

THE
PROPOSED MUNICIPAL LAW

FOR

CALCUTTA.

A HISTORY AND A CRITICISM

N. N. GHOSE

*Of the Middle Temple, Barrister-at-Law; Advocate, High
Court, Calcutta.*

PRINTED AND PUBLISHED BY N. G. GOSWAMI, AT THE
SUN PRESS, 19, CREEK ROW

Calcutta.

1898.

THE
PROPOSED MUNICIPAL LAW
CALCUTTA.

THE law that at present governs Municipal administration in Calcutta is embodied in the Calcutta Municipal Consolidation Act passed by the Bengal Legislative Council in 1888. It is now proposed to amend that law. The Bill which has been introduced for that purpose into the Bengal Legislative Council, and which is now under the consideration of a Select Committee of that Council, is entitled 'A Bill to amend the law relating to the Municipal Affairs of the Town and Suburbs of Calcutta and to authorise the extension of the same to Howrah.' The Bill, if passed into law, will virtually extinguish Local Self-Government in Calcutta, and will place Municipal affairs under the control of a practically irresponsible executive. It will, besides, very largely interfere with the private liberties of residents of the town; reduce their comforts, add to their vexations, make life costly, affect rights of property; and may even drive out of town those respectable men of moderate means who may be described as the poorer middle-class. The Bill has, therefore, caused intense and wide-spread alarm in the town. It is necessary to point out, by way of introduction to a criticism of the constitutional changes it proposes, first, that the Bill is of a wider than parochial importance, and secondly, that though ushered in on the plea of improved sanitation for the town, it is probably an expression of official prejudice against Local Self-Government, and is part of a retrograde policy which has lately been manifesting itself in many directions.

The Bill is not a thing of mere local interest or importance. Directly, of course, that is in its immediate bearings, the Bill purports to affect the people of Calcutta alone. But the principle on which it is based, if once recognised as valid, may be extended to any other part of the country. That principle is one of a practically irresponsible executive in a body supposed to be self-governing. The principle is the reverse, that is to say, of what is known as the principle of Local Self-Government. The Bill, therefore, threatens the civic liberties not only of the Metropolis but of every other town and Municipal area. There is not a Municipality in the country that would not be found wanting if it was to be judged by the tests employed with regard to the Calcutta Corporation. And there is not a town in the country that is not less fitted for Local Self-Government than Calcutta, for nowhere is the population larger, better educated, or possessed of larger interests. When the Calcutta Municipality has had its doom sealed, the future of no other self-governing Municipality will be safe. Whatever evils exist in municipal government in Calcutta, exist with tenfold vigour in the interior. Besides, the question is apparently not of one sort of Municipal Government or another, but of Self-Government and its extension on the one hand, and the revival of bureaucratic and central methods of government on the other, in regard to all institutions, municipal or other. Not parochial but provincial issues are involved in the Bill:

The evidences are only too manifest of an almost general reversal of the policy, which, in the earlier days of British rule, was regarded as of the essence of England's mission, and with which succeeding Governments identified themselves until very recent days. The policy was to educate the people according to western methods and up to western standards, not only in literature, art and science, but in the business of life and the work of civil administration. In a word the policy was to anglicise the eastern mind and life, without in any way assailing religious belief or practices, or giving a shock to social life and moral notions. The well educated Hindu was regarded as one of the triumphs of English rule. All that spirit and policy is now changed. The educated Indian is the person apparently the most thoroughly hated. Some sympathy is still professed for the backward classes, but the native educated in the learning and ideas of the west

is become an object of aversion. So intense and pronounced is the hate, that many of the old laws and institutions, perfectly fair and liberal in spirit, are being changed in a barefaced way. The native has never had any favour shown to him, but he has had a fair field for a pretty long time, and that is now to be taken away from him. With the exception of the Covenanted Civil Service,—whose constitution cannot be touched except by Parliament,—nearly all the fields of higher service hitherto open to fair competition have been secured against the invasion of the native. The Statutory Civil Service, created by an Act of 1870, is gone. The Army Medical Service is no longer to admit natives of India. The Engineering College at Roorkee is to be equally exclusive. In the Education Department, natives of India, whatever their qualifications, will always constitute an inferior service with lower emoluments and a lower status than those of European members of the Department. In all these instances race has been made a disqualification. Her Gracious Majesty the Queen's well-known Proclamation of 1858 has thus been torn to tatters and cast to the winds. There is a repugnance amongst officials to appoint Bengalis, whatever their qualifications, as clerks in other provinces than Bengal; and Courts are unwilling to admit men as Vakils or Pleaders in any province but their own. By some authorities in Bengal special facilities have been given to the employment of Europeans, Eurasians and Mahomedans in some departments of the public service.

