

CALCUTTA CORPORATION

**The proposed change in the Municipal
Law of Calcutta.**

PART FIRST.

—
A

CRITICISM ON

SIR ALEXANDER MACKENZIE'S SPEECH

DELIVERED AT THE MEETING OF THE

Bengal Legislative Council

HELD ON THE 26th FEBRUARY, 1898.

CALCUTTA

The 22nd March, 1898.

NALIN BIHARI SIRCAR,

Commissioner for WARD No. 4.

The Proposed Change in the Municipal Law of Calcutta.

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Introductory Remarks.

MEMO.

The printing of this Note has been deferred until now, pending the introduction of the Calcutta Municipal Act Amendment Bill into the Bengal Legislative Council and the publication of the speech of the Hon'ble Mr. Risley, the member in charge of the Bill. The Bill having been introduced and Mr. Risley's speech published, it now appears that both the Bill and the introductory speech will require much more elaborate treatment than the writer had anticipated. This note therefore is published by itself.

N. B. S.

22nd March, 1898.

of the Corporation. In 1896 the working of one department, *viz.*, the Warrant Department, was subjected to a searching enquiry by a special Committee of the Commissioners, but there was neither any serious confusion nor was it at all impossible to determine who were really responsible for irregularities in the department; in point of fact, the special Committee found that the defects discovered in regard to realizations by that department were wholly due to careless and inefficient supervision on the part of the Executive and the Executive alone.

"The alarm of Plague" referred to in His Honor's speech was felt towards the close of 1896, and a reference to the records of the Corporation at the time will show how far the statement, quoted above, is borne out by the facts of the case. Wired advice of the prevalence of Bubonic Plague in Bombay was first published here by the local newspapers on the morning of the 24th September, 1896; the same evening there was a general meeting of the Commissioners at the Dalhousie Institute, and there the attention of the Commissioners and of the public at large was prominently drawn to the matter by Mr. Simmons, one of the Commissioners; and Dr. Simpson, the then Health Officer, with his usual promptitude, submitted a note containing suggestions for preventing the Plague from coming into Calcutta, and also for taking precautionary measures against the spread of the disease and its lodgment in the city, should the epidemic ever break out here. The Health Officer's note was considered by the General Committee the next day, the 25th September, and the following resolution was passed:—

The allegation that "the present constitution of the municipality is ill adapted to stand the strain of a sudden emergency" is without foundation.

That the Health Officer be requested to pay daily visits to the different parts of the town instead of paying three visits in the week, and to issue strict orders to all his subordinates to pay particular attention to the cleansing of the town, and, if necessary, to employ additional dhangers and coolies for the purpose at an additional cost, and apply for its sanction, and that he be further requested to order the medical officers under him to report immediately to him

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At the meeting of the Bengal Legislative Council held on Saturday the 26th February last, His Honor the President made a statement as to the course of legislation to be taken up during the present session of the Council, and, among other measures, he said, an elaborate Bill for "reforming" the Municipal Law of Calcutta would very shortly be laid before the Council. In his speech His Honor attempted to justify the necessity for such legislation by alleging that "facts were brought to light in connection with the alarm of Plague in Calcutta which showed that the present constitution of the Municipality is ill-adapted to stand the strain of a grave and sudden emergency, and fails to secure prompt and continuous executive action."

His Honor did not vouchsafe any specific information in regard to these facts, but contented himself with the general statement that there were "a complete break down of the conservancy of the town at a critical period and serious confusion in many other departments of the Municipal administration." To those, however, who are acquainted with the affairs of the Corporation, this assertion will appear somewhat extraordinary as coming from the Lieutenant-Governor, for so far from there being any "complete break down," the Department was, as a matter of fact, specially strengthened as soon as the news of the outbreak of Plague in Bombay reached Calcutta. It is true that for some time before this, the defective conservancy arrangements of certain parts of the Town had occupied the attention of the Commissioners, but the fault was found to be due to laxity and want of proper supervision on the part of the responsible executive head of that department; and the Commissioners insisted upon that Officer showing more efficient work in future. When, however, the emergency arose, the Commissioners at once employed another highly-paid officer as Chief Superintendent of Conservancy, and took prompt measures for the special and more thorough cleansing of the town, rendered necessary by the apprehended advent of the Plague into this city. As for "serious confusion in many other departments of the Municipal administration without the possibility of determining with any approach to certainty where the responsibility for such a state of things lies," all that need be said is that one fails to find any evidence justifying such a sweeping statement in the recorded proceedings of the Corporation. In 1896 the working of one department, *viz.*, the Warrant Department, was subjected to a searching enquiry by a special Committee of the Commissioners, but there was neither any serious confusion nor was it at all impossible to determine who were really responsible for irregularities in the department; in point of fact, the special Committee found that the defects discovered in regard to realizations by that department were wholly due to careless and inefficient supervision on the part of the Executive and the Executive alone.

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if any one of them comes across any case which appears to him to be either a genuine or a suspicious case of Bubonic Plague.

The same day Dr. J. N. Dutt, the Chemical Analyst, was sent to Bombay at the expense of the Corporation to ascertain, from bacteriological examination and from investigations on the spot, the nature of the disease that was prevalent there. On the 26th special orders were issued by the Health Officer to Conservancy Superintendents regarding the thorough cleansing of the Town, and to the Medical Inspectors as to ascertaining prevalent diseases in the Town and taking preventive measures; the Commissioner of Police was also written to, the same day, with a request to issue instructions to the Superintendents and Inspectors of the Calcutta Police to bring to the notice of the Health Department any case of fever with glandular enlargement or of death from high fever with delirium. The Local Government, then at Darjeeling, was at once communicated with on the subject, both by letters and telegrams. Suggestions were made to Government regarding the immediate adoption of suitable arrangements to ensure the medical examination of all passengers before leaving Bombay and at different stages of their journey between Bombay and Calcutta, to provide means of efficient isolation for suspicious cases of illness, and to invite the attention of the Port authorities to the necessity of their making special arrangements for the examination of all ships and boats coming to Calcutta from Bombay. On the 26th October, Regulations under section 334 were prepared and passed by the Commissioners and these in reality formed the basis of the more elaborate Regulations subsequently issued by the Local Government.

On the 28th, a sum of Rs. 3,000 was placed at the disposal of the Health Officer for expenditure on such urgent preventive measures as he thought necessary. On 2nd and 5th October a special staff for cleansing and disinfecting filthy houses and filthy localities consisting of 200 coolies, 60 carts, one Superintendent, 2 Sub-Inspectors, &c., &c., costing about Rs. 5,500 per month, was sanctioned.

This staff was subsequently increased to 1,500 coolies, 329 carts, 2 Superintendents, and 14 Sub-Inspectors; 400 of these coolies being wholly employed in cleansing and lime-washing the insides of dirty houses. On 9th October, 6 temporary Medical Inspectors (in addition to the 5, permanently employed), with necessary coolies and peons, were appointed, costing over Rs. 800 per month; subsequently the number of temporary Medical Inspectors was increased to 12; on the same day and at the same meeting of the General Committee a Chief Superintendent of Conservancy was appointed at a monthly salary of Rs. 1,000. On 8th October the Bubonic Plague was declared by the Commissioners to be a dangerous disease in terms of section 321 of the Calcutta Municipal Act, and it was made obligatory, under the law, upon every medical practitioner in Calcutta, who treated or became cognizant of the existence of any case of Bubonic Plague in any private dwelling, to give information of the same with the least possible delay to the Commissioners. An Isolation Hospital for Plague patients was erected in the course of a fortnight at Manicktola, outside Calcutta, costing over Rs. 9,000; the Hospital has since cost a further sum of Rs. 9,000. Pipes for supply of filtered water to the Hospital were at once laid down. Special ambulances for Plague patients were made and kept ready for use. Two Disinfectors—Equipex make—costing about Rs. 20,000, were at once ordered to be brought out from England.

The total expenditure by the Commissioners for Plague precautionary measures up to now has been nearly 2 lacs of rupees.

Dr. Simpson, the late Health Officer of the Corporation, in his Annual Report for 1896, after enumerating the various measures of precaution taken by the Commissioners against the Plague, thus concluded his observations:—

“From the above account it will be seen that no pains have been spared to protect Calcutta against an outbreak of Plague or to be in a state of preparedness to stamp it out should the disease have unfortunately gained a foothold in this City.”

With the above statement of facts before them taken from the published records of the Corporation, let the unbiassed public judge for themselves how far His Honor was justified in his assertion that “the present constitution of the Calcutta Municipality is ill-adapted to stand the strain of a grave and sudden emergency, and fails to secure prompt and continuous executive action.”

But whether justified or not or whether there be any real necessity for a radical alteration of the Act, His Honor wants the change, and he must have it. He says, “in point of fact, under the present law there is no municipal constitution at all in the proper sense of the word. Everything is fluid and indefinite.” It is difficult to understand

The constitution of the Municipality is clearly defined in the present Act.

what this really means; for, is not the constitution of the Corporation very definitely set forth in the Municipal Act? Part I of Chapter II of Act II (B.C.) of 1888 deals with this point in as clear a manner as possible. The Corporation of Calcutta consists of one Chairman, one Vice-Chairman, and 75 Commissioners—partly elected and partly nominated, in the proportion of 2: 1. Of the 75, 50 are elected by the ratepayers,

and 15 are appointed by the Local Government, 4 by the Bengal Chamber of Commerce, 4 by the Calcutta Trades Association, and 2 appointed by the Calcutta Port Trust. The Chairman is appointed by the Local Government and the Vice-Chairman by the Commissioners-in-meeting. But it is not proposed to amend this part of the Act; the Bill, His Honor has observed, "leaves untouched the number of Commissioners and the existing methods of electing and appointing them." * * It does not alter the franchise nor does it reconstruct the present arrangement of wards." In this connection it may not be out of place to mention that the present constitution, with slight modifications, has been in existence ever since 1876; it was adopted in 1875, and again in 1888, after a very full and thorough discussion of the question from all stand-points, by the public at large, including every section of the community.

But Sir Alexander Mackenzie's difficulty has evidently not been so much with the constitution itself as with the powers and functions of the Corporation and its mode of conducting business. He says:—

"The Act vests in the Commissioners all powers, whether they are such as a large deliberative body can properly exercise or not; but it allows the Chairman to exercise all the powers vested in the Commissioners except those reserved to the Commissioners in meeting, subject to such limitations and conditions as may be imposed, before or after he has acted under this power by a Resolution of the Commissioners. It further confers an unlimited power of controlling the Chairman by the action of Committees. By thus failing clearly to define the powers of the Executive, the Act renders it impossible to say as regards any given matter in what part of the Corporation the Executive resides or indeed whether there is any Executive at all."

To anybody acquainted with the details of Municipal administration these observations of His Honor must appear to have proceeded from absolute ignorance of the daily practical working of the Act. It is true that all

All powers though vested in the Corporation are most judiciously distributed by Chairman fixing responsibility on the individual Subordinate Executive Officer in-charge of any particular work.

powers are vested in the Commissioners; but, with the exception of a few, they are practically exercised, not by the large deliberative body, as Sir Alexander Mackenzie would seem to suggest, but by the Executive to whom all the powers are delegated. The Commissioners, as a body, only exercise appellate powers, keeping a strict supervision and general control over the action of the executive officers of the Corporation. The section of the Act which deals with this matter is 61, and runs as follows:—

The Chairman may exercise all the powers vested by this Act in the Commissioners:

Provided that he shall not exercise any power which by this Act is directed to be exercised only by the Commissioners-in-meeting. Nor shall he act in opposition to, or in contravention of, any orders passed by the Commissioners at a meeting; and if any order passed by him under the authority vested in the Commissioners is brought before a meeting of the Commissioners and modified or disapproved of by them, the Chairman shall, as far as possible, modify or cancel such order so as to bring it into conformity with the order of the Commissioners-in-meeting.

All powers which may lawfully be exercised by the Chairman shall be deemed to have been exercised by him if exercised by any subordinate officer acting in the execution of the duties assigned to him by the Chairman.

Thus, it will be observed, the law has laid down certain powers to be exercised by the Commissioners-in-meeting, and by them alone, and these are distinctly specified in sections 15, 28, 38, 40, 41, 45, 47, 48, 49, 59, 62, 63, 64, 65, 66, 67, 68, 70, 71, 75, 99, 100, 102, 102 (f), 103, 103 (e), 104, 104 (c & d), 105, 151, 153, 154, 165, 168, 200, 204, 208, 216, 217, 224, 258, 259, 262, 268, 269, 314, 321, 327, 328, 334, 335, 340, 341, 343, 345, 347, 350, 354, 355, 356, 359, 360, 361, 372, 377, 378, 381, 384, 397, 398, 400, 401, 402, 404, 405, 406, 409, 411, 412, 422, 439, 457, and 458. A cursory perusal of each of these sections will show that almost all of them deal with questions involving large issues, expenditure of money, principles of administration, &c., and requiring full and thorough discussion by such a deliberative body as the Corporation. The other powers, involving executive work are exercisable by the Chairman or by his subordinate officers acting in the execution of the duties assigned to them by him.

This is the law and practice, not only in force at present, but it has been so ever since 1863, when, for the first time, the Justices of the Peace for the Town of Calcutta were constituted into a corporate body for the purpose of carrying out the Municipal administration of Calcutta. The analogous section in Act VI of 1863 ran as follows:—

XXVIII. The Chairman or Vice-Chairman shall have all the powers vested by this Act in the Justices; and they may, respectively, exercise the like powers at all times in carrying out the orders of the Justices or in executing any works sanctioned by them and generally in the management of the business aforesaid. Provided that it shall not be lawful for the Chairman or the Vice-Chairman to act in opposition to or in contravention of any order of the Justices, or to exercise any power which it is by this Act expressly declared shall be exercised only by the Justices at a Meeting.

Again, in 1876, when the elective system was first introduced into the Municipal Government of Calcutta, the identical section was re-enacted and formed section 53 of Act IV of 1876. In these two Acts the assignment of powers by the Chairman to his subordinate officers was not clearly set forth, hence it became necessary to add the penultimate clause of section 61 of the present Act. When this Act came into force in 1889, the first thing that the then Chairman (the late Sir Henry Harrison) did was to specifically assign the various executive powers under the Act to the different officers under him, and that assignment has since been practically confirmed by every succeeding Chairman. The following extract from that order of the Chairman will show how definitely the power, and with it the consequent responsibility, has been fixed upon each of his various subordinate executive officers:—

By this section (section 61) the Chairman may exercise all the powers vested by the Act in 'the Commissioners.' This, of course, does not include the powers vested in 'the Commissioners-in-Meeting,' and it is subject to certain other limitations set forth in the next para. This general power suffices, so far as the Chairman is concerned, to enable him to carry on the executive duties of the Corporation.

As regards the Vice-Chairman the Act says that "he may exercise the same authority as the Chairman on behalf of the Commissioners subject to his general direction and control." So far as the Vice-Chairman is concerned, therefore, no further action is necessary to enable him to exercise his executive functions on behalf of the Commissioners. Any directions given by the Chairman have the effect of limiting and controlling, not of amplifying, his powers, which are complete without any specific assignment.

As regards the other executive officers of the Corporation, however, the provision made for the exercise by them of their functions was, after much discussion and consideration in Select Committee, finally embodied in the following clause:—

'All powers which may lawfully be exercised by the Chairman shall be deemed to have been exercised by him if exercised by any subordinate officer acting in the execution of the duties assigned to him by the Chairman.'

The effect of this is that it is necessary for the Chairman to assign definite duties to all officers other than the Vice-Chairman who are to exercise any of the powers vested in 'the Commissioners' by the Act. Such duties having once been duly assigned, the order of the officer concerned will have the legal effect of an order of the Chairman, and, therefore, under section 61, will carry with it the statutory authority of 'the Commissioners,' but till power is thus assigned, it will, so far as the law is concerned, be *ultra vires* to exercise it.

The following statutory powers conferred on the Commissioners by the Act are reserved by the *Chairman* for exercise by himself alone, and should not, for the present, be exercised by any other officer of the Corporation without his approval and signature:—

(Provided that, in the case of absence of Chairman, or urgency, such orders may be issued by the Vice-Chairman.)

Sections 3, 84, 85, 128, 129, 149, 154, 181, 192, 203, 204, 205, 206, 207, 208, 209, 215, 216, 221, 222, 223, 234, 240, 241, 242, 248, 249, 251, 252, 254, 255, 259, 261, 265, 266, 271, 273, 274, 277, 281, 282, 283, 298, 305, 306, 311, 314, 315, 319, 320, 323, 324, 325, 326, 327, 338, 340, 341, 346, 349, 350, 352, 353, 358, 364, 366, 370, 371, 373, 379, 384, 388, 426, 428, 429, 433, 437, 441, 443, 444, 446, 449, 451, 455.

The *Vice-Chairman* will exercise more immediate control over the Account Department, the Warrant Department, the License Department, the Store Department, the Treasury and the Loan Department. He will, in general, discharge the duties of a Controller of Accounts, pass bills subject to Budget sanction, sign cheques, and satisfy himself that all receipts are properly accounted for. He will also superintend the realisation of bills issued by all Departments, and open all tenders.

The Chairman relies on him to see that Budget grants are not exceeded. In arrangement with the Chairman he will hear the bulk of the assessment appeals under section 136, and (sitting with three Commissioners) of the trade and profession license appeals under Schedule II, clause 7 (e).

In the absence of the Chairman, or in cases of urgent necessity, he will exercise the powers enumerated above as reserved to that officer, and will, of course without any assignment, exercise the powers of the Commissioners under any other section as occasion may call for it.

The *Secretary* is empowered to sign all letters issuing on behalf of the Commissioners, or of the Chairman, and all orders, after satisfying himself that the order has been passed by an officer entrusted with due authority to pass it. He is entrusted with the seal of the Corporation and with the custody of valuable documents, contracts, and records. He will expressly see that all notices of Meetings are duly issued, and that the terms of the Act regarding such notices are complied with.

Wherever any section of the Act empowers the Commissioners to serve a notice requiring any person to take any action, the notice must be signed by the officer to whom the powers of directing the issue of the notice have been delegated under the present rules. The Secretary is, however, authorized to sign notices on behalf of the Chairman or the Vice-Chairman on his satisfying himself that the Chairman or Vice-Chairman has explicitly or impliedly authorized the issue of notice.

