

Democratic Local Administration under the AFPFL Government

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Abstract

Between 1955 and 1961, the system of democratic local administration had been introduced in Myanmar in ten districts under the 1953 Democratic Local Administration Act. The Act provided for a multi-level local authority in each district: village council, township council and district council. The new administration sought to remedy the defects of former administration. The Deputy Commissioner (DC) of the district became the Chief Executive Officer of the District Council in addition to his normal responsibilities relating to the Central Government. The framers of the DLA Act hoped to strengthen the link between the central government and local authorities. But the demarcation of functions between the central government and local government was not based on practical aspects of administration. Therefore, all local bodies established under the DLA Act had been suspended temporarily in 1961. This paper examines why the democratization programme in ten districts was unsuccessful.

Key words: Democratic Local Administration, Deputy Commissioner, Chief Executive Officer, District Council, Central Government

Introduction

Myanmar gained her independence in 1948. But there had been little change in the Post-colonial administrative system from what existed prior to independence. Most of the rules and regulations which had been framed in the colonial days were still followed after independence. But the government was cognizant of the inefficiency and problems of public administration. Therefore, a committee was formed in 1949 to review the administrative system and to propose suitable measures to bring about the necessary changes. The Administration Reorganization Committee submitted its final report in 1951. The Committee reported that the administrative inefficiency had been due to administrative machinery as well as excessive centralization and departmentalism. According to the Report, the relations between the various services with one another and with the Government did not provide adequacy for coordination in either the formulation or execution of policy and there was a lack of continuity in respect both of policy and administration. The committee suggested that the whole machinery for ensuring co-ordination and continuity in administration should be overhauled. As for the local government, where co-ordination and continuity were no less important than at headquarters, the responsibility for coordination had rested with the Deputy Commissioner who combined in his

own person all the aspects of government, although municipalities and other local bodies had taken a part in local administration (*The Final Report*, 1951, 94-102).

The report included recommendations for greater efficiency in public administration, realigning the old administrative system to be in consonance with the new democratic Myanmar and for better management of the country's economic system (*The Final Report*, 1951, i-ii). On 14 February 1949, the Democratic Administration Bill which was submitted to the selected and appointed Committee of 15 on 15 October 1948 (*Parliamentary (CN) Records*, 1948, 1427-8) was presented to the seventh session of the Constituent Assembly to be discussed. The bill was adopted with some amendments (*Parliamentary (CN) Records*, 1949, 251-316). In accordance with the 1949 Democratic Administration Act, a committee had been set up in April 1950 to draw up Rules. The final draft had been presented to the Parliament on 23 February 1953 to be discussed (*Parliamentary (CD) Records*, 1953, 129) and passed by the two Houses of Parliament with the object of eliminating the undesirable features that were associated with local administration under the colonial government. As the Ministry of Democratic Local Administration had been established since 1 January of that year, the committee was abolished on 18 May (*Burma Gazette*, 20 June 1953, 490). The reason for enactment of this *Democratic Local Government Act* was clearly embodied in the Act as follows:-

- (1) It was provided in section 3 of the *Constitution of the Union of Burma* that the sovereignty of the Union resides in the people.
- (2) It was provided in section 4 of the Constitution that such sovereignty is derived from the people and is exercisable in their behalf by the people representative bodies established by law.
- (3) It was provided in section 91 of the Constitution that specified powers in administrative cultural and economic matters as prescribed by law be delegated to the representative bodies of regions concerned on democratic principles of regional autonomy (Article 3, 4, 91, *The 1947 Constitution*).
- (4) To constitute local bodies consisting of democratic people's representatives who were responsible to the people and their welfare.

In order to enforce the *Democratic Local Government Act and Rules* and also to implement the democratization scheme, the office of the Chief Executive Officer, Democratization of Local Administration was established on November 1953 under the Ministry of Democratization of Local Administration and Local Bodies. The Chief Executive Officer, being the Head of Department, was responsible to the Ministry and served as Controlling Officer (*Burma*, XI, i, January 1962, 98). He was also responsible for successful implementation of the new administrative system.