The Municipal Bill is only one more move in the same retrograde direction. Sanitation may have its needs, but it is to be feared that there is a feeling in some quarters that "nigger" Commissioners must not be allowed to exercise authority over European officers of the Corporation like the Engineer, the Health Officer or the Chairman. The Vice-Chairman, who is generally a native, is deemed an anomaly. The Bill proposes to abolish his office. The people have been accustomed to look upon some of the higher Municipal appointments as prizes which they might compete for. When the Bill is passed those prizes are no longer to be within the practical reach of natives of the country. Lord Lytton distinctly proposed a bifurcation of the Civil Service on the principle of race, as it was a task of a "difficulty, indeed of utter impossibility" to get

English gentlemen to serve cheerfully under native superiors. What he openly stated,—not publicly but unmistakably—in regard to the Civil Service, has probably been felt in regard to the Corporation of Calcutta by those official personages who have conceived or approved the policy of the Bill. The Bill is no accident, but is one expression, among many, of the policy of latter-day statesmanship in regard to the administration of India.

The History of Municipal Legislation in Calcutta is briefly told. The number of Acts that have been passed is, indeed, large; but most of them are of a partial and fragmentary character, not dealing with Municipal affairs as a whole, but with some particular matter or other, such as markets, or slaughter-houses, or water-rate, or assessment, &c. The Acts that are of a comprehensive character and have made constitutional changes are few in number. The earliest Act that deals with a Municipal matter is XII of 1837. It provides that every house and out-house built within the town shall be covered with an outer roof of incombustible materials. No Municipal Commissioners had yet come into existence; nor does this Act create any. Commissioners appear to have been first appointed under Act XVI of 1847 for the improvement of the Town of Calcutta. Act XXII of 1847 enabled the Commissioners to purchase and hold real or personal property. The first Act of any importance, however, was Act X of 1852 under which four Commissioners were appointed by the Lieutenant-Governor of Bengal for the improvement of the Town of Calcutta, who continued to exercise their functions as such until that Act was repealed by Act XXVIII of 1856. In the meantime some small Acts were passed, such as Act XII of 1852 conferring certain powers on the Commissioners; Act XIV of 1856 entitled “an Act for the conservancy and improvement of the Towns of Calcutta, Madras and Bombay, and the several stations of the settlement of Prince of Wales’ Island, Singapore, and Malacca;” and Act XXV of 1856 entitled “an Act to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the settlement of Prince of Wales’ Island, Singapore and Malacca.”

By Act XXVII of 1856 Municipal Commissioners were made bodies corporate in each of the stations of Prince of

Wales' Island, Singapore and Malacca, consisting in each case of not more than five persons formed into a Committee. The Act provided that in each of the said stations the Resident Councillor should be one of the Municipal Commissioners, one should be appointed by the Governor of the settlement, and three should be elected by the rate-payers in the manner laid down in the Act. The Resident Councillor was to be the President of the Commissioners. A system of Local Self-Government was thus introduced into those stations in 1856. It was not till twenty years after, that this system was introduced into Calcutta. The contrast between the treatment offered to Calcutta and that offered to the stations of the Prince of Wales' Island, Singapore and Malacca, comes out in bold relief when we compare the Act just referred to with the very next Act of the Council, namely XXVIII of 1856. If the former establishes a distinct system of Self-Government, the latter creates a distinct system of centralised government. Act XXVIII of 1856 provides that "there shall be three Commissioners for the purposes of this Act and for the conservancy of the Town of Calcutta under Act XIV of 1856. Such Commissioners shall be appointed by the Lieutenant-Governor of Bengal, and shall be removable at his pleasure." The Lieutenant-Governor was to appoint one of the said Commissioners to be President of the Board of Commissioners. The Commissioners so appointed were to be a body corporate and to have perpetual succession and a common seal. The Commissioners were to receive such allowances out of the funds to be raised under the Act, as should be fixed by the Lieutenant-Governor. The Act was entitled "an Act for appointing Municipal Commissioners, and for levying rates and taxes in the Town of Calcutta."