The *Engineer* will exercise the powers necessary for the efficient performance of the duties of a Chief Engineer in a large city. He will directly supervise and control what are ordinarily known as the Water Works Department, the Drainage Department, and the Road Superintendent's Department. He will also have under his orders the Workshop Superintendent and Workshop Establishment, the Municipal Railway Establishment, and the Salt Water Lake Establishment. The maintenance and repairs of all the Municipal buildings and machinery is also placed under his general supervision.

More especially the Engineer will exercise the statutory powers conferred on the Commissioners in the following sections of the Act :—

Sections 62, 150, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 166, 169, 170, 179, 203, 210, 211, 212, 213, 219, 220, 221, 223, 224, 225, 226, 227, 228, 229, 230, 231, 233, 235, 236, 237, 238, 243, 245, 247, 253, 275, 278, 279, 280, 282, 284, 285, 286, 290, 295, 296, 393, 394, 395, 430, 431, and 438.

Of the above powers the following may be exercised by the subordinates of the Engineer, enumerated below, subject to his general control :—

ASSISTANT ENGINEER, WATER WORKS.—Sections 154, 155, 157, 158, 159, 160, 161, 162, 165, and 169.

ASSISTANT ENGINEER, DRAINAGE DEPARTMENT.—Sections 275, 278, 282, 285, 286, 290, 295, 296, 298, and 394.

SUPERINTENDENTS, ROADS DEPARTMENT (TOWN AND ADDED AREA).—Sections 210, 212, 219, 220, 221, 223, 224, 225, 226, 227, 228, 229, 230, 231, 233, 236, 237, 238, 243, 245, 247, 430 and 431.

WATER WORKS INSPECTORS.—Section 160.

DRAINAGE INSPECTOR.—Section 290 (Inspect drains, &c. ; issue one hour's notice of intention to clean out drain and remedy defect).

Of course, it does not follow that these subordinates will always exercise, *without reference to the Engineer*, the powers assigned to them ; the Engineer should make them clearly understand that they should always consult him in all matters of importance as heretofore, and he will be generally responsible to the Commissioners and myself for all orders issued by his subordinates. The object of assigning power is not to limit responsibility, but to enable the subordinate's action to be legally valid. The same remark applies to the powers conferred on the Engineer.

The Chairman expects that the Engineer will, as heretofore, freely consult him before issuing any compromising order, or taking any action which ought not to be taken without Chairman's knowledge and approval.

The *Health Officer* will, in a general way, exercise the powers necessary for the efficient performance of duties of the Chief Executive Officer of Health in a large city. He will directly supervise and control what are ordinarily known as the Conservancy Department, the Nuisance Department, and the Bustee and Sanitary Departments. He will also have under his orders the Assistant Health Officer and his own office, the Food Inspectors, the Medical Inspectors, the Analyst to the Corporation, the Deputy Superintendent of Vaccination and his establishment, all officers and subordinates engaged in the registration of births and deaths, whether at the Registration Offices or at the burning-ghats and burial-grounds, the Gowkhannah Superintendent and Establishments, and the Superintendent of the Slaughter-house. All the markets of the town are also placed under his general supervision.

More especially the Health Officer will exercise the statutory powers conferred on 'the Commissioners' in the following sections of the Act :—

Sections 62, 153, 181, 182, 183, 186, 187, 270, 286, 287, 288, 290, 292, 294, 298, 303, 304, 307, 309, 310, 311, 313, 314, 317, 318, 321, 322, 327, 329, 332, 335, 336, 344, 363, 364, 365, 367, 368, 369, 375, 387, 391, 393, 394, 431, 438, and 453.

Of the above powers, the following may be exercised by the subordinates of the Health Officer enumerated below, subject to his general control :—

ASSISTANT HEALTH OFFICER.—Sections 187, 317, 318, 322, 327, 329, 332, 334, 375, 392, 293, 294, 387, 388.

SUPERINTENDENTS OF CONSERVANCY.—Sections 270, 286, 287, 288, 289, 290, 292, 298, 299, 300, 302, 307, 309, 312, 314, 318, 393, 394, 438, and 453.

MEDICAL INSPECTORS.—Sections 317, 322, 329, 332, and 344.

FOOD INSPECTORS.—Sections 363, 365, 367, and 369.

ANALYST.—Section 153 (Test purity of water).

The remarks made, respecting the exercise of powers by the Engineer and his subordinates apply also to those exercised by the Health Officer and his subordinates.

The *Collector*.—The duties of the Collector are to collect all rates due to the Corporation in Wards 1 to 16, as also all miscellaneous bills made over to him for that purpose by the officers of the Corporation. He should present all rate-bills at least twice (if not paid on first presentation) within the quarter to which they relate, and at the end of quarter, transfer such as are unpaid to the Warrant Superintendent. Similarly, after keeping miscellaneous bills for three months and presenting them not less than twice, he should transfer them to the Warrant Superintendent at the end of that period unless any written objection has been preferred by the payee ; in which case the bill, with the objection, should be sent to the Vice-Chairman for orders before its transfer to the Warrant Superintendent.

Apparently, the only statutory power vested in the Commissioners which the Collector should exercise is defined in section 141. This power is, therefore, conferred upon him in Wards 1 to 16.

The *Joint-Collector* will exercise the same powers as the Collector in Wards 17 to 25.

The *Assessor and Surveyor* will exercise the powers necessary for the assessment of all houses and bustee lands in Calcutta, and for the survey of all premises regarding which there are boundary disputes. He will have the custody of the survey maps and records of the town. He will also exercise direct control over the Bill Department, and will receive back from the Warrant Department all irrecoverable rate-bills, recover what he can, and lay the rest before the Vice-Chairman for orders.

More especially he will exercise the statutory powers conferred on the Commissioners in the following sections of the Act:—

Sections 109, 111, 115, 118, 120, 123, 124, 126, 127, 128, 130, 132, 133, 134, 135, 139, 140, 217, 218, 264, 393, 435, 440, and 451.

The *Warrant Superintendent* will, under the general control of the Vice-Chairman, exercise all powers necessary for the recovery, by coercive process, of rates or bills due to the Corporation.

He will more especially exercise the statutory powers conferred on 'the Commissioners' by the following sections:—

Sections 121, 142, 144, 146, 180, 351, 393, 440, and 451.

The *License Officer* will, under the general control of the Vice-Chairman, supervise the levy of the taxes on carriages and animals, on professions, trades, and callings, and on the registration of carts; also the licensing of hackney-carriages and the recovery of trade-refuse fees, and of fees for the licensing of stables and cow-sheds.

He will more especially, exercise the statutory powers conferred on 'the Commissioners' by the following sections:—

Sections 78, 79, 81, 83, 84, 86, 87, 88, 91, 93, 94, 96, 98; Second Schedule, 7 (b), 7 (c), 7 (d), 9; and section 431.

Could there be anything more definite or precise than this? Under the law and the order of the Chairman, which has practically all the force of law, the responsibility in respect of any particular section of the Act can be easily and at once brought home to the particular officer entrusted with the working of that section. For instance, the duty of 'maintaining and repairing public streets' under section 210 is assigned to the Superintendent, Roads Department, who is under the Engineer. Thus the responsibility of the work mainly and primarily rests with this officer: he is responsible to the Engineer, the Engineer to the Chairman, and the Chairman to the Commissioners. After this, is it fair and just to say that in the Calcutta Municipal constitution "every thing is fluid and indefinite," and that "the Act renders it impossible to say as regards any given matter in what part of the Corporation the Executive resides or indeed whether there is any Executive at all?"

It has been observed that the Act "further confers an unlimited power of controlling the Chairman by the action of the Committee." This, however, is not really the case. The law does not give any power to Committees to control the Chairman, except that, when the Chairman differs from the majority of any Committee on any matter (and such instances have been found in practical experience to be very few and far between), he cannot take action until it is finally decided upon by the Commissioners in meeting; and as the Chairman has the power of calling meetings of Commissioners, he may, according to the urgency of the question, have the matter brought up before the Commissioners as early as he may deem it necessary, and obtain their decision. The Committees are appointed under sections 63 and 65. Section 63 deals with the appointment of the General Committee, which is called the Finance Committee; all other Committees are appointed under section 65, which runs as follows:—

The Commissioners-in-meeting may, from time to time, appoint from among the Commissioners such other Committees, either standing or special, and consisting of so many members as they may think fit, for the purpose of enquiring into and reporting upon any matter connected with the conservancy or improvement of Calcutta not assigned by this Act, or by the vote of the Commissioners-in-meeting to the General Committee, or for the purpose of advising or aiding the Chairman or Vice-Chairman in the discharge of any portion of the duties exercisable by them under section 61, which, in the discretion of the Commissioners, would be better regulated or managed with the aid of such Committee.

It will be observed that these Committees, by the very terms of their appointment, are nothing but deliberative and consultative, and they seldom, if ever, exercise any executive function. The proceedings of all Committees, including the General Committee, are by the law subject to confirmation by the Commissioners-in-meeting. As a rule, 95 per cent. of these proceedings are confirmed as a matter of form without eliciting any discussion whatever, and without the Chairman having to go over those matters once again. In fact, in a very large majority of cases, executive action can be

and is taken by the Chairman immediately after the meeting of the Committee and long before they are brought up for formal confirmation.

I will now attempt briefly to trace the gradual growth and development of work by Committees in the Calcutta Municipality, and I have no doubt it will be found useful in the present connection. In the time of the Justices, although, in Act vi (B. C.) of 1863, there was a section identical with section 65 of the present Act, still the practice of working with the advice of Committees was not so general and frequent as it has been of late. In those days, almost every question used to be brought up before the Justices in public meeting, and debated upon at great length. With the passing of Act IV (B. C.) of 1876, however, this method of conducting business was changed, as the following extract from the Administration Report of 1878 over the signature of the late Mr. W. M. Souttar, the then Chairman, will show :—

Brief *resumé* of the growth and development of work by Committees in the Calcutta Corporation.

The first subject which engaged the attention of the Commissioners was the mode of transacting business by Committees. Under Act III of 1863 the Corporation of Justices had four Standing Committees to advise the Chairman in matters of detail. * * * With a view to enable the Commissioners to take an active share in the management of the Corporation, and, at the same time, to prevent prolonged discussions at public meetings, it was necessary to place a good deal of routine work before the Commissioners in Committee; and as this could not conveniently be done if each subject had to go before two Committees, a strong Executive Committee was appointed under the name of Town Council, and the former Finance, Road, Conservancy and Water-supply Committees were merged in it. This arrangement has hitherto worked well. The attendance at the Council Meetings has been much larger than what had obtained at Committee Meetings; subjects have been thoroughly discussed; and a great deal of business has been disposed of in Committee, avoiding discussions at public meetings on subjects of little interest. Nor has this interfered with the maintenance of Committees for special purposes. Thus, there is a Standing Committee for the consideration of questions of law, another for the revision of assessment, and others for the inspection of Jute Warehouses, of Tanks and of Markets. Several Special Committees for the disposal of particular questions were also appointed during the year under review.

Then, in the Administration Report for 1881, the Chairman (Sir Henry Harrison) thus expressed himself on the question of work by Committees :—

It is not the practice of the Commissioners as a general rule to take up any matter at a General Meeting which has not previously been considered by a Committee. The most important Committee is the Town Council.

The conclusions thus arrived at, either by the Town Council or by the other Committees whose proceedings come before General Meetings, are eventually all brought up for confirmation by the Commissioners-in-Meeting. Most of them are confirmed without further discussion; a few of the more important or more interesting questions are again debated and finally determined by the general vote of the Commissioners.

(Here follows a tabular statement giving the figures as to attendance of every Commissioner at General Meetings and Committee Meetings during the year 1881.)

It is impossible to read these figures without admitting the remarkable interest which the greater number of the Commissioners take in their work. The Committees met in some form or other 214 times during the year or more than four times a week. Large as was the number of attendances in 1880, that of 1881 altogether surpasses it in every item. The total number of invitations issued aggregated 4,759 as against 3,688 in 1880, and it might well have been supposed that the increase of work which the Commissioners were called upon to perform would have led to some relative if not absolute decrease in zeal in responding to calls made upon them. Far from this being the case, however, the result has been quite the contrary; the attendances have risen from 1,688 to 2,470, or from about 46 to 52 per cent on the invitations issued. On an average, each elected Commissioner attended 38 meetings, and each nominated Commissioner 26 meetings, during the year. Unquestionably, the pressure of work has at times proved a severe tax upon the leisure of the Commissioners, but it has been borne with uniform good nature, and, when it is remembered that, unlike Bombay, no fees are under any circumstances paid for meetings in Calcutta, it must be conceded that the interest manifested in Municipal Administration is commendable in the extreme. The policy of the Chairman is to associate the Commissioners with himself in the consideration of every question of importance which comes before the Corporation. This undoubtedly results in many matters being disposed of somewhat differently from what he would have desired, but this is far more than counterbalanced by the insight which it affords the Commissioners into the details and difficulties of Municipal Administration, whereby they become participators in, instead of mere critics of, the work done; while the practical power which they thereby wield creates a sense of responsibility for the exercise of that power, which proves a most valuable auxiliary to the executive officers of the Corporation.

Again, in December 1887, from his place in the Bengal Legislative Council, with his practical experience of nearly 10 years, Sir Henry Harrison justified the present method of conducting business with the help of Committees in the following words :—

He believed the system of work which had gradually developed itself in the Municipality was eminently advantageous and reasonable. Of course the greatest part of the work must be done

by the executive officers, but that portion which the members of the Corporation were able to look into was chiefly done by Committees. Committees had no final power of their own, and were entirely subordinate to the Commissioners-in-Meeting. The result was that the whole work of the Corporation was done by these Committees; but any single member of the Corporation, and the Chairman especially, who often availed himself of the power, could virtually appeal from the decision of a Committee, if he chose, to the great body of the Commissioners. Therefore the Corporation, as a whole, had practically fallen into the position of a court of appeal on every great question of interest. In 19 out of 20 cases the decisions of Committees on minor questions were passed without discussion on the assumption that the work was done well; it was only the twentieth case that was fought out over again.

From the above it will be abundantly clear, on the testimony of those really competent to judge, that the Committees of the Corporation, consisting largely of elected Commissioners, far from being a source of obstruction to the Executive, have shewn their usefulness, and have considerably facilitated the transaction of municipal business by rendering the Chairman valuable help with sound and mature advice, based upon minute knowledge and great experience of local affairs.

After expressing his strong condemnation of the present system of Municipal Government in Calcutta, Sir Alexander Mackenzie has next proceeded to give the outlines of the proposed alteration in the constitution of this Corporation. He says:—

General outline of the proposed change in the constitution.

It (the Bill) provides the Corporation with an efficient Executive and interposes between the main body of the Commissioners and the Chairman a working Committee of twelve elected and appointed so as to represent the three chief interests in Calcutta—the Government, the commercial community, and the residents. We have made use of the experience of Bombay which Mr. Risley was specially deputed to examine on the spot. The functions of the three Municipal authorities—the Corporation, the General Committee, and the Chairman—are precisely defined and carefully distinguished. To the Corporation is reserved the power of fixing the rate of taxation, of passing the Budget, and of deciding all the large issues which can properly be discussed by the deliberative assembly of 75 members. The Chairman, as in the Bombay Act, is vested with all executive power to be exercised as is laid down in each case, either independently or subject to the approval or sanction of the Corporation or the General Committee.

The General Committee, as the working body of the Municipality, stands between the deliberative and executive authorities, and deals with those matters which, by their nature are ill-adapted for discussion by the Corporation, and yet are too important to be left to be disposed of by the Chairman alone.

His Honor's proposal practically amounts to this: all powers under the Act, instead of being vested, as hitherto, in the Corporation consisting of 75 Commissioners, one Chairman, and one Vice-Chairman, will now be divided amongst the (1) Corporation, (2) the General Committee of the Corporation, and (3) the Chairman. Instead of there being, as hitherto, *one* authority controlling the entire administration, there will be three distinct authorities with co-ordinate powers; the General Committee and the Chairman will no longer be subordinate to the Corporation, but will act in a large number of cases quite independently.

Thus the important radical difference between the present and the proposed law as to the constitution lies in this: under the present Act the Chairman, as the head of the Executive, exercises all the powers vested in the Commissioners subject to general supervision and control by the Commissioners-in-Meeting. The Executive is in fact responsible to the general body of Commissioners for the proper discharge of the work undertaken by them: if there be any remissness on the part of the Executive in respect of any particular matter, or if the Executive is found to go astray, or if any of its orders prove hurtful to the public interests, and produce unnecessary hardship and discontent amongst the ratepayers or any section of them, it is open to any Commissioner or Commissioners to bring up the matter before the general body, have it thoroughly discussed, and a proper decision arrived at by the light of all available information on the subject. Under the proposed law, the powers will be divided between the Corporation, the General Committee and the Chairman; and with such division of powers, the responsibility must be divided also. With respect to powers to be assigned to the General Committee and the Chairman, these authorities will each be quite independent of the general body of Commissioners. For the proper discharge of those functions they will practically be responsible to nobody. The executive powers that will be assigned to the Chairman (and these will necessarily be many and varied) cannot, in the nature of things, be all exercised by him personally: most of them must be delegated to the various subordinate officers down to the Inspectors. And if any of these powers be abused, in their actual exercise, the party suffering will have no remedy, as he now possesses, by way of an appeal to the higher authority, *viz.*, the Commissioners-in-Meeting.

Radical difference between the present and the proposed law as to the constitution of the Municipality.