Democratic Local Administration in Ten Districts

Only ten districts out of 34 districts had been selected for experiment of Democratic system. Firstly only in three districts of Meiktila, Kyaukse and Insein, the new system had been introduced. The new administrative powers were conferred on the local councils in these three Districts on 8 April 1955 (*Burma*, VI, ii, January 1956, 13). Administrative Officers, Public Relations Officers, Film Unit Officers and Secretaries of the Local Bodies from the districts in Lower Myanmar were divided into two batches and given training in Yangon. In Upper Myanmar, the same course was given to the officers at Mandalay. The Supervision Commissioners of the Directorate of Democratization of Local Administration, who were originally members of the Rules Drafting Committee, gave lectures to the trainees on the *Democratic Local Administration Act* and on the rules and instructions issued there under. Each village-tract had a council and a court with elected members. The Secretary of the Council acted as the clerk of the court. He was designated as the Village Executive Officer.

Men of active age with adequate education were selected by the Township Pyidawtha Committee and they underwent training at the township headquarters. Altogether 1772 trainees from the 7 districts had completed their training courses (*Burma*, VI, ii, January 1956, 14). For the formation of the local bodies, the electoral rolls were prepared, the limits of some wards were altered; the boundaries of some towns under Municipalities and Town Committees were amalgamated into new village tracts and some of the large villages were raised to the urban status. Hence, the Village Council, Ward Committee, Urban Council, Township Council and District Council were formed.

Under the *Democratic Local Administration Act*, the Local Bodies were divided into five categories: the Ward Committee, the Village Council, the Urban Council, the Township Council, and the District Council (Articles 3, 4, the 1953 DLA Act (Law No.28)). Depending on the number of voters, the ward committees had 3 to 5 members and the village councils had 5 to 7 members. Ward Committees elected 1 to 3 of their members as their representatives to the Urban Council. Each Urban Council elected 5 to 10 of its members and each Village Council elected one of its members to represent them in the Township Council. The District Council was then formed with 4 to 8 representatives from each township council. Except the Ward Committee, each of the remaining local councils had a permanent Executive officer (Article 6, section 1, 2, 3, 4, 5, *The 1953 DLA Act*). Hence in the three districts where DLA was firstly introduced, there were altogether 88 Ward Committees, 569 Village Councils, 11 Urban Councils, 11 Township Councils and 3 District Councils (*Burma*, VI, ii, January 1956, 15) (Table I).

Table 1: The Local Bodies formed in Meiktila, Kyaukse and Insein Districts

District	Ward Committees	Village Councils	Urban Councils	Township Councils	District Councils
Meiktila	15	223	2	4	1
Kyaukse	14	81	2	3	1
Insein	59	265	7	4	1

Source: *Burma*, VI, ii, January 1956, 15

On the eve of the introduction of the new administration, some of the large villages were granted the status of municipal towns and urban councils were formed in those villages. The limits of some of the existing municipal towns were also revised (Table 2).

Table 2: The Changes of Municipal Towns and Urban Councils

District	Number of Municipal Towns with revised Municipal limits	Number of Villages where Urban Councils will be formed	Number of existing Municipal Towns remaining unchanged	Total number of towns each of which will have an Urban Council
Myingyan	2	3	...	5
Taungoo	1	1	2	4
Pegu	1	9	1	11
Hanthawaddy	...	4	2	6
Tharrawady	1	2	6	9
Henzada	1	3	2	6
Prome	2	2	1	5

Source: *Burma*, VI, ii, January 1956, 15

From 1955 onwards the democratic administrative powers were conferred to additional seven districts. Hence the number of districts where the new administrative powers were conferred before the end of the year 1955 became 10 (Table 3). The 10 District Councils had under them Township councils, urban councils, village Councils and ward Committees as shown in the Table (4).

In each democratic council, with the exception of ward committees, there was an Executive Officer. In the Township and District Councils there were working committees which exercised the powers, duties and functions of the respective local body (Article 34, 35, 36, *the 1953 DLA Act*). In the democratized districts, the District Commissioners were appointed District Executive Officers. The officers such as District Superintendent of Police,

Divisional Forest Officers, and Executive Engineers of Central Government performed the corresponding functions in close co-ordination with the respective councils (Article 37, 38, the 1953 DLA Act). Though the term of office for the Union Parliament was four years and the Municipalities three years, the Democratic Local Bodies term were fixed for five years. If certain Democratic Council makes defaults in the discharge of its duties persistently or exceeds or abuses its powers, such a council is liable to be superseded or placed under suspension or have all or certain powers of the council withdrawn. In the same way if any member of a council defaults in the discharge of his duties persistently or exceeds or abuses his powers or stays away from the people of his constituency and fails to look after their welfare, such a member can be recalled by popular vote or removed from office or placed under suspension or had all or certain powers withdrawn from him (Articles 74, 75, the 1953 DLA Act).

