *Kotwal* was a person of high status. Law and order was his first responsibility, and he maintained a body of horses, city guards and an army of spies. Almost every aspect of city life came under his charge; he appointed a headman or ‘*Mir Muhallah*’ for every ward, he kept a register of houses and roads, and directed the location of cemeteries, slaughter-houses, and sweeper colonies. He controlled the markets, checked weights and measures, supervised local prices. He levied the local taxes, market dues, and toll and transit duties<sup>14</sup>.

### **ESTABLISHMENT OF LOCAL GOVERNMENT IN BRITISH INDIA:**

A period of tumult and turmoil started in the political history of India, with the death of Aurangzeb Alamgir in 1707 A.D. Mughal rule was reduced almost to impotence; Hindu power revived, especially among the Mahrattas and Sikhs; Afghan and Persian invasions were beaten back; the British and French came into conflict; and the power of the British East India company grew steadily in importance. It was established in 1600 A.D. The political influence of this originally private corporation was extended by a curious combination of force and persuasion<sup>15</sup>. Periodic progression of the institutions of local government in India was thus in two steps, one under the East India Company i.e. till 1857 and second under the British Government from 1857 to 1947.

## A) EAST INDIA COMPANY

The East India Company built some townships in Bengal, Madras, Bombay (presently Mumbai) and Calcutta (Presently Colcatta) and used them not only for security purposes but also for intrigues and conspiracies against the Indian states. By the 1840s most of the Subcontinent was under British control, either directly or indirectly through treaties with princely states. British rule in India may be divided into two main periods, with the “Sepoy Mutiny” (1857) as the watershed. The first period was one of rule by the British East India Company, the second of rule by the British Government itself.<sup>16</sup>

When it began to be a governing as well as a trading corporation, the British East India Company itself became subject to government regulations. By this time the interests and welfare of the people of India had become matters of genuine concern to the British Government. So the governor generalship of Lord William Bentinck (1828-1835) marked by significant steps in administrative and social reforms. Among these were, the abolition of *suttee* (the suicide of widows after the death of their husbands) the suppression of lawlessness by fanatical devotees, known as *Thugs*, of the goddess Kali, and efforts to eliminate female infanticide.<sup>17</sup>

The East India Company was basically a trading company and remained indulged in business activities. The growth and development of local government was not a matter of concern for it. The administration of the company rather destroyed all the fibres and foundations of Indian society. Its land and taxation policy ruined the Indian economy. As under the Mughal rule, *Chungi* and other indirect levies were imposed in the towns, and the proceeds there from were utilized for municipal purposes. The British abolished such levies on the ground that these interfered with trade. Similarly, the *Kotwal* under the Mughals enforced the rights of the people, but the police under the East India Company became an instrument of oppression. So the local communities disintegrated and the very spirit of local government was lost.<sup>18</sup>

The English East India Company was established in 1600 A.D. The origin of Municipal Administration can be traced back by the period of 1680s A.D., when it tried to introduce some sort of Local Government in presidency towns *viz.* Madras, Calcutta and Bombay. It was the rudimentary period of Local Government in the Indian Subcontinent which also included the areas now constituting Pakistan.

### i- First Municipal Corporation

The first Municipal Corporation was set up in Madras in 1688 by the East India Company with a purpose of handing over the financial matters of local administration to the local city council. In writing to the Madras Council on 28 September 1687, the Directors, with the consent of the Crown, advised the setting up of a municipal corporation for Madras; observing that: the people would more

willingly and liberally disburse five shillings towards the public good being taxed by themselves, than sixpence imposed by our despotic powers.<sup>19</sup>

It was laid down that the town clerk and the judicial recorder must be Englishmen, but that the Court of Aldermen should consist of three English freemen, three Portuguese, and seven 'Moors and Gentoos'-all to be chosen by a general body of 'Burgesses'. The Mayor was to be elected from amongst the Aldermen. The corporation was to be responsible for a number of public services, including the upkeep of a town-hall and a school. The corporation was also a judicial body constituting a court of record in civil and criminal cases. However the expectations of the Directors that local self-government would stimulate greater taxation were sadly disappointed. The inhabitants objected strongly to new taxes, and municipal institutions did not prosper.<sup>20</sup>

#### **ii- Royal Charter 1720**

In 1720 a Royal Charter was issued to establish a Mayor's Court in each of the three presidency towns of Madras, Bombay and Calcutta. But these functioned as judicial bodies rather than administrative bodies.