The proposed alteration in the constitution is objectionable in many ways. In the first place it is unnecessary and uncalled for. It is alleged that the present system has failed, and some stray defects and irregularities are pointed out in support of this allegation. But it cannot be honestly and seriously contended that any real case has yet been made out, much less proved, by actual enquiry conducted by impartial and unbiased men, in support of a change so radical as the one now proposed. The present system has now been working for over thirty-five years, and the multifarious improvements that have made Calcutta what it now at present is, have all been carried out under this system—such as, the opening out of streets and squares, the reclamation of insanitary Busteas, the introduction of underground sewerage, the supply of pure filtered water for drinking purposes and of unfiltered water for other purposes, and many others, calculated to further the health and convenience of the public of Calcutta, all costing several crores of rupees. That there is still room for further improvement none can be so fatuous as to deny; for, in the nature of things perfection in such matters is practically unattainable. But the convincing test of the success or otherwise of a municipal system or administration lies in the quality and outturn of steady and progressive work, securing improved sanitation, better public health and generally tending to the material well-being of the people. Judged by this standard, surely the Calcutta Corporation as at present constituted must be admitted to be at least a reasonable success. Why, then, should such a system be altogether discarded? Why should the general body of Commissioners be deprived of their power of control which has produced such excellent results?

Any great radical change in the constitution unnecessary and uncalled for.

That the present system has, on the whole, worked harmoniously and well, the records of the Commissioners will abundantly shew. On this very point there was a significant paragraph in the Introductory note to the Administration Report for 1891-92 from the pen of the late Mr. Harry Lee, then Chairman of the Corporation. The paragraph runs as follows:—

Testimony of successful Administration of the Municipality under present constitution.

The most damaging criticism that is commonly levelled against the principle of Local Self-government in Bengal is that it prevents or obstructs a reasonable outturn of work. I maintain that the record of the Calcutta Commissioners refutes this criticism. The system of municipal government that has been in vogue here for many years past doubtless entails greater demands on the time and patience of the Executive Officers than did the old Autocratic or Oligarchical system. And such demands have been growing and will continue to grow year by year. But so long as the strain can be borne, and the executive and the consultative or administrative officers of the governing body work harmoniously together, they produce a regular and satisfactory harvest of good works, of which there is no need to be ashamed.

Similar appreciative testimony has been borne by the Local Government itself to the successful work done by the Corporation under the present Act, from year to year, in its Resolutions on the Annual Administration Reports of the Calcutta Municipality. The concluding paragraph of the Resolution, dated 4th November, 1890, dealing with the valuable services rendered to Calcutta by the late Sir Henry Harrison, runs thus:—

For nine years he was Chairman of the Corporation, and the successful administration of the affairs of the Municipality during this long period, the firm financial credit of the Commissioners, the innumerable sanitary reforms effected, specially the extension of the water-supply and the conservancy of *busteas*, the increase in material prosperity in the city which in consequence of these reforms has shown itself in so marked a degree that the value of land in Calcutta generally may be said to have doubled, the reorganization and reconstruction of nearly every department of work, the hearty zeal and co-operation with which the Commissioners as a body now unite with the Executive to advance the welfare of the city—an attitude for which they were not always distinguished, but which is in itself the best testimony to the capacity of a Chairman—the methodical and systematic development of civic administration in all departments, are a sufficient and lasting tribute to the manner in which Sir Henry Harrison has discharged the duties of his responsible, difficult, and thankless office. His name will always be honourably associated with the growth of Municipal institutions in the Metropolis.

Again, Resolution No. 3631M. dated 20th November, 1893, concludes thus:—

Sir Antony MacDonnell has perused with much interest the report reviewed in the preceding paragraphs; it records the execution of much useful work, especially in the direction of sanitation and of structural improvements, such as the extension of drainage and water-supply and the improvement of *busteas*, and for their share in carrying out these measures, the thanks of the Lieutenant-Governor are due to the executive officers of the Corporation, the Engineer and the Health Officer. The Commissioners themselves have, as a whole, displayed a care and attention to their duties which is very meritorious, and has in some cases risen to the level of devotion. The year, though not actually one of straitened resources, was yet clouded by the shadow of impending pecuniary difficulties, and the policy of the Commissioners has doubtless on some occasions been guided by this circumstance, which has induced them to shrink from expenditure on objects which have strong claims upon them. In executive matters the Lieutenant-Governor perceives an occasional want of vigour, especially in the collection of rates, the enforcement of the law in regard to license fees, and the recovery of expenses from the owners of *busteas*. But these defects admit

of remedy; and on suitable opportunities they will no doubt be remedied. Leaving them out of consideration, Sir Antony MacDonnell very cordially acknowledges the services the Corporation have rendered to the city, and thanks them for the careful control which they have exercised over the various departments of the Municipal administration.

Further, Resolution No. 5230M., dated 1st November, 1894, is concluded as follows:—

The thanks of the Government are due to the Commissioners for the interest which they have displayed throughout the year in the administration of the Corporation, and the time and trouble which they have bestowed on the large questions as well as matters of detail brought under their consideration.

The next objection is that the proposed change is an extremely retrograde measure, for it really means the transfer of controlling power from the corporate body to a small Committee and to the Chairman, and is therefore subversive of one of the fundamental principles of Local Self-government, namely, that the corporate body should in all respects have powers of general control—a principle which is recognized by all civilised countries, at the present day, as an essential element of real municipal government, and which has formed the basis of all municipal Laws in Calcutta ever since 1863.

The proposal is extremely retrograde and deprives the rate-payers of privileges they have enjoyed for over thirty years.

The proposal, in point of fact, is not a new one, but is a revival of the suggestion made by Mr. Schalch, 23 years ago, at the same Council, when Sir Richard Temple was the Lieutenant-Governor and ex-officio President thereof. Mr. Schalch then said:—

It is a revival of an old proposal, made 23 years ago, but even then was rejected as unsuitable for Calcutta.

“At the same time there was little doubt that there were certain defects connected with the constitution of the Municipality which were felt, and which it would be advisable to take the present opportunity to remedy. Without going into much detail, he might say he thought these defects seemed chiefly to lie in the number and clumsiness of the present machinery, and somewhat in the want of definition and distinctness between the powers of the Municipality and the powers of the Executive. No doubt the present Corporation was a large body: he believed that there were carried on the list of the Corporation, ever since the exclusion of the Justices of Bengal, Behar, and Orissa, some hundred and twenty members. It was not very easy to get together such a large number of Justices, and there were many small details which came before them which, he thought, would be better disposed of by a more compact body; and the result of their frequent meetings was that a great deal of time was spent which could not be spared by many members of the Corporation who would otherwise be happy to attend and be of great help to the Municipality. The merchants were a class of people who could afford great help, but could not spare much of their time. Defects somewhat like these had been felt in Bombay, and led to the enactment of the Municipal Law which prevailed there now. He would briefly state the main provisions of the Bombay Act. The Corporation consisted of sixty-four members; sixteen, or one-fourth of them, were appointed by the Government; another fourth were appointed by the body of the Justices—a body which might be of an unlimited number, and were altogether distinct from the Municipality, and had no connection with it further than to appoint their quota of the members. The other thirty-two members were elected by the rate-payers on certain conditions as to qualification. A payment of fifty rupees annually in taxes formed the qualification for voting and payment of one hundred rupees qualified for election as a member. From these sixty-four members—there were then appointed what was called the Town Council, which consisted of twelve members, eight of whom were appointed by the Municipality and four by the Government; the Government having the right to nominate the Chairman of the Town Council. Besides the Chairman of the Town Council, there was a Chairman of the Corporation, whose sole duty was to preside at meetings of the Corporation. The object of the creation of the Town Council was for the due administration of the Municipal Fund. In addition to this Corporation and the Town Council, there was an officer, unknown to us in Calcutta, called the Municipal Commissioner. In his hands lay the whole executive duties of the Municipality, or, as was described in the Act, in him vested the ‘entire executive power and responsibility’ for the purposes of the Act. The Municipal Commissioner was prohibited from sitting as a member of the Town Council. Of the Corporation itself there were only four quarterly meetings, but there was power reserved to the Chairman to call a special meeting. Practically the functions of the Corporation were confined to laying down rates to be imposed, and to voting the annual budget; while the Town Council saw that the money was properly expended, and the executive work was done by the Municipal Commissioner. The constitution of a Municipality somewhat upon that principle seemed to Mr. Schalch a good idea.

To this the late Babu Kristodas Pal objected and replied as follows:—

The scheme which the hon’ble member who last spoke had propounded, he was sorry to say, had the character of a half measure. It was borrowed from the Bombay Municipal Act, and hon’ble members were doubtless aware of the violent opposition that Act met with from the citizens of Bombay whilst it was passing through the local Council. Europeans and natives banded themselves together to oppose the passing of the Bill, and they came up to the Viceroy praying that he would put his veto upon it. His Excellency allowed the Bill to pass, upon the ground that it was a merely tentative measure, and Babu Kristodas Pal hoped that a Bill passed under such doubtful auspices would not be made a model for the municipal constitution of Calcutta. If a move was to be made for the amendment of the Municipal constitution of Calcutta, he hoped that the right of election on a broad basis would be conceded. He was not prepared to say that

the Council was in a position, or that the time had arrived to concede a thorough elective system to the Town of Calcutta; but he must observe that no mere tinkering of the municipal constitution would satisfy the public. If it was thought advisable to give the citizens of Calcutta the right of self-government, they ought to have it fully and unreservedly.

And so did Sir Stuart Hogg. He said:—

His hon'ble friend Mr. Schalch advocated the creation of a Municipal Board appointed chiefly by the public bodies in Calcutta. Mr. Hogg could not support that proposal, on the ground that the public bodies referred to were only in a very limited degree representatives of the inhabitants of Calcutta. Europeans in this country were, as a rule, merely birds of passage, and would often take but a very partial view of all measures brought before them. By "partial" he meant that they would look upon the measures proposed more in the way they affected themselves. He did not mean these remarks to apply to public bodies of native gentlemen: they had a permanent interest in the town, and they would look not only to the direct and immediate advantages to the town, but they would look ahead to the time when their children would occupy their places. The members of the present Corporation, he thought, were carefully appointed, and might be regarded quite as much representatives of the different classes from which they were selected as would the members of a Board constituted on the plan proposed by his hon'ble friend. It was true they had many non-effective members: it was true, also, that they had much speaking—speaking which probably in many cases might well be omitted. However the way in which the business was transacted did ventilate every subject most thoroughly, and it had induced the native public to come forward and take a direct and immediate interest in the affairs of the town, which he did not think the system of government conducted by a Board would ever do. The natives of particular parts of the town looked to certain Justices as their representatives, and made use of them as such.

Mr. Schalch's suggestion was thus at once rejected and was not even allowed to be formulated and put forward as a substantive motion before the Council. However, what was rejected as a "half measure," unsuited to the requirements of Calcutta, so far back as 1875, has by a strange irony of fate, now been seriously brought forward for adoption as a means for the better administration of the Municipality.

Sir Alexander Mackenzie's proposal, honestly speaking, is virtually to reduce the Municipality into the position of the Port Trust, into a 'close borough' system, as they call it, with the European commercial community greatly predominating in it. Against this view both Babu Kristodas Pal and Sir Stuart Hogg protested in 1875. The late Babu K. D. Pal said:—

In the next place the hon'ble member proposed that the Town Council should be formed on the model of the Port Commission, and that its proceedings should be conducted in the manner of those of the Port Commissioners. Now, with every deference to the Port Commissioners, Baboo Kristodas Pal hoped the Council would not pass any measure which would reduce the Town Corporation to the level of the Port Commission. The Port Commissioners, as the representatives of the mercantile interest, were doubtless doing their work well and satisfactorily; but their close borough system, it appeared to him, was not suited to the public interest of Calcutta. The proceedings of the Port Commission were not open to the public; the representatives of the press were not admitted to its sittings. An attempt, he believed, was once made for the admission of reporters to the sittings of the Commission, but the application was refused. No one, outside the pale of the Port Commission, knew what they did beyond what they might vouchsafe to state in their Annual Report. There was, therefore, no check whatever, over the proceedings of the Port Commission. On the other hand, the Justices acted in the full blaze of publicity. They did not conceal anything from the public view; on the contrary they courted criticism, and the public were therefore always in a position to know the history of every question discussed by the Justices, and the measures adopted with regard to it.

The policy of publicity, introduced by the Municipal Act, had infused a new public spirit into the citizens of Calcutta, and he could assure the Council that the rate-payers of the town now took a far greater interest in its affairs than they had ever before done. They now read every paper published by the Municipality, they discussed every question, and were ready to give their opinion upon important matters which affected their interests; and he hoped the Council would not take a retrograde step and put an end to that which was one of the redeeming features in the present system of Municipal Administration of Calcutta.

Sir Stuart Hogg also thus expressed himself on the point:—

The objections to the present system, it appeared to him, might be briefly stated as follows:—

1st.— * * * *

2nd.— * * * *

3rd.—That the Municipal Meeting led to much waste of time, as some Justices availed themselves of the opportunity to indulge in long speeches far wide of the points at issue, and thereby kept away European gentlemen of position, whose presence would be of great value to the Municipality.

The last objection was far the most serious one, as there could be no doubt that the Municipality did much lack the presence and support of independent European gentlemen.

The remedy which should be applied was not easy to suggest, as Mr. Hogg believed that European and native opinion was at direct issue on the question of the best form of Municipal Government.

The majority of Europeans advocated a Municipal Board, constituted of members returned by a system of representative election; whereas the Natives, as a body, were strongly opposed to any system which would not encourage the most complete publicity in all matters which came before the Municipal Board; and they argued, and with justice, that the discussions by a small Municipal Board would not be as public as formal debates by a larger body.

To reconcile these conflicting views was almost impossible. Such being the case, it had to be decided whether the views of the European or the Native community should be adopted. On this point Mr. Hogg was of opinion that the wishes of the native community should take precedence of those of the European citizens of Calcutta; for the Natives, besides being far the most numerous, had an abiding interest in the city, to which no European could attain.

Mr. Hogg would, by all means, force on the Natives of India sanitary improvements, but whilst doing so, he would afford them, in the way they liked best, every possible facility for expressing their opinions and for ventilating their views in the most public manner possible. He agreed with the Natives that publicity could best be obtained by public debates and subsequent press criticisms; consequently he would continue the existing system of debates at the Municipal meetings, even though it led, as it undoubtedly did, to great waste of time, and, what was still worse, deprived the Municipality of the support of gentlemen whose counsels were much to be desired.

The proposed change in the constitution is open to the further objection that it will introduce an element of discord and friction between the different authorities exercising co-ordinate powers in the same administrative system. At present the Chairman, representing the Executive, is an integral part of the Corporation, and is personally identified with the governing body; but, when the constitution is changed, and the Chairman finds that, in exercising his statutory powers, he is obstructed by the resolutions of the Corporation, friction and disagreement will arise, resulting in serious complications. At present the Chairman feels that, as the head of the Executive, he is subordinate to the Corporation, and his duty is to loyally carry out the orders of the Commissioners as a body. Under the present condition of things no friction is at all possible, and work is bound to go on smoothly, the entire responsibility of the administration resting with the Corporation.

This is exactly the view which Sir Forbes Adam (then Hon'ble Mr. Adam), the distinguished leader of the Commercial Community of Bombay at the time, took of the present Bombay Act with its three separate authorities. He said:—

Your Excellency,—After the full discussion which has taken place during the debate on the amendments it may perhaps be thought superfluous that anything should now be said. I cannot, however, refrain from taking advantage of this opportunity to observe that much as I hope that the Bill now about to be read a third time may be found in practice to work smoothly and satisfactorily, I harbour and entertain grave misgivings. I regret that Your Excellency's Council has not seen its way to give such consistency and all-pervadingness to the great central principle of the Bill—the principle that the Corporation is the governing body—that no possibility of question, uncertainty or clashing could hereafter arise. The idea of co-ordinate authority seems to me to be fraught with chance of friction and irritation. It is an attempt to reconcile what is irreconcilable. It possesses the elements of unsettlement and feud. I firmly believe the Bill might throughout all its sections have emphasised and accentuated its central principle without running the slightest danger of fettering or interfering unduly with the Commissioner in carrying out the details of the executive work of the Municipality.

Touching the question of division of powers, Mr. Albert Shaw, the well-known American writer on Municipal matters, thus deprecates in his admirable book on the Municipal Government in Great Britain, the system prevalent in the United States of investing the Mayor (corresponding to our Chairman) with powers co-ordinate to those of the Council (same as our Corporation):—

The typical American Mayor is no part of the Council or its organization. He is elected directly by the people. He is an independent, co-ordinate authority. He bears somewhat the same relation to the Council that the President of the United States sustains towards Congress or the Governor of a State toward the Legislature. The analogy falls short, however, in the very important practical fact that the work of Congress and the State Legislature is principally that of legislation, while the work of municipal councils is of necessity principally that of administration. The theoretical independence and distinct executive responsibility of the President and the Governors is extremely difficult to maintain in practice, for the line between legislative and administrative work and authority is not at all distinct. Still more difficult is it in practice to apportion duties and responsibility between an American Mayor and the Common Council in such a way as to secure real efficiency on both sides. It is not easy to see where in the nature of things, the proper functions of one authority end, and those of the other begin. In the dispersion of authority, definite responsibility too easily disappears.

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The embarrassments and opportunities growing out of this divided responsibility are among the principal causes of the comparative failure of city government in the United States.

Mr. Shaw then goes on comparing the American system with that in vogue in the Continent and in Great Britain, and thus writes most approvingly of the latter:—

Municipal Governments, elsewhere than in the United States, after having constituted a ruling body, do not erect a separate one-man power and give it the means to obstruct the ruling administrative body and to diminish its scope and responsibility.

The Mayor elsewhere is an integral part of the Council. English, Scotch, and Irish municipal government is simply government by a group of men who are to be regarded as a grand committee of the corporation—the corporation consisting of the whole body of burgesses or qualified citizens. In Glasgow it is a committee of seventy eight; in Edinburgh of forty-one; in Manchester, of one hundred and four; in Birmingham, of seventy-two; in Liverpool, Leeds, Sheffield, and most of the large English towns, of sixty-four; in Dublin, of sixty; in Belfast, of forty; and in the other incorporated towns of the United Kingdom it varies from twelve to sixty-four, according to their size. So far as these bodies have authority to pass by-laws at all, their authority is complete, and nobody obtrudes a veto. They appoint and remove all officials. They have entire charge of municipal administration, distributing the work of departmental management and supervision to standing committees of their own number, which they organize and constitute as they please. If such a local government cannot be trusted, the fault is with popular institutions. It is quite certain to be as good a government as the people concerned deserve to have. The location of responsibility is perfectly definite.