Table 3: Transfer of Power to Ten Districts

	District			Date of Transfer of Power
1.	Kyaukse	...	...	8th April 1955
2.	Meiktila	...	...	Do.
3.	Insein	...	...	Do.
4.	Toungoo	...	...	10th November 1955.
5.	Tharrawaddy	...	...	28th January 1956
6.	Prome	...	...	30th January 1956.
7.	Henzada	...	...	1st February 1956.
8.	Pegu	...	...	24th March 1956.
9.	Myingyan	...	...	22nd August 1956.
10.	Hanthawaddy	...	...	10th November 1956.

Source: *Burma*, XI, i, January 1962, 99

Table 4: Township Councils, Urban Councils, Village Councils and Ward Committees under 10 District Councils

No	District	District Councils	Township Councils	Urban Councils		Village Councils	Ward Committees
				Old	New		
1.	Kyaukse	1	4	1	1	162	14
2.	Meiktila	1	4	1	1	223	15
3.	Insein	1	4	5	2	269	59
4.	Toungoo	1	7	3	1	133	41

5.	Tharrawady	1	8	7	2	339	84
6.	Prome	1	6	3	2	198	63
7.	Henzada	1	6	2	5	229	64
8.	Pegu	1	7	2	9	310	82
9.	Myingyan	1	6	2	3	141	41
10.	Hanthawa -ddy	1	7	2	4	251	55
	Total	10	59	28	30	2,355	518

Source: *Burma*, XI, i, January 1962, 99.

The powers, duties and functions entrusted to Democratic Councils were very wide. They were not only invested with the powers of Municipalities, District Councils, Circle Boards and Village Act, but also delegated with powers to exercise for the welfare of the people in general, in matters particularly, Education, Public Health, Medical Care, Agriculture, Veterinary Care, Irrigation and Embankment, Public Works, Cooperatives and Social Welfare Services (Article 19, *The 1953 DLA Act*). The Democratic Councils without any Prejudice against Section 1 of Article 22, can lay down certain rules and regulations pertaining to -

- (a) Building houses, blue prints, repairing and dismantling;
- (b) Deterring public nuisance and disruption;
- (c) Standardization of scales, weights, measure-baskets and measurements;
- (d) Control and prevention against the epidemic spread of diseases or pestilence that might endanger human beings, cattle, and crops;
- (e) Enhancing general sanitation and preventing public wells, lakes and canals from being contaminated;
- (f) Rules and regulations for slaughtering;
- (g) Preventing animal torturing;
- (h) Fire prevention and fire-fighting;
- (i) Rules and regulations for festivals and fairs;
- (j) Rules and regulations for private markets (Article 22, *the 1953 DLA Act*).

The Township and District Councils have Working Committees for the performance of some of its functions, but there were certain matters that must be dealt with by the Council as a whole. Matters concerning the whole council were the formulation of policy, the establishment of departments, the approval of the annual budget and transfer of funds from the budget head to another, the making of bye-laws, the approval of the annual report on its working and the annual statement of accounts to accompany the annual

report, the levying of taxes, the appointment and control of its officials, the sanctioning of new works, the taking of action against members of the Council, the obtaining of sanction from the President of the Union for matters in which such sanction was required, and in addition, any other matter which in the opinion of the Chairman laid before the Council (Furnivall, 1960, 91).