#### **iii- Second Municipal Charter**

The Second Municipal Charter of 1726 established municipal bodies for Calcutta and Bombay, and reconstituted the Madras Municipality created in 1688. According to the new Charter, the corporations constitute a Mayor and nine Aldermen, out of which seven were British. These newly created bodies were also limited to judicial functions and no attention was paid to civic order. So the Charter represented a setback in political development: in contemporary parlance, the earlier 'open corporation' of Madras had been succeeded by 'closed corporations'.<sup>21</sup> The new bodies were largely confined to the exercises of judicial functions.

A statutory basis of the urban local government was not provided until 1793 when the Governor-General in Council was empowered to appoint justices of peace for the presidency towns from among convened civilians and the British Subjects, who were authorized to appoint scavengers, to repair the streets and to impose taxes on houses and lands to provide for the sanitation of the towns.

In 1840, the system of election was introduced to a limited extent to manage the civic affairs properly. The civic responsibilities were handed over to a 'Board of Conservancy' consisting seven members to which five were elected, three Indians and two Englishmen.

#### **iv- Act X of 1842**

In 1842, the Conservancy Act X of 1842 for Bengal was the first formal measure of municipal legislation, other than the presidency towns. The Act provided for establishing town committees for sanitary purposes, but practically it

remained inoperative as it was based on voluntary principle and the tax applied under it was of a direct nature.

**v- Act XXVI of 1850**

In 1850 another municipal Act XXVI was drafted for the whole country. On the wishes and initiative of the inhabitants, the Act provided for constituting the local committees to make better provisions for public utilities and amenities. The municipal functions included conservancy, road repairs and lighting, the framing of by – laws, and their enforcement by fines.

In Bengal Presidency, this measure was first employed to regulate the development of growing hill-stations such as Simla and Darjeeling. Altogether, it was introduced into four towns in lower Bengal, four in Punjab and about twenty in the NorthWesternProvinces and Oudh. In spite of continuing the voluntary principle, the new law was more empirical and workable because of indirect mode of taxation to which the people were accustomed. By 1858, the Municipal Act was introduced in 352 towns and villages. But it was never formally implemented in great majority of towns. In Karachi, the Board of Conservancy was also established in 1846.

**vi- Chaukidari Act of 1856**

In 1856, the *Chaukidari* Act was passed for watch and ward in rural areas. The *Chaukidars* were appointed by the District Magistrates. They also appointed *Panchayat* members to collect the rates, though this Act was the first attempt to introduce local government in rural areas to a limited extent. But the legislation of 1856 and 1858 introduced more or less the similar system as that of the previous as the public control was almost entirely excluded. But the solution involved a division of power, which soon served as a break on progress.<sup>22</sup>

**B) THE BRITISH CROWN**

The evens of 1857 have a twofold significance in the history of modern Muslim India. Firstly they gave a final blow to the idea of the Mughal Empire and they put a seal on the decline of the Muslims in all walks of life. With the final collapse of Mughal Empire, the Muslims awakened to the futility of any attempt to revive their empire.<sup>23</sup>

Secondly, the greatest constitutional change brought about by the War of 1857 was the transfer of power from the East India Company to the British Crown under the Government of India Act, 1858. For the first time, the British parliament was given full authority and responsibility for governing India. Thus, the British India Empire was officially established.<sup>24</sup>

The importance of public participation in governmental affairs was realized after the holocaust of 1857. The period following the ‘Mutiny’ the British developed an impressive structure of government and administration for



India. The great parliamentary landmarks are the Indian Councils Acts of 1861 and 1862, the Minto-Morley Reforms of 1909, the Government of India Act of 1919 (following the Montague-Chelmsford Report 1918) and the Government of India Act of 1935.<sup>25</sup>

However, the immediate stimulus to the introduction of local government in 1860s was the financial problems of the Indian Government followed the War of Independence. As the Indian finances remained in a shaky condition throughout the century, and the Indian debt rose to ninety-eight million pounds, so James Wilson the then Finance Minister suggested for the financial decentralization. He proposed to transfer responsibility for roads and public works to local bodies. In his budget speech of 1861, he declared:<sup>26</sup>

“It is of the first importance to break through the habit of keeping everything in dependence on Calcutta and to teach people not to look to Government for things which they can do far better themselves”.

The Government of India demanded draft proposals in this regard and decided to leave the working out of these draft proposals to the newly created provincial legislatures.

#### **i- Resolution of Sir Robert Montgomery**

The first response to these proposals came from Punjab. Municipalities started through a resolution issued by the Lieutenant-Governor Sir Robert Montgomery in 1862.<sup>27</sup> These institutions were rather informal and the inhabitants were given the right to constitute wards as they desired. These committees controlled conservancy, drainage, water supply, lighting, street pavement, sanitation and the collection of octroi (tax and commodities).