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City Government in America defeats its own ends by its "checks and balances," its partitions of duty and responsibility, and its grand opportunities for the game of hide-and-seek. Infinitely superior is the English system, by which the people give the entire management of their affairs to a big committee of their own number, which they renew from time to time.

It is said the proposed amendment in the Municipal constitution has been based on the lines of the present Bombay Act. It would therefore be interesting and useful to know something of the constitution of the Bombay Corporation as it was before the passing of the present Act, and as it has now become under that law, in regard to the position and powers of the Municipal Commissioner (which corresponds to our Chairman) and his relation to the Corporation. The extracts given below from the speeches of the two leading Indian Members of the Bombay Legislative Council during 1887-88 will give a fairly general idea on this aspect of the question. It will be observed that under the law, which preceded the one now in force (that is to say, under Act III of 1872), the Bombay Corporation used to exercise complete control and supervision over the Municipal Commissioner although even then, in matters executive, he had full statutory powers. In the original draft of the present Bombay Act provision was made to increase the powers of the Municipal Commissioner by making him independent of the Corporation. To this the late Mr. Justice Telang took serious exception. He said:—

I do not propose to trouble the Council at this stage of the Bill with any further remarks. I will only say this in conclusion, that, regarding the Bill as a whole, the effect it seems likely to have is to reduce the powers of the Corporation and Town Council, and to enhance those of the Commissioner, not only at the expense of those bodies, but also of the Health Officer as well. In all these respects I think the principle of the Bill is wrong. I admit that we are all anxious to secure the good government of the city, and that what we have to consider is its true interests. I admit that to conserve those interests properly we ought to have a strong Executive. But to conserve those interests it is not necessary to make the Executive independent of the higher municipal authorities. The Executive ought still to be answerable to the Town Council and Corporation. So far although we have had the various anomalies, and the conflicting jurisdictions and the laxities of phraseology to which references have been made, still we have worked on the whole successfully. The Municipal Commissioner has been the head of the Executive, no one meddling with him in that respect. The Corporation has retained the province of supervision. The Corporation has in the past been, in fact, only too glad to support the Commissioner, whether it has been consulted before or after any action taken by him. I do not say that the confidence reposed in the Commissioner has not been in general fully deserved. But, on the other hand, it is a mistake to suppose that there will ever be any endeavour to stretch unduly the powers of the Corporation. Tendency of this Bill, however, is, when correctly viewed, towards a material abridgement of the Corporation's powers, and towards allowing the Commissioner the amplest possible scope. This is not as it should be. It may hereafter happen that we shall get a Commissioner anxious to assert his own powers, and not careful about the due powers of other authorities. Friction will then ensue. If you want to have complete success, define the powers of the Commissioner as well as those of the other authorities fairly. Here you have restricted unduly the powers of the Corporation, while the Commissioner's powers are almost unlimited. But it is said that this must be so, because power and responsibility ought to go together. This is true enough, but I say that, under the provisions of this Bill, power and responsibility *do not* go together. They are completely divorced. The power under section 219, as I have already pointed out, does not go with the responsibility under section 62 for identical matters. Again, when it is said that the Municipal Commissioner is responsible for the

condition of the city, I ask to whom is he responsible? It is to the Corporation he ought to be responsible, and then the proposition about power and responsibility going together ceases to have any application to the case. My *beau idéal* of municipal government includes a strong Executive responsible to the Corporation and an enlightened Corporation watchful over its Executive. Under such a constitution you may give full play to the good sense of the Corporation, which has been, on the whole, pretty well shown during the past fifteen years. But the principles of this Bill are as far from my *beau idéal* as they could well be. And I am afraid that this Bill will not accelerate, but rather retard, the approach of it. Local Self-government is a sham if no trust is reposed either in the Corporation or the Town Council. I do not say that Mr. Naylor or Mr. Ollivant is actuated by a distrust of popular government, but their confidence in it is weaker than it should be. If it had been as strong as I think it ought to have been, many of the provisions of this Bill would have been very different from what they are. If the pre-eminent position of Bombay, to which reference has been made in the speech of the honourable member, requires a special mode of government, let us by all means consider that point. If popular government cannot be trusted to cope with all the necessities of that pre-eminent position, let us abolish the Municipality altogether, and let us have a strong administration, and rule by means of the Governor in Council. But if we are to have popular government, let us have it in a genuine form, with power and responsibility in the hands of those who represent the people. Considering the large expenditure which has been incurred and the great development of the city, which Mr. Naylor has described as marvellous, there are grounds in my opinion, for reposing great confidence in those representatives. There may have been blunders, but these blunders are a necessary part of our municipal education, and are not always absent under autocratic rule. We must be prepared to put up with such occasional blunders to secure eventual good government.

The Hon'ble Mr. Pherozeshah Mehta spoke as follows, at the second reading of the City of Bombay Municipal Bill :—

The constitutional portion of our Municipal Law is rightly considered to be its most important portion ; it is the keystone of the whole arch, for, however excellent and elaborate the other provisions, they would be useless unless the forces to work them were properly and judiciously organized. Now it can be affirmed, without fear of serious contradiction, that the constitutional lines on which our municipal administration has been carried on since the present Act was passed have been these :—That the Corporation, with the help of the Town Council, was the supreme administrative body, with the Commissioner as its sole executive officer, invested with full executive power and responsibility ; that the Corporation had the fullest control over the Budget, which it exercised—not simply generally, but by constant criticism and supervision, and in a way to bring home to the Commissioner that he was constantly responsible to the Corporation for the due discharge of his duties. Whether fully or clearly expressed in the Act or not, these have been the lines on which the Municipal Administration of the last fifteen years has been conducted. If we may judge from the debate that took place in Council on the Bill of 1872, something like this was intended by its framers. In the somewhat animated debate that took place on the third reading of that Bill, Mr. Rogers, then one of the Executive Council, explained that “a great deal of the mistrust as to the power of the Municipal Commissioner has, I think, arisen from the wording of section 42,” but the words, “entire executive power and responsibility for the purposes of this Act shall be vested in the Commissioner,” do not mean to imply that he can do as he likes. He is simply the executive officer of the Corporation, with the power to carry out all that he is ordered to do by the Corporation, who must provide him with the necessary funds. The measure of 1872 was brought in, because the previous constitution provided by Act II of 1865 had signally broken down. And when I say that the present Bill, in its original form was a retrograde measure, what I substantially mean to say is that it goes back to the discredited principles of 1865, in regard to the position of the Commissioner in the constitutional scheme. The statement of the constitutional principles of the Bill bears a remarkable resemblance to the statement of the principles of the Act of 1865. It is clear from the Statement of Objects and Reasons, as well as the speech of the honourable member in introducing the Bill, that its object and intention was to place the municipal administration of the city in the hands of the Commissioner, controlled only generally by “the power of the purse” given to the Corporation. It was frankly admitted by the hon'ble member, in the discussion in the Select Committee, that it was intended the Corporation were to have no powers of criticism, initiation, or supervision, and that after the Budget grants were sanctioned, the less they met and talked the better. It is impossible not to be reminded by this account of the constitutional scheme of the Bill, of the striking resemblance it bears to the account given of the constitutional scheme of the Act of 1865. The Hon'ble Mr. Cassels, who introduced the Bill of 1865, described the municipal constitution that was to be created by it in the following words : “This Bill vests all Municipal property in Bombay in the Bench of Justices, which is for this purpose made a body corporate, having perpetual succession and a common seal. The Justices will, therefore, exercise complete control over the Municipal Fund, and the Commissioner will annually submit to the Bench a budget of estimated receipts and disbursements which the Bench may alter or modify as they deem fit ; and after the Budget has been voted, no new works are to be commenced by the Commissioner without further order from the Bench. In this manner the Justices will hold the purse strings, and will exercise a minute supervision over the details of all income and expenditure ; but they will not be allowed so far to interfere with the responsible executive officer as to order any works to be undertaken which he has not first proposed, the initiative in this respect being reserved for the Commissioner. But, should the Commissioner not faithfully and energetically perform his duties, he can at any time be removed on a suitable representation from the Bench.” This passage may well be accepted as a brief *résumé* of the constitutional features, and the arguments in their support, of the present Bill as originally introduced. Thus, I think, it cannot be gainsaid that so far it must be regarded as a retrograde measure endeavouring to go back from the principles of the legislation of 1872 to those of the legislation of 1865. Now, my Lord, I am ready to admit that it

may be wise sometimes to retrace steps in the light of experience. Then, let us see how the constitution on the lines described by Mr. Cassels worked in actual practice; how the power of the purse was sufficient to restrain the Commissioner. Everything was done to secure it a fair trial. One of the ablest officers of the Bombay Civil Service was appointed Commissioner. The Bench was at the time composed of some of the wealthiest, the most educated, and the most enlightened members of the Bombay Community, European and Native. And what was the result? I believe some at least of the honourable members of this Council cannot have forgotten the intense excitement in which the whole city was thrown in 1871 by the complete and, according to some, most disastrous financial break-down of the system. I well remember the great meetings that were held in the Town Hall to consider the situation, and the sensation that was created when the Chairman of the Finance Committee of the Bench, Mr. Hamilton Maxwell, got up and announced that the Municipality were bankrupt! I was one of those who in those days, at the risk of incurring some unpopularity or rather the certainty of it, tried to obtain recognition of the services which the Commissioner had undoubtedly performed; but, after the enquiries made by Mr. Hope's Committee, it was impossible to deny that the system had ended in a complete financial failure, and that it was abundantly established that the general power of the purse and the control of the Budget had, by themselves, proved utterly impotent to hold the Commissioner within legal bounds and to restrain him from bringing the city to the very brink of bankruptcy. Such was the proved result of the legislation of 1865 after a trial of six years. Let us now turn to the results of the legislation of 1872, with an elected Corporation and a Commissioner, no longer its master, but its servant, after a trial now of fifteen years. The Council need not be alarmed that I will detain it by a repetition of the numerous acknowledgment of its signal success, elicited from all quarters, and especially from the successive heads of this Government, as well as of the Government of India. The Hon'ble Mr. Naylor has himself fully admitted it. But he seems to labour under the impression, which, I know, is popular in some quarters, that the credit of this success is mainly due to the Commissioner. "The great success of the administration of the last twenty years," said the Hon'ble Mr. Naylor in his introductory speech, "is, no doubt, very largely due to the fact that the entire executive power and responsibility have been vested in the Commissioner, who is an officer especially selected by Government for this very important and difficult post." The true history, however, of this success is very different. We have seen that the result of the administration of the first six years was failure and disaster brought about by the exceptionally able officer selected by Government to wield the entire executive power and responsibility. With regard to the last fifteen years, I emphatically say that the success has been due to the fact that the Corporation has exercised constant control, criticism, and supervision, and, in many important matters, to their direct initiation. I am aware, my Lord, of the charge, not unfrequently made against the Corporation, of more talk than work. I cannot help saying that nothing can be more a superficial view of the matter. It may be quite true that we sometimes do talk a certain amount of nonsense, but where on earth is the body or assembly free from this failing? And is it not that it is generally after wading through a certain amount of confusion of thought and knowledge that you ultimately arrive at sound and practical conclusions? The success of the municipal administration for the last fifteen years is, in spite of its alleged talking proclivities, due to the Corporation in three ways:—1st, it has prevented the Commissioner from embarking on hasty, ill-considered and inappropriate schemes by its constant criticism. The fear of this criticism, reasonable and unreasonable, has done more useful negative work than is generally known or imagined; 2ndly, it has introduced great reforms in the executive departments; and 3rdly, it has directly initiated great undertakings for the improvement and sanitation of the city. I will mention only two or three of the most prominent instances. The re-organization of the Assessment Department has been justly recognised as one of the most important events of Mr. Ollivant's administration, bringing a very large increase of revenue. Now, it is not generally known that this re-organization was forced on the Executive by the action of the Corporation led by one of their members, now unhappily deceased, the late Mr. Gocul Dass Jugmohun Dass, whose persistent efforts to expose the shortcomings of the Department were at first strenuously opposed. Reform in the Engineering Department was brought about in the same way. The greatest work that the Corporation has yet undertaken—the construction of the Tansa Water Works—was undertaken by it, not at the initiation of the Municipal Commissioner, but of one of its own members. I could multiply these instances; but I think I have said enough to show that the credit of this remarkable success justly belongs, in the main, to the constitutional scheme under which the Corporation carries on the administration by the hands of its executive officer, constantly and continuously controlling, criticising, supervising, and directing him. To revert from a scheme of such promise and performance to the discredited principles of the Act of 1865 would be a blunder indeed.

The original Bill was subsequently considerably modified in Select Committee, and the powers of the Municipal Commissioner were more clearly and definitely laid down in the Act. The Municipal Commissioner, however, was understood to continue subordinate to the Corporation as the following extracts will shew:—

At the passing of the City of Bombay Municipal Bill into law, the Hon'ble Mr. Mehta said:—

It is to the general result we must look to guide us in giving or withholding our acceptance. Looking at it this way, I cannot but regard this Bill as being substantially in conformity with the views and opinions of the Corporation as representing the city, contained in the various representations sent by them to Government since 1883. It is drawn on sound practical principles—sound in theory and tested by long experience. It has carefully steered clear of two pitfalls: On the one hand, it has avoided the blunder of making the Commissioner anything more than the executive officer of the supreme administrative body—the Corporation; on the other, it has not

succumbed to the temptation of abolishing the Commissioner in favour of Executive Committees or Councils, or of changing the mode of his appointment.

The late Mr. Justice Telang also reiterated the same idea and said :—

A great deal of enthusiasm is felt and considerable interest taken in the deliberations of this Council, but there has been some slight misunderstanding in reference to the Bill as it affects the position of the Municipal Commissioner. This is due probably to the view which the Hon'ble Mr. Naylor takes of it—though I am not prepared to coincide with him—that the Municipal Commissioner is not the servant of the Municipality. But, in my opinion, he clearly is the subordinate of the Corporation, and that is the proper position for him to occupy. I am not in the least anxious that the Corporation should have anything to do with purely executive matters, and as regards the opinion of the Hon'ble Mr. Mehta and myself upon that point, I hardly think the Hon'ble Mr. Naylor fully appreciated it when he delivered what the Hon'ble, the Advocate-General called a second reading speech, and went elaborately into the respective functions of the Corporation and the Commissioner to prove that those of the latter ought to be purely executive. I am almost inclined to think that the Hon'ble Mr. Naylor, having thrown overboard the scheme of Executive Committees, still seems inclined to cast a longing, lingering look behind, whereas we, who have always objected to that scheme, have no desire to go back to it in any form whatever. Mr. Pherozshah and myself are most anxious that there should not be any interference with the executive functions of the Commissioner. We only want that it should be subject to the general control of the Municipal Corporation, and that is substantially provided for in the present Bill. I am not prepared to admit that, under the sections of the Bill as we have passed them, the Commissioner is what is called a co-ordinate authority. I do not think he is. That is not a correct description of his position under the Bill. I understand he is a subordinate in every respect, except as regards the details of executive work, in which he is untrammelled and not to be interfered with. That is his position, and that is what it ought to be.

Thus it is seen that Bombay, a city that cannot be said to be ahead of Calcutta in the matter of Local Self-Government, is allowed to retain the plenary powers granted by her Municipal constitution in 1872, of which the Hon'ble Mr. Mehta has said that "the Bombay Corporation carries on the administration by the hands of its Executive Officer, constantly and continuously controlling, criticising, supervising and directing him."

Why then is it sought to force Calcutta to forsake her traditional liberty and to give up what she has, through the Municipal Commissioners, so successfully exercised for so many years, namely, the powers of close supervision and effective control over the municipal affairs of this large city?

It is said that the proposal of the Local Government for material changes in the municipal constitution of Calcutta has met with the general approval of both the Government of India and the Secretary of State. The public do not know on what representation this general approval of the higher authorities has been secured. If it was based on the letter of the Local Government No. 1311 M (Municipal), dated 9th March 1897, addressed to the Chairman of the Calcutta Corporation, or on some of the statements, criticised in this note, there is little room for wonder. For any one acquainted with the facts of the case, on reading that extraordinary letter, cannot have failed to notice how very misleading the document was, bristling with inaccuracies mostly of a serious nature. It was only from a desire not to prolong the unfortunate controversy that arose out of the speech of Sir Alexander Mackenzie at Entally in November 1896 that prevented me publishing a criticism on that document at the time. But the introduction into the Legislative Council of a Bill to radically amend the existing law in regard to the constitution of the Municipality has now made it very necessary to fully criticise and refute the many statements made in that official document, and I shall attempt to do so in a separate note.

NALIN BIHARI SIRCAR,

Commissioner for Ward No. 4.

CALCUTTA, 15th March 1898.

CALCUTTA CORPORATIO

NOTE ON
SIR ALEXANDER MACKENZIE'S SPEECH

DELIVERED ON THE OCCASION OF
THE LAYING OF THE FOUNDATION STONE OF
The New Drainage Works.

NOVEMBER 26, 1896.

A CRITICISM AND A REFUTATION

BY

NALIN BIHARI SIRCAR,

Commissioner for WARD 4.

DECEMBER 19, 1896.

A Criticism on the Speech of Sir Alexander Mackenzie, delivered on Thursday, the 26th November, 1896,

AND

A Vindication of the Commissioners.

The speech delivered by His Honour the Lieutenant-Governor on Thursday, the 26th November last, on the occasion of laying the foundation-stone of the New Drainage Works, has attracted so much public attention, and has created such keen disappointment amongst the Commissioners themselves, that it may not be out of place if I attempt to discuss the charges made with such utter disregard of ascertainable facts.

Introductory remarks.

At the outset I may, with all deference, be permitted to say that Sir Alexander Mackenzie, being then the honoured guest of the Commissioners, chose a somewhat ill-timed moment to denounce his entertainers and all their works. The occasion was a festive one, and marked the inauguration of a series of important and costly drainage works, calculated to materially improve the sanitary condition of the city; and in inviting the Lieutenant-Governor to preside at their function, the Commissioners desired to do honour to the office and position held by Sir Alexander Mackenzie and to demonstrate, in the most public manner, their satisfaction that so great and necessary a work had been entered upon. To seize on such an occasion to administer a castigation was in itself a violation of every good feeling.