The aim of the Democratic Local Administration was to constitute an autonomous administrative unit in each district which could be called district government (*Burma*, V, iii, April 1955, 17). Because it was desirable to retain the District as an administrative unit and the main instrument of Local Government while developing its social and economic charter through a District Council that was, as far as circumstances permit, autonomous. The District Council under *the Democratic Local Administration Act* succeeded the old District Council and performed the same functions in addition the functions laid down by the new Act. They also supervised and controlled all the local councils within the district, and gradually transferred the powers and functions to them in accordance with their competency and financial capacity (*Burma*, VII, ii, January 1957, 53). The district council comprising all the members formulated policy, legislation and budgeting (Tin, 1954, 90). The council was to discharge the functions for which it was responsible to the people as a council. The District Councils were solely responsible for supervision and control of funds which have been distributed out of their allotments to the Urban and Village Councils under them and submit monthly reports of expenditure to the Directorate of Democratization of Local Administration for proper check and scrutiny so as to avoid irregularities (*Burma*, XI, I, January 1962, 101). The whole body of members (Village Council, Urban Council, Township Council and District Council) met at least once a year to consider and pass the budget and at such other times as occasion might require. The Executive Committee chosen by the members from among themselves and entrusted with administrative functions held a meeting at least once a month if not more frequently (Section 35 (1, 2, 3), *The 1953 DLA Act*). The District Council took over from the Deputy Commissioner all those functions which were not assigned by law to him as District Magistrate. Because various activities, comprising work divided between the District Council's office and the former Municipal and District Councils necessitated a department organization no less elaborate than that which it replaced.

At the head of the District Council was the chief officer of the council. He was the head of the executive in direct control of General Department. The departments under the control of the District Council were the Central Department, General Department, Judicial, Information, Finance, Revenue, Roads, Construction, Defense, Police, Fire Fighting, Education,

Public Health, Medical Care, Sanitation, Forestry, Agriculture, Land Records, Embankment and Irrigation, Cooperatives, and Veterinary Care Departments. The departments were grouped as follows according to their administrative works:

- (a) Central Department, General Department, Judicial Department, and Information Department,
- (b) Finance Department, Revenue Department,
- (c) Public Works Department,
- (d) Defense, Police, Fire Fighting Departments,
- (e) Education, Medical Care, Public Health, and Sanitation Departments,
- (f) Forestry, Agriculture, Land Records, Embankment and Irrigation, Cooperatives and Veterinary Care Departments.

Each group was put under the charge of a separate member of the executive committee (Section 69, *The 1953 DLA Rules*). For the coordination of administration, the Chairman held charge of the General Department, responsible particularly for the maintenance of public order. Hence the Deputy Commissioner of the district became the Chief Executive Officer of the District Council. To promote better efficiency in the various departments of the District Council's activities, the district representative of the department of the central government was put in charge of the relevant department (Section 38 (1, 2, 3), *The 1953 DLA Act*). Subject to the supreme control of the whole council, the direction of general policy rested with the Executive Committee. The special function of the member in charge of Department was to see that the work was conducted in accordance with the policy of the council, to clear up or, represent to the council any difficulties experienced by the departmental officials in giving effect to policy of the council, and to foster cordial relations between the departmental official and the public (Section 36(1, 2, 3), *The 1953 DLA Act*). Appointment of the professional staff was made by Government and the council could not remove its higher departmental officers without the approval of the Government. If it wished to remove such an officer, he had the right to appeal to the public Service Commission which approved his appointment. The appointment of subordinate officials and their removal rested with the departmental head concerned subject to approval by the council (Section 89, *The 1953 DLA Act*). For each District Council the Government appointed a People's Counsel who was head of Judicial Department. Similarly, the Government also appointed a departmental head for each of the other Departments. Hence for every branch of the work of a District Council there was a non-official member of the committee working alongside an official expert appointed by the Government. The non-official member was responsible to the Council for seeing that effect was given to the policy of the Council, and the departmental head was responsible for giving effect to

its policy under the instructions of the non-official member (Furnivall, 1960, 91-2). The framers of the *Democratic Local Administration Act* envisaged that such a district government would facilitate the performance of administrative functions very much because there would be a free and frank exchange of views between the heads of various departments on matters concerning the district, sitting together at the table and settling the issues on the spot.

The new administrative machinery was so vastly different from the old. The people in many villages were in confusion and at a loss as to where to begin and how to carry out the powers and functions bestowed upon them. The officers of the Directorate toured the democratized districts and in cooperation with the local officers rendered help to the village councils whenever it was necessary. But changing the long established system of government overnight was not so easy. In the new system of democratization, new and unforeseen problems arose. Hence the Government formed in June 1956 issued a statement in connection with the Democratic Local Administration.