#### **ii- Royal Army Sanitation Commission**

In 1863, the Royal Army Sanitation Commission reported the government about the unhealthy, deplorable and fast declining sanitary conditions of the towns all over the country. Resultantly, the government authorized the provincial governors for the formation of municipalities. Forty-nine such committees were constituted between 1862 and 1864. Lahore Municipality was successful, as it was provided with a loan of Rs.40,000 just in the first year of its formation, in order to divert the River Ravi back to its original course to provided much needed water supply. For Lahore and Rawalpindi, a Municipal Act was passed in 1867.

In fact, the government was suffering from financial bankruptcy and the municipalities were good source of financial abatement. So the formation and development of municipalities was highly promoted and encouraged.

### iii- Resolution of Lord Lawrence

In August 1864, the Government of Lord Lawrence issued another resolution again that of finance. The Resolution declared the best mid-nineteenth-century Liberal spirit.<sup>28</sup>

“The people of this country are perfectly capable of administering their own local affairs. The municipal feeling is deeply rooted in them. The village communities...are the most abiding of Indian institutions. They maintained the framework of society while successive swarms of invaders swept over the country. In the cities also, the people cluster in their wards, trade guild and *Panchayats* and show much capacity for corporate action.... Holding the position we do in India, every view of duty and policy should induce us to leave as much as possible of the business of the country to be done by the people...and to confine ourselves to... influencing and directing in a general way all the movements of the social machine”.

This Resolution provoked the legislative activity in the domain of local self-government for every major province in India.

By 1870 there were 65 municipalities in undivided Bengal and 127 in the Punjab, but dominantly was appointed. Only in the North-Western Provinces and the Central Provinces was the right of election, freely granted. In the rest of the provinces, even in the few progressive towns in which elections were allowed, there was only a bare 50 percent of elected members.

### iv- Resolution of Lord Mayo

The next step in the field of local government was taken by the Resolution of Lord Mayo. The Principal objective was as ever financial relief and decentralization from the centre to the provinces so that maximum involvement of Indians in the administration would be possible. In order to develop self-government, the provincial governments were authorized to hold elections for the members of municipal boards. The Resolution declared:<sup>29</sup>

“Local interest, supervision and care are necessary for success in the management of funds devoted to education, medical relief and public works. The operation of this resolution in its full meaning and integrity will afford opportunities for the development of self-government, for strengthening municipal institutions and for the association of natives and Europeans to a greater extent than therefore in the administration of local affairs. The central grants to the provinces were much less than the actual expenditure. They were, therefore required to meet the balance by local taxation”.

The period following the Resolution, Municipal Acts were passed empowering the provincial governments to introduce elective system in the municipal committees. However, practically, the element of elections was little applied, and the system of nomination kept on. The table 1 depicts the composition of municipal boards in 1881.<sup>30</sup>

**Table No. 1: COMPOSITION OF MUNICIPAL BOARDS IN 1881**

<b>AREAS</b>	<b>Total No. of Municipalities</b>	<b>With Members Partly or Wholly Elected</b>	<b>Members all Nominated</b>
Bengal	138	3	135
Bombay	162	10	152
Madras	47	12	35
North Western Provinces	107	75	32
Punjab	197	5	192
Central Provinces	61	61	.....
Burma	7	.....	7

In 1874, the position of municipal government in India was described by Lord Hobart as Governor of Madras, in the Madras Local Self-Government Report 1882, in these words:<sup>31</sup>

“The population of a municipality does not in any sense govern itself, except that some of its leading men, nominated by Government, are placed upon the board. The Government of a Municipality is in fact an oligarchy dependent upon a superior power which may control its action to almost any conceivable extent”.

Such state of affairs remained intact till 1882. The municipalities were completely controlled by the government. Most of the members were re-appointed year after year, if any principle of representation was adopted, they were chosen to represent the leading castes or classes— there was no territorial basis for membership. Quite often appointments were made as a mark of social status, just as a gentleman would be given a seat in the district *darbar*, as a token of his loyalty and his standing in the district.<sup>32</sup>

This situation reflects that local self-government was only the promulgation of new regulations and levying of new taxes and safeguard of the British interest (relief to imperial finances) instead of the promotion of self-governing institutions in India. In the words of Tinker:<sup>33</sup>“India saw the dawn of representative local institutions in the 1880s, but time was to prove this a false dawn.”

**v- Rural Self-Government in India**

Rural self-government also observed a little impulse after 1857. The effort was made to organize district committees in the Punjab, but it was never implemented down to the village level. As Tinker describes that, the committees were nothing more than a convenience for the District Magistrate to supply him with information or to carry out miscellaneous duties. In addition, the funds available were so meagre to provide proper public services. The new district committees barely approached the villages. However a little attempt was made in Madras and Bengal.