It is very much to be regretted that a person in the position of Sir Alexander Mackenzie should have allowed himself to be so easily led away by the irresponsible and baseless clamour of only one section of the community; for, after all, his speech is nothing more nor less than a paraphrase of the articles which have appeared, from time to time, in the columns of the *Englishman* and the *Indian Daily News* in regard to the Calcutta Municipality, and if it had not been for the fact that the speech fell from the lips of His Honour the Lieutenant-Governor, it would have been passed over unnoticed. The speech is entirely one-sided: justice and fair-play should have suggested to Sir Alexander Mackenzie to have heard the other side as well, before coming forward publicly to denounce, in such scathing terms, a public corporate body, like the Municipality of Calcutta. If Sir Alexander Mackenzie had only cared to ascertain the views of the Commissioners on the various matters dealt with, nothing could have been easier than for him to have done so; and if he had given them a hearing, nobody could have accused him of condemning the Commissioners unheard.

It has, however, been subsequently explained by Mr. Risley that in making the speech, now under review, "it was His Honour's intention to stir up the Commissioners to take vigorous action." But certainly the holding out of threats was not the best and the proper way to stir up the Commissioners. Sir Alexander Mackenzie has spoken of "proceeding without the Commissioners and in supercession of their authority;" he refers to "a general cataclysm in municipal affairs and radical changes such as he, last of all men, desires to bring about." Is it a dignified attitude to assume on the part of the head of a great Government? And is not such an attitude likely to defeat its own object?

I now proceed to deal with the various points raised in the speech, and for convenience I would classify them under different heads:—

The first and the most important point raised is about the constitution of the Corporation.

Constitution.

It has been stated that the constitution is "borrowed *en bloc* from the most advanced models in England." I am bound to say that this is not so. Prior to 1876 the Municipal Government of this city was vested in the Justices of the Peace, appointed by Government. The number of Justices was not limited. Originally it was to consist of all Justices of the Peace for Bengal, Behar and Orissa, resident in the Town of Calcutta, and all Justices of the Peace for the Town of Calcutta; subsequently the Bengal, Behar and Orissa Justices were eliminated and the number came down to 120. Then in 1876, the principle of Local Self-Government was adopted for the first time in the municipal administration of Calcutta, and the Justices were replaced by 72 Municipal Commissioners, $\frac{2}{3}$ (48) being elected by the rate-payers and $\frac{1}{3}$ (24) being nominated by Government. In 1888, when the present Act was passed, amalgamating a portion of the suburbs with the town proper, the constitution was modified by increasing the number of Commissioners to 75, their jurisdiction having been extended by about 11 square miles; the proportion between the elected and the nominated, however, remained the same, *viz.*, 2: 1, except that the 25 instead of being nominated wholly by Government, 15 were to be appointed by the Local Government, 4 by the Bengal Chamber of Commerce, 4 by the Calcutta Trades' Association, and 2 by the Calcutta Port Trust. This is the constitution

of the Calcutta Corporation. Are "the most advanced models" of municipal corporations in England composed partly of elected and partly of nominated members, with a Chairman not elected or appointed by them, but appointed by Government? There could be but one answer to this question. How, then, is Sir Alexander Mackenzie justified in saying that our constitution is "borrowed *en bloc* from the most advanced models in England"?

Then it has been said that the constitution of the Calcutta Corporation was determined "without any reference to the utterly different circumstances of an Oriental city and a very mixed community." One must be surprised to hear this observation made by Sir Alexander Mackenzie, an old Bengal Civilian and for many years one of the Secretaries of the Bengal Government. The question of the future constitution of the Calcutta Municipality was very fully and very thoroughly discussed during 1875 and again in 1888, when the present Act was passed, both at the Bengal Legislative Council and by the public at large, including all sections of the European community. In all discussions on the subject the heterogeneity of the Calcutta community was always kept steadily in view, and every care was taken to see that all interests were fairly represented on the Municipal Board. That Sir Alexander Mackenzie is wrong in thinking that "the present constitution of the Calcutta Corporation was determined without reference to the utterly different circumstances of an Oriental city and a very mixed community", will be quite clear from the following extracts from some of the speeches made in the Bengal Legislative Council, on different occasions, in connection with the passing of the Calcutta Municipal Acts:—

His Honour the President (Sir Richard Temple) said:—

If there ever were any constitutional modifications to be made in the Municipality of Calcutta, the present opportunity would be the most fitting they were likely to have for the consideration of such a change. He, therefore, for one, would see no objection to the Select Committee, if such Committee should be appointed, taking up the question of any possible modification of the constitution of the Municipality. (3rd April, 1875).

His Honour the President, again said—

The Bill for the consolidation of the Municipal law of Calcutta has also been drafted with great care and pains. It has been read in Council and referred to a Select Committee, and I trust that various additional improvements or possible changes in the constitution of the Municipality will be considered by the Select Committee, and some decision will be arrived at in the course of the next session as to whether any changes in the Municipal constitution are or are not really required. (10th April, 1875).

The Hon'ble Mr. Hogg said—

He held that what was required for Calcutta and other towns in India was a scheme which, while affording every facility for the views of all classes of the community to be fairly represented in the governing board, should reserve to Government the potential voice in the decision of matters of great importance, and should also provide a strong executive head for the administration of Municipal affairs.

The present system, Mr. Hogg thought, whatever its defects might be, did in a great measure meet the above conditions; for while providing a strong executive head appointed by Government, it associated with him as many intelligent gentlemen from all classes of the community whom the Local Government might be pleased to appoint as Justices.

Then came the question whether selection was better than election. In Mr. Hogg's judgment the Government was in a better position to select Native gentlemen who would really represent in an intelligent way the views of the different Native classes of the community in Calcutta than the public would be if the principle of election was adopted.

The majority of Europeans advocated a Municipal Board, constituted of members returned by a system of representative election; whereas the Natives, as a body, were strongly opposed to any system which would not encourage the most complete publicity in all matters which came before the Municipal Board; and they argued, and with justice, that the discussions by a small Municipal Board would not be as public as formal debates by a larger body.

To reconcile these conflicting views was almost impossible. Such being the case, it had to be decided whether the views of the European or the Native community should be adopted. On this point Mr. Hogg was of opinion that the wishes of the Native community should take precedence of those of the European citizens of Calcutta; for the Natives, besides being far the most numerous, had an abiding interest in the city, to which no European could attain.

Mr. Hogg would by all means force on the Natives of India sanitary improvements, but whilst doing so, he would afford them, in the way they liked best, every possible facility for expressing their opinions and for ventilating their views in the most public manner possible. He agreed with the Natives that publicity could best be obtained by public debates and subsequent press criticisms; consequently he would continue the existing system of debates at the Municipal meetings, even though it led, as it undoubtedly did, to great waste of time and, what was still worse, deprived the Municipality of the support of gentlemen whose counsels were much to be desired. (13th November, 1875).

The Hon'ble Baboo Kristo Das Pal said—

The British Government in this country was a progressive one, and the institutions founded by it were essentially progressive in their nature; and as the people were imbued with Western knowledge and ideas, they longed for the Western mode of Government, and for the introduction of Western institutions for the protection of their liberties and the advancement of their welfare. It was therefore not at all unnatural that the people of Calcutta, who were admittedly in the van of intelligence and enlightenment, should ask for that measure of self-government which had been accorded to other countries which owned allegiance to the British Crown,—he meant the British colonies and dependencies. (13th November, 1875).

His Honour the President (Sir Richard Temple) said:—

I for one always have been, and am still, in favour of the principle of election. I think it is most desirable that the rate-payers as a body should be accustomed to study their own municipal affairs, that they should take a lively interest in the checking of expenditure, and in reducing the necessary taxation to the lowest possible amount. Besides that, I am sanguine that our hon'ble Native colleagues in this Council will bear me out when I say that it is good, morally good, for the Natives of this country that they should be accustomed to incur that responsibility to their own judgment and conscience which is implied by the exercise of the franchise. The fact that every rate-payer, or a very large number of rate-payers, should have to say whether they will have this man or that to represent them, is in itself a good thing for them. Also, though I think there must be a certain limit placed by the Government on the powers of the Municipal Commissioners of such a place as this, still, with that qualification and that reservation, I am in favour of giving them as much self-government as may be safely possible. That being the case, I shall propose that a large portion, at least a large portion of Municipal Commissioners, should be elected. (27th November, 1875.)

The Hon'ble Sir Stuart Hogg said—

The general scheme now proposed by the Select Committee was—1st, that the town should be divided into 18 wards, continuous with the existing Police sections; 2nd, that the Corporation of Calcutta should consist of 72 members, of which 54 should be elected by the rate-payers and tax-payers of the city, with the qualification that every person who desired a vote should have paid during the preceding year not less than Rs. 25 in the way of rates and taxes; the qualification for persons desirous of becoming members of the Corporation being that they should pay Rs. 100—rates only, not taxes—for the year 1875.

With a view to secure all classes of the community being fairly represented on the Corporation, the Committee had proposed that they should lay down the number of Hindus and Mahomedans, and persons of other nationalities who should be appointed as members of the Corporation. What they had suggested to the Council was that out of 54 members to be elected by the people, 27 should be Hindus, 9 Mahomedans and 18 persons other than Mahomedans and Hindus. Eighteen members of the Municipality should be appointed by Government; of which 9 members should be Hindus or Mahomedans at the pleasure of Government, and the remaining 9 persons of other nationalities.—Europeans, Armenians, Jews, Parsees, &c. This, in the opinion of the Committee, would secure all members of the community being fairly represented. (29th January, 1876.)

The Hon'ble Mr. Brookes said—

This appeared to him to be one of the most important sections of the report of the Committee. There were two matters in this section which occurred to him as well worthy the consideration of the Council. One was the proportion of the nationalities of the gentlemen who were to be elected, and to compose the Corporation. The numbers were—27 Hindus, 9 Mahomedans and 18 of other nationalities. He wished to speak more particularly in reference to the 18 members put down as representing all other nationalities in the Corporation, which would include English in its widest sense, Scotch, Jews, Armenians, and so forth. He was inclined to think that, considering the important bodies which these nationalities represented in Calcutta, 18 was not a sufficient number to represent them in the Corporation. That was of course for the Council to decide; but he merely threw it out as a suggestion worthy of the consideration of the Council. (29th January, 1876.)

The Hon'ble Mr. Bell said—

He thought it would be dangerous to reduce the proportion of nominated Commissioners, if there was to be no restriction as to the proportion of Commissioners of different nationalities that were to be elected. He thought the proportion of Commissioners to be nominated by the Government should not be reduced, while there were such important minorities that were likely to be unrepresented, as it would enable the Government to redress the balance where it might be necessary to do so. (18th March, 1876.)

The Hon'ble Mr. Harrison said—

It (Calcutta) was the capital of the whole Empire during part of the year. It was also the seat of the Government of the wealthiest province of the Empire, containing a population of 70 millions. Besides that, its wealth was entirely due to its commercial and trading bodies, and it was no exaggeration to say that, if its trade was taken away, the value of the land in it would fall 75 per cent. In Madras land was not one quarter of the value it was in Calcutta. Calcutta was the chief commercial city on this side of India, and it was probably the medium by which exports and imports for scarcely less than 100 millions of people found their way out of and into the country. On the other hand, the permanent residents of Calcutta did not exceed 250,000, the remainder being attracted to it by its trade. Therefore it was evident that the Government were perfectly justified in safeguarding all those large interests which had contributed so much to the wealth and importance of the city; that they had to look to those interests and not merely to the interests of the residents. Under these circumstances, the proportion to be nominated by the Government was intended to represent those views and those interests which would not find adequate representation by mere election, and also those large minorities which similarly might be more or less ousted by it. He was perfectly certain that the work done would be far better done if the interests of those minorities were carefully conserved, than if they were ignored. (27th November, 1886.)

The Hon'ble Sir Henry Harrison said—

That being the case, we find that the proposal we are now discussing of having 75 Commissioners, of whom two-thirds should be elected and one-third nominated in some form or other, is the one which has attracted perhaps more attention than any other part of the Bill, judging by the representations which have been received on the subject by the Council; and seeing the very large measure of attention which this question has attracted—it being no exaggeration to say that it forms the subject of one-half of all the reports which have been received from various bodies—it can hardly be considered unreasonable if we devote considerable attention to this matter. It is looked upon as the cardinal hinge of the proposed Bill. This proposal has been made the subject of criticism in two directions. The British Indian Association, the Indian Association and some other bodies urgently press that at least three-fourths of the Commissioners ought to be elected. On the other hand, most of the European Associations press with equal urgency that the proportion of nominated Commissioners should be increased rather than decreased. (4th February, 1888.)

These discussions in the Bengal Council will show what great and anxious care and consideration had been bestowed on the question of the constitution of this Corporation by the leading members of the different communities, representing separate and varied interests.

It has further been observed that constituted as the Calcutta Corporation is, it has “many members,—(a) whose individual stake in the town is small; (b) who are not all practical men of business; (c) and who represent themselves in the first place and a variety of heterogeneous interests in the second.” It is not quite clear from the language to which class of Commissioners this refers. If the observation is directed against the elected Commissioners, then I must say that nothing is further from the truth. Most of the elected Commissioners (with the exception of non-Indians) have their homes in Calcutta, they own properties therein, their ancestors lived here, and their descendants will live here, they have relations and connections more or less spread all over the town. If these persons have very little stake in Calcutta, what stake, may I ask, do those “birds of passage” individually possess, viz., the members of the European community, including Government officials and men in business? In the opinion of Sir Stuart Hogg, who was Chairman of the Corporation for more than 9 years before 1877, “the Natives of the place had an abiding interest in the city, to which no European could attain.” It may be remembered that Sir Stuart Hogg was one of the staunchest opponents of Local Self-Government in India, and though he was in charge of the Calcutta Municipal Bill at the Bengal Council in 1875-76, he vehemently opposed the introduction of the elective system into the Municipality.

Then, if these “are not all practical men of business”, what are they? Of the 50 elected Commissioners, who are now on the Board, 23 are lawyers, 2 engineers,

6 zamindars, 9 merchants and tradesmen, &c., 5 doctors, 2 in Government service, and 3 connected with the press. The 25 nominated Commissioners consist of 3 lawyers, 2 zamindars, 8 merchants and tradesmen, &c., 2 doctors, 8 in Government service and 2 connected with the press. Alluding to the Birmingham Corporation, Sir Alexander Mackenzie has stated that "there is only one lawyer and one newspaperman on the whole council," and taking this statement with the context, one would be naturally led to presume that in the opinion of His Honour the fact of there being a larger number of lawyers and newspapermen in the Calcutta Corporation is a serious defect in its constitution. It is possibly this circumstance which led the Lieutenant-Governor to remark that many of the members of the Corporation "are not practical men of business." But are not lawyers practical men of business? Their avocation is such that they cannot but be practical, they do harm to themselves and cannot prosper in business if they are theoretical and unpractical. Then the merchants and tradesmen, engineers and zamindars, who have got to deal daily with hard matter-of-fact business; are they not practical men? And as for the men connected with the press, why, they are in constant touch with public opinion, and if public opinion is of any value to the deliberations of the Commissioners, certainly the association of such persons is a distinct gain to the Corporation.

It is difficult to understand what Sir Alexander Mackenzie has meant by saying that these Commissioners "represent themselves in the first place and a variety of heterogeneous interests in the second." If it is meant that the Commissioners, instead of representing the interests of those who have returned them to the Corporation, seek to serve their own personal interests and look to their own personal aggrandisement, then the charge is very serious indeed; and the Commissioners would be wanting in self-respect if they did not ask Sir Alexander Mackenzie either to substantiate or withdraw it. Against the opinion of His Honour I cannot help quoting what Sir Henry Harrison said in the Bengal Council in February, 1888, in support of his contention that the elective system has proved a success. The opinion of Sir Henry Harrison must be taken as authoritative, based upon his personal experience, as Chairman, of the work done by the elected Commissioners. He observed:—

In the first place by the elective system we have attracted to the Corporation a number of Commissioners who have taken the greatest possible interest in the work—Commissioners who have been most assiduous in their attendance at meetings, who have looked into matters with care and scrutiny such as is hardly found in any other department. They have set their face resolutely against all extravagance, they have thrown the light of discussion on every detail. In fact, it has led to the administration of the Municipality being carried on much more in the light of day than it would have been as far as other members are concerned. On questions of contracts and expenditure in detail they have paid an attention to the work which was hardly paid before. In the next place the system has had the advantage of bringing in a number of men who owe their position entirely to something outside Government, not to nomination. They feel that they depend for their position on those who have returned them and who naturally look to them to represent their views, and therefore they bring with them the light of real public opinion of a certain class—a comparatively small class in numbers, but a very influential class indeed, and it has been a great advantage that we should have the opinion of a class of this kind pressed upon us, so that we know what they want and what they object to. Thirdly, we have persons who represent local areas. This has led to many good results. Previously the town was looked upon very much as a whole, and the wants of the town as a whole were considered. Now the desire for large improvements has decreased, and the Commissioners are more interested in local wants. This has to some extent worked well, and the large increase in the value of property is in no small degree due to the way in which local improvements have been attended to. Fourthly, the elective system has been successful in this, that people know that they have a Commissioner who represents them, and when they have a complaint, if it is not immediately attended to by the executive, they appeal to get the assistance of their Commissioner. This has some beneficial results; it causes some degree of self-reliance in the people when they know that they have some one to whom they can go if they do not get immediate redress. The last and most important result is this. The elected Commissioners who had taken so much interest in the affairs of the Municipality, have themselves improved much by experience in the work. I have seen very great improvement in the tone and method and manner of doing work by the Commissioners who have become familiarised with their labours. In this review I think that I have given a very fair account of the work of the elective Commissioners, but after all said, is not the *role* which I have described precisely the *role* of opposition? We all know that administrative affairs suffer if there is no effective check; and whether we look at the official world as it exists in India or at the Government as it is in England, worked by party, it is a well recognised fact that if there is no adequate check, there is danger either of the work going on too fast, or there is danger of its not being as economical as it might be. The *role* which the elective Commissioners for the Native wards have at once assumed is precisely that of checking, watching and controlling in every way, in seeing either that no expenditure is incurred without sufficient reason, or that projects of improvement are not undertaken which cannot be fully justified. (4th February, 1888.)