It read, inter alias:-

1. As the situation of law and order and security in the rural areas is not satisfactory, the implementation of the Democratization of Local Administration Act will be suspended in all areas except in the ten districts in which the Democratization of Local Administration had been established, till such time as law and order and security are sufficiently restored in the rural areas.
2. The Government will take advantage of the experiences gained so far in the implementation of this Act and will.
 - (a) Bring about greater cooperation between the Government servants and the representatives of the people.
 - (b) Educate the people in the Democratization of Local Administration so that the people will take greater interest in the scheme than hitherto.
 - (c) Improve upon the existing provisions of the Act as experience is gained.
 - (d) Make over from time to time to the councils or chairmen of the Councils certain administrative functions of the Government departments or Government servants, after consultation with the respective departments.

Research Findings

The framers of the legislation had hoped to alter drastically the administrative pattern from the method of direct rule to one which was in consonance with democratic principles. However, practical difficulties, not foreseen or anticipated by the framers, arose in the application of those principles. Under the *DLA Act*, all district officers were no longer agents of the Central Government alone. They were responsible to the respective local

bodies on matters of policy and to the central government for technical guidance and for support when the local policy ran counter to the view-point of the technical departments. *The DLA Act* imposed dual control on the field officers of the functional departments of the Central Government and on the DCs and their assistants. This dual control raised administrative problems which were difficult to be solved.

Moreover the public servants were unfamiliar with the new democratic administrative system. Political maturity of the people accounted for the failure of the democratic system. The voting public was indifferent to administrative reforms of local government. The practice of elected members having control over policy as well as administrative matters of the council was inoperable. Hence how to harmonize administrative efficiency with democratic responsibility became the problem.

Before the *Democratic Local Government Act of 1953*, local government was restricted to bodies consisting wholly or partly of local non-officials. It was charged with the promotion of local amenities. The local councils were not equipped with efficient administrative machinery. The members of the council had no special qualifications for effective supervision. The authority of the agents of the Central Government was imposed upon the members only when there was mismanagement in the affairs of the council. The councils carried out their functions without any degree of efficiency.

The new administration under *the DLA Act* sought to remedy these defects of administration. The DC of the district became the Chief Executive Officer of the District Council in addition to his normal responsibilities relating to the Central Government. The district representative of the department of the central government was put in charge of the relevant department in order to promote efficiency in the various departments of the District Councils activities. He exercised general supervision over his department in the Township Council. The District Council also supervised the subordinate councils. The framers of the Act hoped to strengthen the link between the central government and local authorities. But the demarcation of functions between the central government and local government was not based on practical aspects of administration. The departmental representatives of the central government had to assume dual responsibility both to the centre and to the local unit. Moreover the role of the Chief Executive Officer in relation to the elected councilors also raised difficult problems. As politicians tended to play an active role in every aspect of administration, the local government in which only the administrative and managerial authority were placed in the hands of the Chief Executive Officer, became unpalatable. Thus all local bodies established under the *Democratic Local Government Act* had been suspended temporarily in 1961.

Thus the attempts to transform the public administration from the centralized to decentralized one or attempts to democratize public administration failed and was nipped in the bud.

Conclusion

After gaining independence, Myanmar adopted an administration system based on parliamentary democracy. However, the State Constitution had weaknesses as it was largely based on the constitution of India and that of Myanmar of 1935. The principles of democracy were not fully upheld. Although a democratic administration was introduced in 1955 in conformity with *the Democratic Administration Act of 1953*, the attempt failed. As the leaders of the country paid more attention to gaining power rather than to work for the country, civil administration was not well-established and the government became unable to maintain law and order. Hence, local bodies of ten districts established under the Democratic Local Government Act had been suspended temporarily in 1961.

References

- Burma*, Vol. VI, No. ii, January 1956, Yangon, the Director of Information, Union of Myanmar
- Furnivall, J.S. : *The Governance of Modern Burma*, New York, Institute of Pacific Relations, 1960
- Parliamentary (CN) Records*, Vol.VI, Meeting No.xxxiv, Yangon, Supdt, Government Printing and Stationery, Burma, 1948 to 1953
- Summary of the Speech delivered by Thakin Tin*, Yangon, Supdt, Government Printing and stationery, Burma, 1954
- The Burma Gazette*, Vol. VI, No. xxv, 20 June 1953
- Summary of the Speech delivered by Thakin Tin*, Yangon, Supdt, Government Printing and stationery, Burma, 1954
- The Democratic Local Administration Act of 1953*, Yangon, Supdt, Government Printing and Stationery, Burma, 1956
- The 1961 Democratic Local Administration (Suspension) Act, *the Burma Gazette*, Vol. XIV, No. xl, 7 October 1961

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