**vi- Bengal Village Chowkidari Act**

The Bengal Village Chowkidari Act of 1870, divided the countryside into unions comprising of about ten or twelve square miles. The Act was considered as an important reform for modern Pakistan, from which originates the history of local rule in the East Pakistan. The Act provided the supervision on the areas to the *Panchayats*. Under the Act tax was levied upon the villagers to pay for the village police, while local councils were also constituted to raise funds and provide an agency for subsequent local reforms. However, these *Panchayats* also worked as servants of the ‘*Sarkar*’ the government; instead of representing the village folk. Although, the Act succeeded in organizing a number of union committees at the district level, its imposed character and limited functions doomed it to failure.<sup>34</sup>

**vii- Resolution of Lord Ripon (1882)**

The most significant phase in the history of the development of local government in India commenced with the Resolution of 18 May, 1882 of Lord Ripon. The historic resolution is regarded as a land mark in the development of local government and is hailed as its Magna Charta. It became the foundation of local government and earned the title of ‘Father of Local Self-Government in India’ for its founder.<sup>35</sup>

He favoured to extend the institution to the grass root level. His reasoning was that if the local government is to have any vitality, then it should evolve out of local circumstances; if it has to be created artificially, then it should be planned in detail by local administrators, and not be imposed ready-made by the central government. Instead of decentralization of administrative efficiency, the Resolution envisaged the political education of the people so that they might be able to cope the governmental problems. The Resolution envisaged the following principles.<sup>36</sup>

- i. The establishment of a network of local self-government institutions.
- ii. The number of non-officials should not be more than two-third, these should be elected whenever possible.

- iii. Exercise of control should be from without instead of from within.
- iv. Financial decentralization was highly recommended.
- v. The element of election should be introduced throughout the country.

The provinces were given the option to implement the resolution according to their local terms and conditions. A series of acts were enacted in the period following the Resolution. Municipal Acts were passed for Punjab, Bengal and Bombay.

#### **viii- Punjab District Board Act,1883**

Under this Act, it was obligatory on the provincial government to create district boards and optional to establish Tehsil boards. Two-thirds of the members had to be non-official and not less than half of the members were required to be land-owners. In 1884, Punjab had its municipal Act with a similar stipulation about the membership as the District Board Act, but it left the question of election or nomination of the chairman optional on the committees.<sup>37</sup>

According to this Act the committees were made corporate bodies entrusted with the power of levying taxes. The Act provided for appointment as well as election of municipal commissioners. A municipal committee was headed by a president whose election was subject to the approval of the Government.

#### **ix- Bombay Municipal Act 1884**

Under the Bombay Municipal Act 1884, 35 municipal committees were formed in Sind. But as compared to the Punjab and Bengal Acts, the Chairman of the committee under this Act was to be appointed by the government.

#### **x- The Bengal Act**

The Bengal Act provided for the election by the rate-payer of two-thirds of the total number, and the election of chairmen for all municipal committees except major municipal committees scheduled under the Act. The number of members was fixed at not less than nine and not more than thirty. The municipal committee was given the option to elect or appoint the members of the committee at their own.<sup>38</sup>

The most remarkable innovation proposed by Lord Ripon in 1882 was the establishment of a network of rural local bodies. The provincial legislation of 1883 to 1885 had one common feature: the creation of a 'two-tier' system, with district boards, and sub-district boards based either upon the 'sub-division or the tehsil'. The district boards having the supervising or coordinating authority only entrusted by the provinces with all the funds and almost all the functions of local government. Most of the acts made provision for the delegation of money and powers to the smaller bodies but practically they were starved of money and narrowly restricted in the exercise of their functions.<sup>39</sup>

The Resolution articulated by Lord Ripon for rejuvenation of local government was, at the outset, met with little success as is proved by the figures of elected members and presidents of municipal bodies. But subsequently these were considered as unnecessary intervention in the unlimited powers of the ruling elites. Because the vast majority of local Anglo-Indian officials were conservatives, supporters of a 'paternal' administration, so that the reforms projected by Ripon were attenuated, or even ignored by the provincial governments and district officers who were responsible for putting them into practice.<sup>40</sup>

The heads of all the major provinces strongly supported the District Officer as president, elsewhere the District Magistrate remained dominant in local government. The provision of non-official chairmanship of district boards was generally ignored. The Chairmen of rural bodies were almost all officials. Only the chairmen of two Punjab district boards (Sialkot and Amritsar) were, for some years, non-officials. The remaining district boards in British India, almost two hundred in number, were presided over by the District Magistrate as the unchallenged head of rural affairs.<sup>41</sup>

Furthermore, if the provinces created the required two-thirds majority of non-official members, their nomination was also dependent upon the favour of District Magistrate. The nominated members could not play their role in administration actively, particularly with an organization which had nominated them.