Lastly, it has been said that this Corporation is "an impracticable organisation." It appears to me to be too late in the day for His Honour to find fault with the constitution of this Corporation. As mentioned above, the present constitution was introduced for the first time in 1876; it was put on its trial in 1888; facts and arguments, for and against it, were then carefully considered in the Bengal Council; it was then pronounced to have proved successful by such persons as the late Mr. Coulman Macaulay and the late Sir Henry Harrison, and the Government of the country have ratified the constitution by enacting the present Municipal Act (Act II of 1888).

The Hon'ble Mr. Macaulay said:—

To guard against misunderstanding, I wish to state my distinct opinion that the working of the elective system in Calcutta has been a decided success. I cannot agree with my hon'ble friend Sir Henry Harrison in thinking that if we were beginning to legislate for an elective system, we might take the Hon'ble Mr. Irving's proposal for electing only one-half. I think that, looking to the experience we have had of the working of the system as a whole, we should be fully justified were we in the position of our predecessors, the legislators of 1876, in taking the proportion of two-thirds elected by the rate-payers. For this reason I will certainly oppose my friend the Hon'ble Mr. Irving's amendment. The elective system has brought forward men like my friend the Hon'ble Babu Kaly Nath Mitter, men of ability and business habits, who have done excellent service to the community, and I think that all friends of Self-Government must rejoice that these men owe their positions, not to the voice of nomination, but to the suffrages of their fellow-townsmen. (4th February, 1888.)

If by calling this Corporation an "impracticable organisation" the Lieutenant-Governor has meant that it is an institution from which much practical work cannot be got, then I

must say nothing is further from the truth; for, the surest and most practicable test of the "impracticability" or otherwise of the present organisation, which ought to place the question beyond all cavil, is the record of the real work done by the Municipality. I give below a brief statement shewing the aggregate expenditure incurred on different classes of permanent works of improvement, carried out by the Calcutta Corporation during the last 20 years; that is, since the introduction of the elective system:—

| Description of Works. | From 1877 to 1895-96. | Expenditure previous to 1877 (during the time of the Justices.) | Total. |
|--|-----------------------|---|-------------|
| | Rs. | Rs. | Rs. |
| Drainage and Miscellaneous | 56,29,988 | 99,55,098 | 1,55,85,086 |
| Suburban Improvement— | | | |
| from 1889-90 to 1895-96 (exclusive of Water-supply) | 13,97,087 | <i>Nil</i> | 13,97,087 |
| Municipal Market | 82,823 | 13,68,035 | 14,50,858 |
| " Office | 57,851 | 2,00,000 | 2,57,851 |
| Bustee Improvement— | | | |
| General Rs. 13,32,307 | 14,62,706 | <i>Nil</i> | 14,62,706 |
| Jora Bagan and Shaikpara ,, 1,30,399 | | | |
| Town Improvement— | | | |
| General Rs. 4,92,238 | 62,41,401 | <i>Nil</i> | 62,41,401 |
| Harrison Road ,, 57,49,163 (Gross*)... | | | |
| Water Supply Works— | | | |
| Filtered and unfiltered | 98,30,501 | 71,56,986 | 1,69,87,487 |
| | 2,47,02,357 | 1,86,80,119 | 4,33,82,476 |

* The net cost is Rs. 27,46,846.

Besides the permanent improvements, specified above, this Corporation has been annually administering large sums of money to meet the ordinary current requirements of the town from year to year, such as payment of interest and provision for sinking fund, conservancy, removal of filth and dirt, road repairs, street watering, lighting, supplying filtered water for drinking purpose, &c., &c., for which expenditure is met out of revenue funds. Such expenditure during the past year, 1895-96, was as follows:—

| | |
|---------------------------|----------------------|
| General Fund | Rs. 29,86,974 |
| Sewage Rate Fund | 2,72,308 |
| Water Rate Fund | 11,50,578 |
| Lighting Rate Fund | 4,17,298 |
| | <u>Rs. 48,27,158</u> |

Having regard to the limited resources at their disposal and to the period during which the Commissioners, under the present organisation, have been working, the record of works, mentioned above, it must be admitted by all right-thinking men, justifies commendation rather than condemnation by the head of the Local Government.

I would also desire to point out that since the amalgamation with the suburbs in 1889, the Commissioners have spent over one crore and twenty-five lakhs on works of permanent improvement, as specified below, without raising the rate of taxation, which has remained at 19½ per cent. for the last seven years:—

| | |
|-----------------------------------|------------------------|
| Drainage and miscellaneous | Rs. 7,86,686 |
| Suburb Improvement | 13,97,087 |
| Bustee Improvement | 7,56,112 |
| Town Improvement | 3,68,058 |
| Harrison Road | 57,49,163 (gross) |
| Water-supply extension | 35,10,171 |
| | <u>Rs. 1,25,67,277</u> |

The Commissioners again have been specially successful in the management of their recent loans on debentures. Before 1891 the usual rate of interest allowed on such loans was 5%. The feasibility of reducing the rate of interest was recognised by the Calcutta Corporation and practically carried out by floating a loan of 20 lakhs at 4½% in 1891, three years before the Government of India began reducing the rate of interest on the Public Debt. They have since succeeded in reducing the interest to 4 and finally to 3½%. The financial credit of the Corporation has also considerably improved, as will be easily seen from the following table, showing the result of the various tenders for loan, publicly called for by the Commissioners, since 1889:—

| Year of loan. | Amount of loan. | Total amount of tenders received. | Rate of premium. | Rate of Interest. |
|---------------|-----------------|-----------------------------------|------------------|-------------------|
| | Rs. | Rs. | | Rs. |
| 1889-90 | 5,00,000 | 39,26,600 | 105-13 to 108-0 | 5% |
| 1889-90 | 14,00,000 | 29,40,600 | 103-0 to 105-12 | " |
| 1890-91 | 20,00,000 | 77,48,000 | 103-0 to 105-0 | " |
| 1890-91 | 10,00,000 | 65,40,400 | 105-14 to 106-0 | " |
| 1891-92 | 20,00,000 | 128,78,200 | 104-4 to 105-8 | 4½% |
| 1895-96 | 18,00,000 | 128,91,600 | 106-1 to 111-0 | 4% |
| 1896-97 | 20,00,000 | 106,49,500 | 106-2 to 107-1 | 3½% |

If, in spite of all these proved facts, Sir Alexander Mackenzie holds that the Corporation is an "impracticable organisation," and if a section of the Anglo-Indian community denounces it as "a sample of the failure of Local Self-Government in India," then it is hopeless to expect to convince those who will not be convinced.

The chief indictment under this head is that in the Calcutta Corporation "there is far too much speech for the sake of speech," and the Commissioners "treat every question before them as an opportunity for speech-making." This is no new charge. It has been laid at the door of the Commissioners by the enemies of Local Self-Government, times without number, ever since the introduction of the elective system into the Municipality. It has been used as a peg on which to hang accusations against the Bengali Commissioners and as an argument for reducing the number of Hindu elected Commissioners. Some have gone so far as to urge it as a ground for doing away altogether with the elective system. Rightly or wrongly, it has been put forward as an excuse by a section of the non-official European community for keeping themselves aloof from the Corporation and not performing their legitimate share of the municipal work as citizens of Calcutta. It is suggested that time is unnecessarily and wantonly wasted by useless speeches. I am surprised that Sir Alexander Mackenzie should take up the old and worn out cry of making speeches for the sake of speech, without ascertaining for himself the facts of the case. Are the Commissioners really guilty of this charge? I say not. It is true that there have been occasions when long and protracted debates have taken place; but if the records of Municipal meetings be referred to, it will be found that such occasions have not been frequent, and as a rule the subjects discussed involved important questions of principle, which justified thorough and exhaustive discussion. Moreover, anybody acquainted with the way in which business is generally conducted at the General Meetings of the Commissioners, must admit that if at any time any Commissioner is found to unnecessarily take up the time of the meeting, he is met with a general cry of "vote, vote," shewing, in a clear and unmistakable manner, the unwillingness of those present to hear out the speaker, and though such occasions are very rare, still it serves as an effective check against "desultory discussion."

Further, there is no reason why any serious exception should be taken to "speeches" so long as they are relevant and to the point. Being a deliberative body, the Commissioners must consider and discuss the various matters that are brought before them; but this cannot be done by dumb show, only "silent, sensible votes" being given and recorded, as Sir Alexander Mackenzie would advise them to do. On this subject the late Babu Kristo Dass Pal thus expressed himself in 1881:—

An examination of the Municipal debates in the past and present will, we doubt not, satisfy the most fastidious person that there is less talk now than before. It is superfluous for us to say that public questions cannot be decided without talk, long or small, and that the character of the talk in public bodies is to a great extent regulated by the information possessed and the earnestness of convictions entertained by different speakers. Life itself is a long talk. If the world consisted only of mutes, then society would hardly exist. In all the waking moments of life man spends much of his time in talk, whether for business, instruction or pleasure. Public life in the civilized world means a war of words.

According to the modern ideas of the civilized Government, publicity is the soul of business and the best safe-guard against official caprice and violence. Publicity is a two-edged tool; it cuts both ways; if the ministerialists are aggressive, partial and unjust, publicity is a powerful corrective, while, if the opposition are factious, unreasonable and

insolent, publicity supplies the same remedy. Both are before the bar of public opinion, the unwritten laws of which exercise a most healthy sway. If the Calcutta Corporation should possess any semblance of Representative Government, it must have publicity, and judging it by the test of publicity, let us consider how has the Corporation gone on in the past and present.

It would not be out of place if I were also to quote here what Sir Henry Harrison said on the subject of making speeches at the meetings of the Commissioners. On 3rd December, 1887, from his place in the Bengal Council, he said :—

When large questions of principle came up for final discussion in general meeting, it could not but be expected that the men of leisure, who naturally took an interest in the work which they had helped to complete, would also naturally be prepared to discuss at length the questions which were under consideration; but the men of business would not like to sit for two or three hours to discuss them. It was unreasonable to suppose that this could be otherwise, and when European gentlemen did take an interest in such matters, they themselves fell into the habit of making as long speeches as Native gentlemen. Some of the longest speeches he had ever listened to were made by European gentlemen in debates in which they were taking a great interest.

If there is no real ground for the charge that valuable time is wasted by long, unnecessary and irrelevant speeches in the Corporation, what, then, has given rise to this wrong impression? That there has been this impression in the minds of a section of the Anglo-Indian community, admits of no doubt. It cannot be said that everybody holding such an opinion is inimically disposed towards Local Self-Government in this country. To what, then, is this impression due? I attribute it to insufficient knowledge. So far as the public are concerned, the only proceedings of the Commissioners that they come across are those of the General meetings as reported in the columns of the local newspapers, and such reports, as a rule, consist of only the speeches made on any particular subject or subjects that may have, for the time being, attracted public attention. Very little information is given in these reports as to the large number of other items of business disposed of without any discussion. It seems to me, therefore, very desirable that the facts of the case should be carefully ascertained and made known to the public, in connection with the present controversy. I have, therefore, taken the trouble to analyse the various proceedings of the General and the Committee meetings of the Commissioners for the last two years, and have prepared the following tabular statements. Besides the Standing Committees, specified below, several Special Committees and Sub-Committees are appointed each year, which perform not only the deliberative portion of the work, but help the Executive in their work by making local inspections, by holding enquiries into cases of complaints, &c., and these involve not a little time and attention on the part of many Commissioners.

1894-95.

| | Total number of meetings. | Total number of items of business. | Total number of items disposed of | Total number of items postponed for 1st time. | Total number of items postponed for 2nd time. | Total number of items postponed for 3rd time. | Total number of items postponed for 4th time. |
|-----------------------------|---------------------------|------------------------------------|-----------------------------------|---|---|---|---|
| General Meeting | 22 | 302 | 223 | 73 | 6 | ... | ... |
| General Committee | 48 | 1,079 | 672 | 287 | 91 | 25 | 4 |
| Water-Supply Committee | 5 | 31 | 27 | 4 | ... | ... | ... |
| Suburban Improvement | 15 | 239 | 212 | 27 | ... | ... | ... |
| Roads, Buildings, &c. | 14 | 216 | 136 | 61 | 12 | 6 | 1 |
| Complaints | 6 | 34 | 31 | 3 | ... | ... | ... |
| Bustee and Town Improvement | 3 | 34 | 28 | 6 | ... | ... | ... |

1895-96.

| | Total number of meetings. | Total number of items of business. | Total number of items disposed of | Total number of items postponed for 1st time. | Total number of items postponed for 2nd time. | Total number of items postponed for 3rd time. | Total number of items postponed for 4th time. |
|-----------------------------|---------------------------|------------------------------------|-----------------------------------|---|---|---|---|
| General Meeting | 38 | 464 | 313 | 151 | ... | ... | ... |
| General Committee | 48 | 1318 | 932 | 290 | 64 | 23 | 9 |
| Water Supply Committee | 7 | 44 | 32 | 12 | ... | ... | ... |
| Suburban Improvement | 20 | 327 | 240 | 87 | ... | ... | ... |
| Roads, Buildings, &c. | 15 | 304 | 167 | 137 | ... | ... | ... |
| Complaints | 10 | 89 | 42 | 47 | ... | ... | ... |
| Bustee and Town Improvement | 9 | 100 | 62 | 37 | 1 | ... | ... |

From the above it will be seen what a large volume of business the Commissioners have to dispose of in the course of a year. It will also appear that a considerable proportion of the business, fixed for a meeting, is finished at one sitting, which occupies from half-an-hour to two hours, according to the nature and amount of business brought forward at any particular meeting. If the list of business for any meeting be too heavy and cannot be finished at that meeting, the undisposed items are taken up at the succeeding meeting. In some cases, again, postponement has to be made for fresh enquiry and for fuller information. At Committee Meetings formal speeches are seldom made, the deliberations being conducted in the usual conversational form. It is only at the General Meetings of the Commissioners that the formal procedure of all public meetings is adopted. It is here that the "speeches" are made. The following table will show the number of items brought up for disposal by the Commissioners-in-meeting during 1894-95 and 1895-96, how many items were disposed of without discussion, and in respect of how many there were short and in how many cases there was a long discussion. It will also shew how many Commissioners attended these meetings, how many made speeches and how many gave "silent, sensible" votes:—

| YEAR. | Total number of items of business brought up. | Total number of items disposed of without discussion. | Total number of items on which short debates took place. | Total number of items on which long debates took place. | Average attendance at each meeting. | Average number of Commissioners speaking to each item. | Average number of Commissioners who gave silent votes. |
|-------------|---|---|--|---|-------------------------------------|--|--|
| 1894-95 ... | 239 | 191 | 38 | 10 | 40 | 6 | 34 |
| 1895-96 ... | 328 | 249 | 54 | 25 | 47 | 7 | 40 |

These figures speak for themselves. Further comments upon them are unnecessary. The Commissioners would now venture to appeal to His Honour to re-consider the matter, and tell them if his observations as to wasting time are justified by the facts of the case.

I cannot, however, conclude this part of my statement without quoting the late Mr. Harry Lee's opinion on this very question. Mr. Lee, as it is known, was the Chairman of this Corporation for three years, 1890—92, and could speak with authority from his personal experience. On 23rd March, 1893, Mr. Lee said:—

Less frequently now than of old, because the outside public is better acquainted with the facts, but still occasionally, we hear insinuations that much time is wasted in this hall by long speeches from the Municipal Commissioners. No charge could be further from the mark. In all my experience—and that has covered full three years—I have seldom listened to a speech that has not been useful and to the point. I can hardly recall a single instance in which I have made the reflection that the speaker was throwing no new light on his subject, and was simply speaking to make a speech. The facts, indeed, are conclusive. In the course of the year you hold some thirty General Meetings. All the proceedings of every Committee Meeting, of which some 250 are held in the course of the year, come before you in this hall for review. A single Committee will frequently deal with 20 or more separate matters, and you have on the average to review proceedings of such Committees at each single meeting in this hall, so that you dispose of sometimes 120, seldom less than forty items of business at a sitting. How long do you take over it? As a rule between one and two hours! Who could say with fairness that that is excessive? How many similar deliberative bodies in the world are there that would dispose of the work in less time? The general rule that we endeavour to observe is not to speak without special knowledge and clear opinion, and then to express our thoughts in language as brief as we can make it.

Comparing the method of working of the Birmingham Municipality with that of Calcutta, His Honour has observed,—“They work, no doubt, as you do through Committees, but the endeavour is to place on each Committee only the men who know most of the particular subject entrusted to it, and to have in the chair of each Committee a man who has for years been administering that special branch.” However desirable this mode of work may be, it cannot be adopted here by the Commissioners; for, under the Act, the Chairman of the Corporation is the Chairman of all Committees, and so long as he is an experienced officer, well acquainted with the varied requirements of Calcutta, possessing special knowledge and tact, it does not make much difference. But when a new man is placed at the helm of affairs, however capable and meritorious he may be in his own service, he finds himself at a serious disadvantage and must meet with considerable difficulties in mastering the complicated affairs of the Corporation, and in working its huge machinery. And then, as soon as he begins to get things arranged in his own way and to become useful, he often leaves the Corporation and makes room for another new man, who has to pass through the same kind of experience as he has done. These frequent changes in the Chairmanship, for which Government alone is responsible, make the work of the Corporation suffer to a serious extent. But unfortunately this has been the case for the last seven years, three new Chairmen having been appointed during that period. Government should either be prepared to give to the Corporation such an officer as would stay for a long period, as Sir Stuart Hogg or Sir Henry Harrison did; or the law on the point should be amended, enabling Commissioners to select their own Chairman, at least, for the Committees. At present the time and attention of the Chairman are largely taken up by these meetings, and if he could be relieved of the work of presiding over the deliberations of the Commissioners, he would be able to devote more time and greater attention to supervising the actual working of the various departments.