Similarly the idea of election was viewed with even greater distrust in the countryside than in the towns. The great landlords had no concern with the elections; rather in many district boards in the province like Punjab, where older traditions were still observed, the elected members hold lower status than the nominated gentlemen. District boards were at best little more than petty departments of the district administration.<sup>42</sup> Generally, the reforms introduced in May 1882, failed from every aspect. The relationship between district autocracy and subjects masses was one of alienated apathy.<sup>43</sup>

As soon as Lord Ripon left India, efforts were made to reverse the policies and reforms enunciated by him. Following factors could be mentioned in this regard:

- i. Reforms were entrusted to the provincial government exclusively of civil servants. Contrary to his wished they circumscribed the democratic feature of Ripon's model for local government by keeping possession of inhibit control on their initiative. The bureaucracy practiced obstructive measures.
- ii. Lord Curzon the successor of Lord Ripon left his own distinctive mark upon local government. He insisted on the need for centralized control, and on a uniform policy of development. Primary education was encouraged by liberal grants-in-aid, coupled to constructive planning. Curzon's ascendancy undoubtedly effected a further attenuation of the 'political education' policy, and reinforced the dominant position of district officers and departmental experts.<sup>44</sup> He preferred administrative efficiency to political education.

A Conservative system of supervision was created and the deputy commissioner was authorized with extensive powers of supervision and control. The element of election was also not advocated as it was not based on universal

franchise. The electorate comprised of two percent only of the total urban population. Besides, communal electorate emerged as a result of religious and caste consciousness. Originally communal representation was intended to give representation to the Muslims in local bodies on account of their educational and economic backwardness, but had subsequently to be conceded as a means of representation to the various religious communities.<sup>45</sup>

The Indian leadership active in politics like S.N. Banerje, G.K. Gokhale, Pheroze Shah Mehta warmly welcomed the policy of Ripon of approaching national self-government through the education of the Indian electorate and of their representatives in the school of local politics and administration. While speaking in Bombay Legislative Council G.K. Gokhale said:<sup>46</sup>

“We value local self-government for the fact that it teaches men of different castes and creeds, who have long been kept apart to work together for a common purpose.”

#### **xi- Act of 1892**

The successors of Ripon gave no further advancement to the reforms. The Imperial Government and the provinces only gave attention to improve administrative efficiency, and the high ideals of Lord Ripon set aside in these shifts and contrivances. In 1892, the Bengal Government introduced a new device, in which powers of the municipal boards were further circumscribed, government control was enhanced and the criterion of qualification for franchise was also elevated.

As a natural corollary a campaign under S.N. Banerje was started, which was supported by the political associations and the press of the province also. The apprehension was that, this new scheme would reduce the electorate and franchise the great majority of Muslims. Consequently, the proposals were completely reconsidered. In the meanwhile, movements of violence and agitations began for political emancipation. But the great majority of top brass national leadership firmly believed on constitutional methods for political gains and considered local government as a bridge to national self-government.

In 1906, a Muslim deputation under Agha Khan met with the then Viceroy, Lord Minto. Among other demands, separated Muslim electorates and seats on local bodies was also raised. The Viceroy responded positively and appointed a committee to devise a scheme to fulfill these demands. Morely, the Secretary of State, and Minto, both stressed that political advances must include an ‘effective advance’ in the direction or of local self-government. They condemned the official control over local bodies and recommended the fullest possible liberty of action should be given to them.<sup>47</sup> A considerable progress can be attributed to Minto Morley Reforms, in the field of local self-government.

#### **xii- Royal Commission**

In 1907, the government appointed the Royal Commission upon Decentralization to examine and investigate the financial and administrative

affairs of the Government of India and the provincial governments and the authorities subordinate to them and suggest a viable system of governance through which the relations of the government of India and the provincial governments can be improved. The Commission sorted out local self-government as best system of administrative devolution and decentralization. The research of the Commission depicted that the system of local self-government in the previous years failed largely because of the extensive official control, and with public opinion operating, with some few exceptions, as a negative rather than a positive influence. The large towns showed more promise, the little market centres ignored any need for public services. Rural scene remained even rudimentary. Official control over rural bodies was more directly imposed than over urban boards and the sway of the District Magistrate was absolute. Simultaneously lack of funds and insufficient share in the management and administration of services also attributed to the failure of rural boards. It was also mentioned that, there was no drastic change in local government after Ripon's Resolution, as far as the election criteria concerned, varied from province to province. For example, in the province of U.P. three quarters of the members were elected. While in N.W.F.P all of the municipal boards were nominated. Financial matters were also finalized by the District Magistrate. In addition, day-to-day administrative matters required sanction from higher authorities. The most important aspect of the Resolution was the 'political education' which was also highly affected by the official domination. The obvious reason was that the municipalities have no role in their local affairs because of the dictation by the District Magistrate.

So, in the words of Tinker, Indian local self-government was till in many ways a democratic façade to an autocratic structure. The actual conduct of business was carried by district officials, with the non-official members as spectators, or at most critics. No proper system of local management over local affairs had evolved.<sup>48</sup>

Rural bodies also showed more or less the same picture. Landlords were least interested in local government. The apparent reason was their unawareness with the English language and secondly they did not want to lose their privileges. And the lower strata of society like peasants, minorities and the depressed classes had no representation in local bodies at all.

The Royal Decentralization Commission submitted its report in 1909, which reasserted the aims and objectives of the 1882 Ripon's Resolution. It was insisted that 'the foundation of any stable edifice which shall associate the people with the administration must be the village'. They strongly advocated that the *panchayat* system must be re-established as the vehicle of new types of village government. Their domain of functions expanded to the village sanitation, the construction of minor public works, small civil and criminal cases, and the building and management of village schools.

It was also put forwarded that there should be non-official elected chairmen for urban bodies. The Commission also emphasized upon the establishment of sub-district boards (taluka, tehsil) as the principal agencies of



local government to ensure the local knowledge and local interest, which was the essence of Ripon's Resolution as well. Construction of minor roads, primary education and rural dispensaries etc. were included in their functions. The Commission advised also that half the district level income be allocated to sub-district boards to run their affairs. There was also provision for the acceptance of district officer as constitutional head of the district board. In order to decrease excessive official control, the commission recommended for the election of chairman and for the majority of the members as non-officials, so that the devolution of power and democratization of the local bodies could be possible. The recommendation about district officer becoming chairman of district board was only a confirmation of the existing practice. Except this, other recommendations were not implemented.<sup>49</sup>

### **xiii- Resolution of 1915**

The outbreak of World War I, stimulated the nationalist movement, agitation and aggressive activities started demanding self-rule and independence. Resultantly, in April 1915, Lord Hardinge's administration issued a resolution advocating the gradual implementation of the changes in the local bodies recommended by Lord Ripon and the Royal Commission upon Decentralization. Altogether neither the suggestions of the Commission nor the Resolution of 1915 had provoked any revolutionary changes in the field of local government rather the old system of official control remained in vogue.

In the meantime the eruption of World War I (1914-1918) jeopardized any advancement. As doctors, engineers, administrators, machinery and stores, were utilized for war purpose. However, the furious struggle began to keep the nationalists in check through piecemeal concessions, while officials hoped to stem their growing popularity. Further local reform was plagued with the growing issue of communal representation that eventually exploded in the creation of Pakistan.<sup>50</sup>

### **xiv- Declaration of 1917**

As the nationalist movement in India acquired impetus and the people started agitations demanding independence and self-rule. In such state of affairs, when the British government was under political and financial pressure, it was forced to reconsider the recommendations of the Royal Commission upon Decentralization and the Resolution of 1915. On the 20th August 1917, a policy decision was made on Indians in all branches of administration and gradual development of local government leading to progressive realization of responsible government in India. In 1917, commenting on the decision, the Viceroy, Lord Chelmsford said, there were three roads along which an advance should be made towards the goal indicated in the (Secretary of State's) pronouncement. Of these, the first road was in the domain of local self-government, the village or rural board and town or municipal council.<sup>51</sup> In

September 1917, while addressing in the Imperial Legislative Council, the Viceroy Lord Chelmsford declared:<sup>52</sup>

“The domain of urban and rural self-government is the great training ground from which political progress and a sense of responsibility have taken their start...it is time... to accelerate the rate of progress and thus to stimulate the sense of responsibility in the average citizen and to enlarge his experience”.

#### **xv- Resolution of 1918**

The Government of India's proposals were issued as a Resolution in May 1918. Because of the prevailing situation, local government was thoroughly considered along with the constitutional matters. Once again the recommendations of the Decentralization commission were considered as the basis for its program, and political education was given top priority for departmental efficiency. It was that both urban and rural boards must be constituted of majority of elected members should not exceed a quarter of the total. There should be as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control. The boards were free to raise or lower taxes within statutory limits. The boards were free to provide local services without any dictation from provincial governments.

Following recommendations regarding the local government were forwarded:<sup>53</sup>

- i. The proportion of elected members in the local bodies may be raised to  $\frac{3}{4}$  rather than  $\frac{2}{3}$  as recommended by Ripon's Resolution.
- ii. It confirmed the recommendation of Ripon's Resolution and Hardinge's Resolution about the non-official elected chairman of local bodies.
- iii. The *Panchayat*, it emphasized, should not be integrated with district boards and a portion of land revenue cess to be given to the boards may be shared by *panchayats*.