Reference has been made in the speech to the relations between the Commissioners and their Executive. It is stated that "Your Executive is not nearly strong enough for action, and is far too readily upset and interfered with." If by this the Lieutenant-Governor has meant that the Executive cannot always have their own way, cannot have all their schemes sanctioned as they would like, and that their proposals are not all accepted, and that for all that the Commissioners are to be censured, then His Honour has singularly misunderstood the position of the Executive in the Municipality. The law has made the Commissioners, as a body, primarily and wholly responsible for the good administration of municipal affairs, and the Executive have only got to loyally carry out the decision of the Commissioners-in-meeting. In this Municipality, as a rule, and in the nature of things, the Executive have the "preparation" of a project, the same is then brought up before the Commissioners for "debate or examination," and if after due deliberation they reject it, the matter is dropped; if accepted, the "perfection" or the carrying out of it is left entirely to the Executive. There have no doubt been many instances in which the proposals of the Executive have been thrown out by the Commissioners in meeting, either as too expensive or beyond the means of the Corporation, or as impracticable and unsuited to the habits and customs of the people of this country, or on other such grounds; but I know of no instance in which the Commissioners, after having passed a project, whether it emanated from the Executive or from the Commissioners, have "upset or interfered with" the Executive in the practical execution thereof. When a question comes up at the second stage, the stage of examination "or deliberation," it then becomes the function of the Commissioners-in-meeting, as the responsible controlling authority, to discuss all the *pros* and *cons* of the proposal—(the Chairman representing the Executive and giving all necessary information required for a thorough understanding of the subject) and to finally come to a decision as to whether it should be accepted or rejected. If in the exercise of this function the Commissioners have to go against the wishes of the Executive, surely that cannot be regarded as upsetting or interfering with them. That at the deliberative stage of a question there must be occasional disagreement between the Commissioners and their Executive, there can be no doubt whatever; for the former must, in the nature of things, check and control the latter. On this point Mr. Cotton wrote as follows in his note appended to the report of the Government Commission and dated 26th January, 1885:—

No one is in a better position than the Lieutenant-Governor of these vast and populous provinces to know that the controlling authority is not able in all cases to take the same view of the necessity for the increase of expenditure as the executive authorities who apply for the allotment of funds. Whether it is in regard to the development of railway and road communications, or to the improved sanitation of local municipalities and of the surrounding country, or to the efficient management of Government estates, or to the very necessary and urgent question of the reorganisation of establishments generally, or to the proper administration of Civil Justice, or to the reformation of the Police force, and to improved arrangements for watch and ward, in whatever direction increased expenditure is called for, the Government is always being compelled to reject applications made, and to postpone expenditure which in the eyes of the enthusiastic and energetic officials who apply for it, is absolutely essential for the welfare of the country. How often are funds not refused which a Commission specially appointed to report upon a department, without any obligation of providing ways and means, would not hesitate to recommend? The experience I have myself of Government administration in different departments enables me to institute a comparison between the work done by the present Municipality of Calcutta, the supervision exercised, and system which pervades the Municipal administration on the one hand, and the character of the work done and of the supervision and system to be found in Government departments on the other. I can conscientiously say that the Corporation of Calcutta loses little by the comparison. And in respect of progressive improvements, of liberality of sanction, and of growing and increasing expenditure, the comparison is altogether in favour of the Corporation.

In connection with this question of the relations between the Commissioners and their Executive, there is one feature in the speech of the Lieutenant-Governor which has struck me very forcibly, and with which, I must say, personally I have no sympathy whatever. It is the attempt made to dissociate the Commissioners from their Executive. The Lieutenant-Governor is persuaded that there has been "a lamentable failure on the part of those responsible for the town conservancy," and he is anxious to decide to whom this failure is due—whether it arose from the laches of the Commissioners or of the Executive; he has, therefore, asked the Medical Board to make a full and searching enquiry into the matter and report the result to him. Should Government persist in pursuing this course of action, it would certainly make a great tactical blunder, inasmuch as it will lead to serious estrangement between the Commissioners and their Executive, one trying to throw the blame on the other. In my humble opinion, if His Honour believes that the Corporation has failed in its duty, he should hold it responsible for the failure. Under the law only the Commissioners, as a body, are answerable to the Local Government; while the Executive are answerable to the Commissioners. For His Honour to attempt to adjudge between the Commissioners and the Executive is much the same as a person attempting to adjudge between master and servant. Such a policy is highly demoralizing in its effects, both to the Executive and the Commissioners.

That the Lieutenant-Governor was speaking on that evening under serious misapprehension, with very imperfect information, evidently supplied to him by men wholly ignorant of municipal affairs, is apparent from his remarks about the Loan Department of the Corporation. He said, "I believe that your Loan Department would be all the better of a thorough overhauling." Why? Of all the departments in the Municipality, the Loan Department is the best managed. Only the other day the Vice-Chairman wrote to the Chairman as follows about this Department:—

The undoubtedly efficient management of the Loan Department demands appreciative recognition. A large part of my time is taken up in supervising the work of this Department, and I have had ample opportunities of

forming a correct opinion of the exceedingly careful manner in which the Superintendent and the establishment under him discharge their duties. I need hardly point out to you that the constant subdivision, consolidation and renewal of debentures at the request of their holders, not to speak of the posting of detailed accounts in a large number of separate books for different loans, and issuing of cheques for interest which are done in this Department and not in the Department under the Chief Accountant, require very careful examination of the numerous endorsements on the back, a trifling difference in the spelling of which, if undetected, would cause trouble and loss to the Municipality; and I am glad to find that the whole work is done to my entire satisfaction, though they have often to work extra hours.

The Chairman, however, is of opinion that the Loan Department should be transferred to the Bank of Bengal, not because it has been inefficient or mismanaged, but because he thinks there is great risk in managing it *khas*. He wrote:—

I should certainly be failing in my duty to the Commissioners as Chairman of this Corporation, if I did not point out to them what is in my opinion a source of real danger from a financial point of view, and that is, the continuance of the present system of managing the Loan Department.

And in doing this I make no possible reflection on any one who has had to do with the Department, either in the past, or who has to do with it in the present, as hitherto no sins of commission or omission have, I believe, been discovered, and as far as I see the Department is very well administered. At the same time there is no getting over the fact that the Corporation is running a very great risk.

The matter came up before the General Committee for disposal, and they decided to make no change whatever, but suggested that if the Chairman felt any misgiving in his mind, he might ask the Superintendent of the Department, drawing Rs. 400 per month, to furnish sufficient security, in the same way as the Collector, the Joint-Collector, the License Officer and the Treasurer of the Corporation have done. Thus it is abundantly clear that no attempt at serious examination was ever made into the subjects dealt with by His Honour.

As for the Warrant Department, His Honour has observed, "Your Warrant Department, in spite of all special pleading, is a standing scandal." What is this special pleading, and who has been guilty of it? Certainly not the Commissioners. On the contrary, they have said in a recent communication to His Honour that the Department has been found wanting and inefficient. Should His Honour ever care to acquaint himself with a little of its working, he would find how scandalously the Executive have failed in their duty in respect of this Department—and it is this Executive he advises the Commissioners to "trust the actual work more fully" and "to treat with hearty confidence." This is not the first time that the working of the Warrant Department has been found fault with by the Commissioners. During the year 1881, when the Hon'ble Mr. Beverley was the Officiating Chairman, the Department was overhauled and reorganised. Strict rules were laid down for the guidance of the officers, but all to no purpose. So recently as 1892-93, fresh rules were passed by the Commissioners, but the Department was no better for it. There was nobody responsible for it, nobody to supervise or keep a check over the working of the Department!!

The cleaning of the town is the question of the day. It has come to the forefront in consequence of the outbreak of the bubonic plague in Bombay. It is for this reason that the Lieutenant-Governor has thought fit to preface his observations on the general conservancy of Calcutta with a reference to the plague scare that lately prevailed here. He said:—"Many of you have, I see, made up your minds that, however Bombay may suffer, no plague shall come nigh your dwellings." I fail to find any basis for this statement. So far as the Commissioners are concerned, they have made no such declaration; all that they said during the last Durga Puja holidays, when the scare was at its height, was that there had *yet* been no case of plague in Calcutta, and this they said on the authority of the Medical Board and with a view to allay public anxiety; at the same time they clearly expressed their deliberate opinion that in view of the prevalence of the plague in Bombay, Calcutta should be thoroughly cleansed. At a Special General Meeting of the Commissioners held on 25th October last, the following resolutions were unanimously passed:—

(1) That the Commissioners believe that up to now there has been no outbreak of the bubonic plague in Calcutta.

(2) That having regard, however, to the prevalence of the disease in Bombay and to the intimate business relations that exist between the two cities, the Commissioners are decidedly of opinion that a thorough cleansing of the town should be effected as soon as possible by employing a special establishment, and that they are prepared to spend any reasonable amount for the purpose.

Certainly this does not shew that the Commissioners "have made up their minds that no plague shall come nigh their dwellings."

Then the Lieutenant-Governor has remarked that "You want now to crucify those who originally startled you, and as for your Health Officer, crucifixion alone is not good enough for him. He is to be immolated by a Special Committee." The impression left on the minds of everybody by these unamiable words was that His Honour spoke as a partizan trying to defend those who unnecessarily alarmed the town, and acted in the most wrong-headed way to make people believe that plague had actually broken out here.

Public opinion, amongst all sections of the Calcutta community, has long expressed itself in no uncertain way; even the Medical Board appointed by Government has declared that Dr. Simpson and his friends were too hasty in their opinion about the plague cases. It is therefore to be regretted that His Honour had not a word to say to those who raised the cry of wolf; but instead he finds fault with the Commissioners, because

they persistently refused to accept the many wild and costly recommendations of Dr. Simpson unless and until the Health Officer's opinion about the outbreak of plague in Calcutta was confirmed by other medical men of the city, men possessing long and varied experience and extensive practice. If the Commissioners had not taken up the attitude they thought it their duty to adopt, then the Manicktola Isolation Hospital would have been filled up with many a Tinowry Pal, and the Corporation would have been mulcted in heavy damages for the conduct of their over-zealous, unpractical and highly indiscreet Health Officer.

As to His Honour's remark that "the Health Officer is to be immolated by a Special Committee," it has evident reference to the Sub-Committee appointed to enquire into and report on the alleged case of bubonic plague at 1, Raja Raj Bullub Street. It is curious to observe how the Lieutenant-Governor knew all about this Sub-Committee; its appointment, made only four or five days before the speech was delivered, being known only to the members of the General Committee, and its first meeting having taken place only the evening previous. This Committee had not finished its enquiry when the Lieutenant-Governor thought it proper to anticipate its judgment and declare that the Health Officer "is to be immolated by the Special Committee." Be that as it may, if the Lieutenant-Governor had known the strong feeling that the action of Dr. Cobb and Dr. Simpson in this case evoked in the minds of the Native public at that time, he would certainly have paused before indulging in such sarcastic allusion. What offended the people most was that the doctors, in their great zeal for the cause of science, were not satisfied with taking blood from the patients' finger (by puncturing; as they had done in almost all previous suspected cases of plague), but took advantage of the absence of the poor man's near relatives and friends and of his utterly helpless condition in his last moments, and made incisions in more than one part of his body. Such treatment to a human being, when dying (however friendless and deserted he may unfortunately be at the time), is no doubt a gross outrage upon humanity.

The most important and really practical question raised in the speech is the sanitary condition of the town. Unfortunately Sir Alexander Mackenzie has mixed up the question of conservancy (surface-cleaning) with the bigger and more difficult, though allied, subject of structural improvements of the town, such as may be necessary on sanitary grounds.

With regard to conservancy proper, His Honour is apparently inclined to absolve the Commissioners from any blame on that point, for he says, "gentlemen, I am well aware that you have spent much on the conservancy of Calcutta, and I believe that the state of those streets and lanes which can be easily reached by your sweepers and carts is by no means bad." The Commissioners themselves, on the contrary, are aware that the work of conservancy in the northern part of the town has greatly deteriorated of late, and the streets, lanes and ditches have for some time past not been cleaned in the way they should be, having regard to the heavy expenditure annually incurred on that account. The matter has been the subject of comment at the meetings of the Commissioners, on various occasions, and the attention of the Chairman has been drawn to it by more than one Commissioner; and by none more pointedly than by Dr. Sanders, who from his own personal experience as a former Health Officer of Calcutta, is better fitted to judge between the state of the streets and lanes as it was during his time and as it is now. The Commissioners believe that the organisation of the Conservancy Department, specially the so-called supervising staff, is far from being satisfactory, and requires thorough overhauling. It is for this purpose that a Special Committee was appointed to consider and discuss the whole question; its labours, so far, however, have been frustrated by the persistent opposition of the Executive.

It may be mentioned here, in passing, that the total annual expenditure for conservancy and removal of night soil, during 1895-96, amounted to Rs. 7,18,670, as detailed below. This does not include the salaries of the Supervising Staff.

| | | | | Town. | | Suburbs. |
|---|------------|-----|-----|----------|----------|----------|
| CONSERVANCY AND NUISANCE— | | | | | | |
| Road cleaning | ... | ... | ... | ..... | 1,28,739 | ..... |
| Bustée | „ | ... | ... | 82,820 | ... | 15,441 |
| Port Commissioners' Jetty and Dock cleaning | ... | | ... | 4 132 | ..... | 5,839 |
| Incinerator | ... | — | ... | Nil | ..... | 9,460 |
| Road Scraping | ... | ... | ... | 10,927 | ..... | Nil |
| Gowkhana | ... | ... | ... | 1,41,071 | ..... | 52,272 |
| Removal of Nightsoil... | ... | ... | ... | 1,24,667 | ..... | 1,03,282 |
| Ditto | from Docks | ... | ... | ..... | ..... | 11,308 |
| Nightsoil Trenching | ... | ... | ... | Nil | ..... | 11,499 |
| Miscellaneous charges | ... | ... | ... | ..... | 17,213 | ..... |
| Grand Total Rs. .. |  |  |  | ..... | 7,18,670 | ..... |

But the Lieutenant-Governor's criticisms have been directed almost wholly against the insanitary condition of the town due to structural defects. He says, "there is behind these streets and lanes a festering area that is at present almost impossible for your agency to scavenge effectually, and *that* must be opened up. * * the chief problem is how to clear out the pestilential quarters that already exist." Referring to the report of the five Sanitary Commissioners, he has observed: "a more appalling document it was never my misfortune to peruse. I positively dare not read out to this assembly its revelations of the abominations in which this city abounds. * * the description given of this area will take many of you by surprise." That the report of the insanitary condition of certain areas due to structural defects of the town would be appalling, is known to everybody who is acquainted with the condition of the northern portion of the town; and no one knows this better than those Commissioners who reside in this quarter and have frequent opportunities of inspecting these unhealthy areas. It cannot therefore be any "revelation" or "surprise" to anybody except those who are new-comers and strangers to the city, such as the five Sanitary Commissioners undoubtedly are. It is, however, very curious that Sir Alexander Mackenzie, who has been in Bengal for such a length of time, and who actually resided in Calcutta during the latter part of the "seventies," should be so oblivious of the past sanitary history of the town as to treat the present report of the five Sanitary Commissioners as a "revelation" and a "surprise." For the information of the Lieutenant-Governor and those who are of his mind, I give below an extract from the Administration Report of 1876 over the signature of C. T. Metcalfe, the then Chairman of the Corporation, which gives a graphic description of the insanitary condition of the town, twenty years ago:—

The residents, inhabiting the European portion of the town have no conception of the condition of parts of the native quarter. The Health Officer describes that condition as follows:—

"It is impossible to conceive a more perfect combination of all the evils of crowded city-life with primitive filthiness, and disorder than is presented in the native portion of Calcutta. Dirt in the most intense and noxious forms that a dense population can produce, covers the ground, saturates the water, infects the air, and finds in the habits and incidents of the people's lives every possible facility for re-entering their bodies, while ventilation could not be more shunned in their houses than it is, if the climate were arctic instead of tropical."

The condition here described is generally applicable to the interior of the various blocks into which the city is divided. The city is intersected by several large thoroughfares which sub-divide the various wards into regular blocks of houses. While these main thoroughfares are clean, a few yards behind the first row of houses the ground is occupied in some blocks by undrained lanes and houses, and in others, by the so-called bustees. The question of Bustee Improvement has for a considerable time occupied the attention of the late Justices, and more recently of the members of the existing Corporation. The matter has also attracted the attention of the Government of India, and of the Secretary of State. The problem before the Corporation is this. Given a large town covered with houses, erected without any semblance of order, teeming with a dense population, chiefly migratory, without latrines, and without any attempts at sweeping. All the refuse both of the house and the cook-room is thrown into open ditches filled with putrefying matter and a black greasy slime, often several feet in depth. Generally in the centre of these blocks, there is a tank into which the sewage runs, on all sides there are privies, which void their contents into the water. The Official Analyst's report shows that the water in many of these tanks is of the character of London sewage. Shoals of worms are visible to the naked eye, and animalcule when the water is observed under a microscope. Every hour of the day the residents use this water for cooking purposes, for washing and cleaning their utensils, their person, and their soiled clothes, in close proximity to the discharge of the sewage from the latrines.

It will no doubt be clear from the above that however "appalling" the present report of the Sanitary Commissioners may be, the condition of things before 1876 was infinitely worse than at present. That the report quoted above is not exaggerated must be admitted by everybody who knows what Calcutta was before 1876. In 1884, when a Commission was appointed by Government to enquire into the sanitary condition of the town, Mr. H. J. S. Cotton, who was one of the members of that body, took the evidence of two of the oldest residents of Calcutta, the late Jagadish Nath Roy and the late Rajendra Nath Dutt. The latter (then 69 years of age) said among other things, "If I am asked my opinion on the subject and to compare the present with the past, I would say that the condition of things now, compared with what it was in the past, is the difference between heaven and hell." My object in referring to the past history of the town is simply to show that the condition of Calcutta was highly insanitary long before it came under the government of Municipal Commissioners, and that the present state of affairs is only the residue of their inheritance, after long years of steady and persistent improvement, effected throughout the town. Such being the case, it is obviously unfair and unjust to try to fasten the responsibility on the Commissioners and accuse them of having failed in their duty, when the Government itself is so largely responsible for the present state of things, the municipal administration of the city having been practically under Government control for nearly a century.