#### **xvi- Government of India Act, 1919**

Montague-Chelmsford Report of 1918 was adopted by the British Government through the Government of India Act, 1919. Under this Act, diarchy system of government was introduced. As the Montague-Chelmsford Report of 1918 granted a greater degree of autonomy to the provinces. A Significant aspect for local government, under this Report, was the system of diarchy under which local government was declared as a transferred subject to be administered by a Indian Minister, responsible to the provincial legislature. This change was followed by a series of enactments in the field of local government. Various provincial legislatures amended the municipal acts to increase the powers and independence of municipal councils. Instead of nomination the element of election was advocated. In October 1922, the local government ministry in the Punjab announced its proposals for the reconstitution of local government bodies. These included the introduction of elective principle in a number of municipalities and the rising of the elected element as a general rule, a 75 percent

of the total number of members. Seats were distributed among the various communities in proportion to their population, modified by their voting strength so the principle of proportional representation of Muslim League was accepted.

#### **vii- Rural Self-Government Act, 1921**

The Rural self-Government Act of 1921, a product of the Report, established district and sub-district councils for the entire Sub-continent, but the comparatively advanced state of local government in Bengal was used to justify similar reforms two years in advance of the Act. The Bengal Village and Self-Government Act of 1919, constituted the most “complete system of rural authorities” known to India prior to partition.<sup>54</sup>

Union Boards were established for roughly every 8,000 persons. Again a mixed body of elected and nominated members was formed and local police supervision and support was the major function. They appear to have taken root and spread rapidly until nearly 1,600 existed in 1920, and they reached a peak in their activity about 1930. Bengal was the only province that maintained district boards after World War II.<sup>55</sup>

Similarly, the Punjab Town Improvement Act of 1922, the Punjab Small Town Committee Act 1922, *Panchayat* Act of 1921 and Municipal Executive Officers Act of 1931 were passed in the Punjab. The N.W.F.P. had its Municipal Committee Act in 1923. The Sind Acts, VII of 1938 and X of 1940, were enacted, the former abolishing the nominations of local bodies and the later inaugurating joint electorates in borough municipalities.<sup>56</sup>

Notwithstanding, the diarchy democratized the municipalities but in general the diarchy ministers did not initiate any fundamental new contribution to the development of local government; they adhered to the broad lines of change laid down from 1918 to 1920. The diarchy period further led to confusion and chaos. Undoubtedly the measures enunciated in the Montague-Chelmsford Report and recommended in the Government of India Resolution were duly implemented and thereby the municipal government had come to be constituted on democratic lines. But simultaneously, with a measure of democratization, there had occurred a decline in efficiency in administration of local affairs. The working of municipal bodies during the period of diarchy presented neither a picture of unrelieved failure more of unqualified success. In every province, which a few local bodies have discharged their responsibilities with undoubted success and others have been equally conspicuous failure, the bulk lies between these extremes.<sup>57</sup>

As the Indian leadership was anxious to make the pattern of local government more effective, its replacement with British bureaucracy initially showed good results. The government was least concerned with local affairs. In the forties, while in the Punjab there was progressive trend towards having more and more non-official chairmen, Sind and N.W.F.P. had completely politicized these positions and the two smaller provinces had stolen the march over the Punjab. Although all the three provinces gave the respective provincial

governments the power to supersede the local bodies, this power was exercised sparingly and with caution except in N.W.F.P.<sup>58</sup>

Diarchy influenced very little, neither brought any significant change in the system of local government. Rather it further led to perplexity and chaos. As before diarchy, the local government was supervised and functioned by the district administration. With the establishment of diarchy, local authorities were left without effective control and guidance of the district officials. In the words of Inayatullah, that if the governments of the three provinces did not supersede many local bodies on the basis of inefficiency did not mean that they were functioning to their satisfaction. The report on the working of Municipalities in Punjab of 1938-1939 noted.<sup>59</sup>

“It must be regretfully admitted that in the year under report, no appreciable improvement in municipal administration has been achieved. The year’s record is a repetition of the same old depressing story of party faction, nepotism and lack of civic responsibility. The members lack public spirit and are chiefly actuated by personal motives with the result that public interests suffer.”

However, the functioning of the district boards was better than municipalities. The evils of corruption, nepotism, inefficiency, though found here also, were not allowed to go too far because of exercise of the official chairman. But a common failure mentioned throughout in government reports, was the inability of the boards to realize the professional tax and the property tax. Administration of the boards in N.W.F.P. as well as in Sind shared the weaknesses of the Punjab boards.<sup>60</sup>

During this, the Sind government, appointed a committee which reviewed the conditions of local bodies, and made the following recommendations for their improvement.<sup>61</sup>

- i. In view of the poor financial conditions, the committee advised levying of new taxes, giving ten percent of the land revenue to local bodies and imposition of special cess.
- ii. It specified that a minimum percentage of total expenditure of the local bodies should be spent on education, public health and public works.
- iii. Every district board and borough municipality should have a chief officer. The key posts of local bodies should be placed under the Provincial Public Service Commission.
- iv. The local bodies should be taken from the control of the collector and the commissioner, and placed under a commissioner of local government.
- v. To democratize the exercise of control over local bodies by the proposed commissioner, creation of a board to be called local self-government board consisting of official and non-official members was suggested.

Before the diarchy, local government was subservient to district officers. After diarchy, local bodies came in the jurisdiction of provincial governments and thus of political parties. Consequently, local bodies were considered as an apprehension to the supremacy of district administration. Shortly, the complications created by the diarchy, lasted till the World War II in 1939.

## **xix- Government of India Act, 1935**

A greater measure of provincial autonomy was introduced under the Government of India Act of 1935. The enforcement of this Act gave further momentum to the growth and development of municipal government in India. The significant aspect of the Act was that, diarchy was replaced by popular governments in the provinces. For the first time provinces were made separate legal entities. Sind was separated from Bombay and the N.W.F.P. for the first time got full provincial status. Legislation with regard to local government became a provincial subject. Legislation process gained impetus in almost all the provinces to enhance the administrative efficiency and to democratize the municipal structure.

In Sind, Acts VIII of 1938 and X of 1940 abolished nominations in local authorities and introduced joint-electorates in borough municipalities. In the Punjab, the *Panchayats Act* (1932) was modified to make it more effective and "SafaiWeeks" were organized to clean up the villages and to educate the people in the management of civic affairs.<sup>62</sup>

In Punjab, a new law known as the Punjab Village *Panchayat Act*, 1939 was passed to rejuvenate *Panchayat* movement, but all elections were subjected to the sanction of the assigned authority. These *panchayats* were vested with the administrative as well as judicial functions. Similarly for municipal administration, Lahore Corporation Act, 1941 was passed to ensure the higher level of local self-government for the capital of the province.

In 1941, the Government of Sind constituted a committee to evaluate the functioning of local bodies in the province and to recommend whether by means of local government or otherwise to improve the administrative machinery. The Committee proposed that the powers of the supervision and control should be vested with a separate commissioner for local self-government.

In 1944, the Government of Bengal also appointed a committee for the same purpose. The committee recommended for the abolition of nomination system, for the establishment of Local Government Inspectorate under the Local Government Ministry.

Though fitfully and unevenly, representation at least made, advances. In 1939, the India Statutory Commission was able to report.<sup>63</sup>

"There were in British India 812 municipalities apart from three corporations of Bombay, Calcutta and Madras. The boards of 812 municipalities had 13,275 members, of whom all but 738 were elected. There were only 6 boards which had official chairmen. On the rural side, board had 10,388 members of whom 7,791 (75%) were elected and only 10 boards had official chairmen."

Although the British Government took sporadic attempts to introduce reforms and to stimulate the system of local government. But all these efforts came to an end because of the outburst of the World War II in 1939. The whole scenario was changed as the entire financial and administrative efficiency was engaged in the War Agitations and communal riots started throughout India. At the same time the Congress wanted to avail the opportunity for its own political ends. So, the Congress Ministries constituted under 1937 elections, resigned in

protest against India's involvement in the War without her consultation. Law and order became major issue for the government. Consequently, Governor's rule was imposed in the provinces. As the communal riots led to the political instability and administrative inefficiency, in the words of Rushbrook Williams.<sup>64</sup>

"Hindu Muslim feeling has clogged the whole machinery of local government. The community to which the chairman does not happen to belong devotes all its energies to the task of obstruction."

In such state of affairs, local government institutions were not duly attended. The municipalbodies instead of providing civic amenities were performing functions relating the practicesin black-out raising voluntary organizations for defence, increasing first aid etc. under the guidance and direct supervision of the district administration.<sup>65</sup>

## **CONCLUSION**

Thus, there was no earmarked progress since the establishment of these local government institutions up to the period of provincial autonomy. In addition to the administrative miscarriage of provincial governments, the political and nationalist movements started during 1940s which also played vital role to instigate the rural people for their participation in the political process. Eventually, the people took part more enthusiastically for independence and self-rule. The representatives of the local bodies also diverted themselves from their primary municipal functions to the national politics. It resulted in the division of the Sub-continent into two independent states India and Pakistan. Thus, the British left India in 1947, leaving the whole edifice of municipal government in such a deteriorating condition.

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