Unfortunately, however, the Lieutenant-Governor has taken a different view of the question. He seems to believe that the Corporation is to blame for the present state of things, and gives expression to his views in very strong terms. He says, "But it is clear to me that the excessive tenderness which the Commissioners have hitherto shown in dealing with the so-called rights of private ownership will have to be given up. Private owners cannot be permitted to maintain death-traps, cholera and plague nurseries for the destruction of their fellow-citizens. The city must have building regulations of the most stringent description for preventing the creation of such dreadful places as the Sanitary Officers have discovered * *. Private interests, as I have hinted, are too strongly defended to the detriment of the public weal. The operation of the law must henceforth be practically automatic and beyond the influence of party or personal votes." These are serious accusations and in all fairness it is due to the Commissioners that they should be either substantiated or withdrawn. Will His Honour be so good as to point out any single "dreadful place" or any "festering area," condemned by the Sanitary Commissioners, which has been created by the remissness of the Commissioners in

not enforcing any specific provision of the law? Is there any single instance in which a private owner has been permitted by the Commissioners to maintain "death-traps, cholera and plague nurseries"?

Much stress has been laid upon the statement that "private interests have been too strongly defended to the detriment of the public weal." But where are the specific instances in support of so serious a charge? Possibly some decisions of the Building Committee, in contravention of the Building Bye-laws, will be pointed out. There have unquestionably been differences of opinion amongst the Commissioners in regard to the enforcement of the Building Bye-laws, but that has been brought about in a great measure by the wretched character of the Bye-laws themselves. They are so loosely worded and expressed in such doubtful language, that one could put on them any interpretation he likes. Commenting upon the exceptions made by the Building Committee, Dr. Simpson, the Health Officer, remarked:—"The law is chiefly to blame in this matter, which permits of exceptions being made on any occasion instead of defining when exceptions may be made." Moreover, the instances of exception made by the Building Committee have reference to minor details of a comparatively trivial character, and have absolutely nothing to do with the creation or even the maintenance of "death-traps, cholera and plague nurseries." The proceedings of the Building Committee are all recorded in detail, and the Commissioners may challenge any one to find out a single case where the relaxation of the present Building Bye-laws has resulted in the creation of those "horrid pigsties, where, indeed, no normally constituted pig could live," to quote the graphic, but perhaps questionable, language of His Honour.

In fact, it is the law that is defective. The present set of Building Bye-laws was prepared by the Commissioners in 1889, and were then approved and sanctioned by the Local Government. These Bye-laws deal chiefly with new constructions on lands not previously built upon, there being no provision in them about old and existing congested spaces built over with pucca houses, with no access for either scavenging or free circulation of air; nor are there any provisions to prevent the creation of such festering areas. The following extracts from the Health Officer's Annual Reports will shew Dr. Simpson's opinion as to the inadequacy of the present Bye-laws:—

The existing law is powerless to prevent the foregoing defects, nor is it in the powers of the Executive.— Having given these examples, I shall now quote the new law on the subject, and endeavour to show that, although it contains a modicum of good, it does not meet the requirements of the case.

*There is no regulation as to the minimum width of existing or of new streets.—*In short an examination of the existing law shows that for Calcutta there is no regulation as to the width of existing streets, and that buildings can be constructed without reference to the width of the street or lane which it faces, and further there is no regulation as regards the minimum width of new streets. As new houses are being built in localities, or perhaps in not new localities, but in those districts less populated than others, new streets are gradually formed. It is the units which make the aggregates. It is the houses erected one by one at a time which ultimately form the streets and tortuous lanes; the natural tendency of building in Calcutta being to follow the line of some existing lane, street or passage.

I have shown that the building clauses in the Act, though good, are useless from a sanitary point of view, without the width of street, height of houses and space intervening between houses being defined. (*Health Officer's Annual Report for 1889.*)

that a building Act which shall meet the requirements of the town and a proper administration of the Act, when secured, are urgently necessary. The latter requisite is, however, dependant on the former. If the Act is framed on broad lines and clear in its requirements, there is no difficulty about its administration which must necessarily carry out the policy demanded, but if it is vague and uncertain in its readings then difficulties immediately arise, and its administration varying according to circumstances loses the firmness absolutely necessary in dealing with buildings in a large town. (*Health Officer's Annual Report for 1894.*)

From all that has been stated above, it is abundantly clear that the Commissioners are in no way responsible for the creation or the maintenance of those unhealthy areas, inaccessible to Municipal sweepers and carts, to which such serious objections have been taken.

I will now proceed to show the various works carried out by the Corporation, which have resulted in so many radical improvements of a permanent nature in the Town. The first of the series of structural sanitary improvements carried out by the Municipality was the obliteration of those open and noisome ditches that existed on both sides of roads and lanes which ran between two ranges of houses and across bustees. It began with the commencement of the drainage works in 1859. The surface improvement resulting from the filling up of these elongated cess-pools can be sufficiently appreciated by those only who were familiar with the former state of things. The following is recorded on the subject in the Administration Report for 1878:—

Fifteen years ago, almost every street and lane of the city was lined by one or two open drains, from two to six feet broad, and more or less loaded with noxious matter; and a great many drains of even larger sizes intersected the different bustees and formed the boundaries of masonry houses. The bottoms of these drains were formed of a slimy compost of earth and filth, and the stagnant water they contained was loaded with vegetable and animal matter in different states of putrefaction. The stench was very sickening. The quantity of silt which had annually to be removed from these drains amounted to a million and a half of cubic feet, and even then all the drains could not be cleansed every year. Since the introduction of the underground drainage works, this nuisance has been to a great extent suppressed. All the main roads have been provided with brick sewers to the total length of 48'98 miles, and the streets and bye-lanes have been sewered with pipes to the extent of 94'64 miles, making a total of 143'62 miles of roads of different descriptions, from which the annoyance of open drains festering with filth has

been entirely removed. The total length of drains filled up in these roads amounts to about 215 miles. There remain now 48.46 miles of pipe sewers to be laid in narrow bye-lanes; but the drains on their sides are generally under two feet in width, and are not nearly so offensive as those which have been already obliterated. As the drainage works are pushed on, they will ere long be all closed. Taking into consideration the small size of the drains, the relation of the work remaining to be done to what has been accomplished is as 1 to 20.

In addition to the roadside drains, about 14 miles of bustee drains have also been filled up. The last were particularly noxious. Most of them have been converted into bustee roads, pipe-sewered and properly metalled and lighted; so that what were before the foci of disease and death have now become the sources of comfort and convenience to the public.

The opinion quoted above has since been endorsed by the Government Commission appointed in 1884, to enquire into the sanitary condition of the town, as the following will show :—

On the other hand, it is the laying of these pipe-sewers that completes and gives its utility to the entire system. It is the branch sewers that collect the material for the principal sewers, by providing facilities for drainage all over the town. They not only carry off house-sewage and kitchen slops that would otherwise sink into and pollute the soil, but they also drain off rain-water, and so tend to keep the surface of the ground dry and wholesome. In other words, they take the place of the old open public ditches which have to a great extent been obliterated.

Almost all the open drains and ditches have now been sewered, a large number of them have been turned into footpaths, and some are used as thoroughfares; the narrow ditches between two houses or forming the boundaries of bustees, of width varying from a foot to three feet, now filled up and laid with pipe sewers, serve as passages for methers to remove the contents of the privies, which formerly voided into them; and the completed length of such sewered ditches is 35 miles. Besides obliterating the open noxious ditches, considerable improvements have also been effected by the opening out and construction of new roads required for extension of underground drainage and for general town improvement. The total length of such roads is 28 miles.

Since the passing of the present Municipal Act in 1888, with increased powers to deal with private properties in an insanitary condition, the Commissioners have begun the work of "driving broad roads through pestilential quarters," and they would refer His Honour to the Harrison Road, Lansdowne Road and other roads, constructed for the purpose of opening out overcrowded and unhealthy areas within the last 6 or 7 years. This class of work has been noticed in Dr. Simpson's report for 1891 in the following terms :—

Much has been done in the year in demolishing unhealthy areas, especially in connection with the construction of the new Harrison Road in the heart of the northern portion of the town, which has cleared away some very congested and unhealthy localities. Similarly, the erection of the new Water-works at Bhowanipore has been accompanied by the clearance of a large tract of bustee land, which was always remarkable for its filth and as a centre for the diffusion of disease to the surrounding neighbourhood. In this case the substitution of good roads, open spaces and building plots has materially improved the healthiness of the surrounding houses. The construction of the Lansdowne Road has also been the means of clearing away many unhealthy spots, removing a number of unhealthy tanks, improving others and opening up a wide street from North to South which will act as an excellent ventilator to that part of the town. These measures have conduced to healthiness and constitute good work in the cause of public health.

The Commissioners have also had before them proposals for opening out and extending other broad roads with the object of "ending" some of the festering areas. But however desirable these projects of improvements might have been, they cannot be taken up all at once on financial grounds. The following extract from the Administration Report for 1888-89, over the signature of H. L. Harrison, clearly sets forth the views of the Commissioners on this matter :—

In the same para. Dr. Simpson comments on the crowded condition of these wards, and refers to a plan of improvement which he gave last year; he draws attention to the tendency to cover every open space with buildings, condemns the policy of constructing new narrow streets and of rounding off corners as increasing the value of property, but not improving sanitation, and urges a comprehensive plan of proposed new streets.

The Commissioners fully admit the truth of these remarks, but they observe that Dr. Simpson does not bring to notice that a new Act has been passed, one of the objects of which is to obtain the requisite powers to prevent overcrowding of buildings which the Commissioners did not before possess, and that the new Commissioners have already voted a new road 70 feet wide right through the heart of Bara Bazar, which is estimated to cost 50 lakhs, gross cost, or 20 lakhs after re-selling surplus lands.

The scheme proposed by the Health Officer, of which he gave a map in his last annual report, is no doubt an excellent one, but it is hardly within the range of practical administration. It contains eight new roads, of which three, Beadon Street, Grey Street, and Upper Strand Road, have already been constructed. The Commissioners have had a rough estimate prepared by their Assessor of the cost of the remaining improvements with the following result :—

| | Estimate. |
|--|-------------|
| | Rs. |
| (1). Extension of Loudon Street to Amherst Street and of Amherst Street to Circular Road 60 feet in width | 15,00,000 |
| (2). Extension of Free School Street to the extreme north of the town 60 feet in width | 40,00,000 |
| (3). Widening of Bentinck Street and Chitpore Road to 60 feet in width | 30,00,000 |
| (4). Extension of Old Court House Street to Sobha Bazar 60 feet in width | 50,00,000 |
| (5). Junction of Durmahatta with the extension of Free School Street 60 feet in width | 15,00,000 |
| TOTAL RS. | 1,50,00,000 |

The Commissioners are not in a position (in addition to the new Central Road recently sanctioned) to pay serious attention to such costly proposals as these.

But the activity of the Commissioners has been most marked and very effective in the matter of improvements in bustees; these are also insanitary areas, not covered over with masonry buildings, but studded with kutcha huts. The amelioration of these bustees began so far back as 1877-78. Serious attempts to improve the bustee areas were first made by the Justices in 1875. They proposed to adopt stringent measures of reform against a number of bustees under Section 129 of Act VI of 1863, and notices were accordingly drawn out and forwarded to the Local Government for approval; but the Justices were informed that the Lieutenant-Governor did not consider that the provisions of the law empowered him to accord sanction to the issue of those notices. On this point the following is to be found in the Administration Report for 1876:—

During the year 1875, the Justices earnestly endeavoured to insist on a commencement being made towards improving the sanitary condition of the bustees, and they are in no wise responsible for their exertions being destitute of results.

The Municipal law which governs Calcutta is now about to be altered, and it is to be hoped that the new Corporation, which is to be called into being, will be able to accomplish under the amended law what the Justices have unsuccessfully attempted to do under the existing law.

Actual work of improvement of bustees began in 1882-83, after the passing of the amending Calcutta Municipal Act in 1881, which, among other things, gave power to the Commissioners "to purchase, improve, re-sell or lease unhealthy areas." According to this provision of the law, action was first taken in regard to Jora Bagan Bustee. Subsequently, however, the owners of several other bustees having come forward to give up land for improvement, the above procedure was modified, and proceedings commenced under other sections of Act IV of 1876. Then Act II of 1888, the present law, came in force with more extended and plenary powers, and the improvement of the bustees in Calcutta thus progressed satisfactorily.

The following figures shew the expenditure incurred in bustee improvement since 1883-84:—

| | | | | | |
|--|-----|-----|-----|-----|--------------|
| Land Acquisition | ... | ... | ... | ... | Rs. 4,16,248 |
| Construction and sewerage of roads within bustee areas | ... | ... | ... | ... | " 2,98,202 |
| Compensation paid to remove huts | ... | ... | ... | ... | " 54,405 |
| Cost of bathing platforms erected for bustee people | ... | ... | ... | ... | " 1,32,260 |
| Other miscellaneous improvements | ... | ... | ... | ... | " 24,574 |
| | | | | | Rs. 9,25,689 |

The number of bustees opened up and improved up to now is 47, the total area of the bustees thus dealt with is about 934 biggahs or about 312 acres; the total area of bustees to be improved being 2,222 biggahs or about 740 acres. This does not include the many bustees removed or opened up by the construction of the Harrison Road, Lansdowne Road, and other roads. There are again about 25 to 30 bustees, for the improvement of which the Commissioners in meeting have passed orders, and which are now in the hands of the Executive in different stages of progress. The total lengths of roads opened out within bustees is about 13 miles; 86 bathing platforms for the use of the bustee people have been constructed; in 1884-85 there were only 23 such bathing platforms. The total number of urinals is 87, of which 33 are of the new style—Macfarlan's Patent. The total number of foul tanks filled up by the Corporation is 419, the number of wells filled up is 475. Further, the Commissioners have constructed the following Squares for the use of the public since 1883-84:—

| | | |
|----------------------|--------------------------------|------------|
| Blacquer's Tank | Square, in Ward No. 3, costing | Rs. 25,000 |
| Jorapukur | " " " 6, " | " 28,000 |
| Marcus | " " " 6, " | " 1,27,000 |
| Hora Coomar Tagore's | " " " 14, " | " 18,000 |
| Norendra Nath Sen | " " " 9, " | " 15,000 |

Besides these, the Commissioners, as mentioned above, spend every year about one lakh of rupees in keeping clean the interior of all bustees (which are all private properties).

In spite of all that the Commissioners have done and are still doing to improve the sanitary condition of bustees, the Lieutenant-Governor has thought fit to tell them that "the bustee question must in future be disposed of and not played with." Does the record of improvements, enumerated above, mean "playing with the bustee question"? Let the public judge.

After having in a general way indicated the nature of the works to be undertaken by the Commissioners "to clear out the pestilential quarters that already exist,"

Ways and means for permanent sanitary works.

the Lieutenant-Governor has remarked:—"This operation, properly conducted, ought not to involve the town in much permanent expense; but whatever it costs, it must be done, if Calcutta is to cease to be a disgrace to the Empire and the nineteenth century." Then turning towards the Commissioners, he has observed: "You must, to raise the necessary funds, make the most of your existing sources of income." You must make your collecting departments more efficient and energetic, so as to be able to raise the limit of percentage of annual collections. "And when all this is done, if more money is required, you must consider the question of special cesses on specially bad areas and specially neglectful owners." All this means that the maximum rate—23 per cent.—allowed under the Act should be levied; realizations must be made to the fullest extent possible, by the application of stringent coercive

measures ; and if these measures fail to bring in the requisite amount of money, then additional and special cesses should be levied—in short, lands and buildings which have so far mainly contributed to Municipal funds, should be taxed more and more. It is true the rate of taxation has not yet reached the maximum limit, but since the amalgamation in 1889, the great increase in the assessment of residential houses, under the operation of the new law, has considerably increased the amount annually payable as rates, and, in the case of many a poor, middle-class house-owner, the utmost limit of taxation has been reached. But the Lieutenant-Governor does not take this important fact into consideration. His Honour says, “The Government must, for its own credit and for the sake of the commerce of Bengal, see that these reforms are carried out”; but he scrupulously avoids saying whether the Government—the local and the Imperial—should or should not come forward to help the Commissioners in the carrying out of any gigantic programme of structural improvements in Calcutta, involving expenditure to the extent of Crores. Is not the Government, directly and indirectly, responsible for the highly insanitary condition of the city, for those festering and pestilential areas, created during the time the municipal administration of the Town was under its control? If these works *must* be carried out, “for the credit of the Government and for the sake of the commerce of Bengal”, is it not fair, is it not just and equitable that both the Government and the Commerce of the Province should come forward to contribute to the cost?

The Lieutenant-Governor evidently seems partial to the Bombay system and has found fault with Calcutta in being “too proud to borrow its constitution from Bombay”; will His Honour himself condescend to imitate the Bombay Government in this respect? The Government of Bombay annually contribute large sums of money to the funds of the Bombay Corporation: last year, 1895-96, they paid Rs. 1,43,750 under the heading of Liquor Licenses and Rs. 27,906 under Land Conveyance, Music, &c., Licenses; the sum of Rs. 9,10,850 was realized from Town duties, and Rs. 2,17,474 from Tobacco Duty Licenses. Will the Government consent to make over to the Corporation the Canal dues or a portion of the Abkari License fees levied in Calcutta? Will the Bengal Chamber of Commerce consent to Octroi being levied on certain definitely specified articles of consumption in the City? This is a very important and practical question, and the Government will very soon have to face it, if all the structural improvements suggested in His Honour’s speech are insisted upon.

In conclusion, we may hope that “out of evil cometh good”; and I trust that when the heat and dust raised by this unfortunate speech have subsided, a better understanding may obtain between the Government and the public of Calcutta on the one side and the Corporation on the other, and between the Commissioners and their Executive, leading to the harmonious working of all for one common object, namely, the better health and better sanitation of this great city.

CALCUTTA,
19th December, 1896. }

NALIN BIHARI SIRCAR,
Commissioner for Ward No. 4.