All the Acts, so far mentioned, were Acts of the Legislative Council of India. Nearly every vestige of the system reared up by those Acts was removed by the comprehensive and consolidating measure, Act VI of 1863, passed by the Lieutenant-Governor of Bengal in Council, which repealed Acts XIV, XXV and XXVIII of 1856, which had already repealed smaller Acts. The constitution provided by Act VI of 1863 is thus briefly described in Section 3. "All Justices of the Peace for Bengal, Behar and Orissa, resident in the Town of Calcutta, and all Justices of Peace for the Town of Calcutta, shall, by the name of 'The Justices of the

Peace for the Town of Calcutta, be a body corporate and have perpetual succession and a common seal, and by such name shall sue and be sued." The Lieutenant-Governor of Bengal was to appoint one of the said Justices of the Peace to be Chairman of the Justices. The Chairman was to be removable from office by the Lieutenant-Governor, on a recommendation by a Resolution of the Justices. The Justices were at a Special General Meeting to nominate a Vice-Chairman whose appointment was subject to the approval of the Lieutenant-Governor. The Justices were at a Special General Meeting to appoint proper persons to the several offices of Secretary, of Engineer, of Surveyor, of Health Officer, of Collector of Taxes, and of Assessor for the Town of Calcutta. These officers and the Vice-Chairman were in all things to be under the immediate orders of the Chairman, were to perform such duties as he would assign to them, and were removable by a Resolution of the Justices. This Act was amended from time to time in regard to matters of detail by various small Acts, but the constitution as determined by it remained practically unaltered till 1876.

It will be observed that the system of municipal administration in Calcutta under these Acts was official, or at any rate centralised. The Municipal Commissioners were not necessarily, but they might be and often were, servants of Government. They were certainly appointed by Government and were responsible to it. Justices of the Peace were appointed by the Lieutenant-Governor, and by virtue of that official status they came to be Municipal Commissioners under the Act of 1863. This official, centralised system of administration proved a failure, as well from a popular as from an official point of view. The sanitary condition of the town was a scandal and a disgrace, and many are the graphic descriptions that have been given of the aspect and the condition of Calcutta in those days,—its streets, its lanes, its drains, its bustees, its tanks and wells, its miserable water-supply, its poor illumination, all rendered lamentably significant by the complaints of the people, their diseases and the high death-rate among them. Calcutta was known to be the most unhealthy place, the plague-spot in Bengal.

The official testimony also is not at all in favour of the old system of Municipal administration. In the Report on the Administration of Bengal for 1872-73, we read the following :

“The Lieutenant-Governor is more and more convinced that the present constitution of that [the Calcutta] Municipality is not good. There is too much of a spurious independence. There has been occasion for question whether a body of well-to-do householders have not preferred to reduce the direct house taxation when taxation affecting a poorer class had, perhaps, greater claims to consideration. The Justices are so far independent of the Government that the Government really is not responsible for the great and weighty matters affecting the Metropolis of India which are involved in great undertakings and much expenditure of money with a rapidly increasing debt. Not being in a position to interfere with dignity and effect, it is compelled very much to abstain from interference. On the other hand, the Committees of Justices and such bodies to whom many things are now delegated, are not efficient for executive work, as was, for instance, prominently brought to light by the failure of the Calcutta Census. As stated in the last report, much had been achieved by Mr. Hogg, but the Lieutenant-Governor much fears that some very important questions have lately drifted. His personal opinion is that the Municipality should be radically reformed. At the same time, to devise a good constitution for such a town is a work of extreme difficulty; and, perhaps, discouraged by the ill-success of his endeavours for Municipal reform, the Lieutenant-Governor has not yet attempted it.” (Introduction, pp. 29-30).

In the same report occur the following further remarks “In the last report the opinion of the Lieutenant-Governor was expressed that the constitution of the Municipality required reform....The task of giving a fit constitution to a city so very peculiarly situated as Calcutta is one of extreme difficulty; the Lieutenant-Governor has been unsuccessful in his attempt to settle the Municipal arrangements in the interior; he has thought it well to watch the reforms lately made in Bombay; recently the anxiety occasioned by failure of the crops has made it impossible to undertake an additional labour; and so altogether it has happened that the task of reforming the Calcutta Municipality has not been attempted.... The main practical drawback to the present Municipal system is that, while the Justices are not responsible to any constituency (being the mere nominees of the Government and yet not responsible to Government, since no term of office is prescrib-

ed) things are so arranged that in practice the main body of the Justices has no sufficient voice. ...Most of the able and influential men whose names appear on the list of Justices are busy business-men ; they cannot afford to give very much time to the affairs of the Municipality. The business is done either at meetings, which are public meetings and where reporters encourage long speeches, or in Committees which require much time. It is found that no man can take much part in the proceedings who cannot devote a large portion of his time, and listen for hours to speeches before he gives a vote ; and the result is that most of those whose assistance would be most valuable are deterred and take little or no part, while the business rests, as has been said, with a very limited number of gentlemen." (Report, Chapter X, pp. 176, 177.)

The Lieutenant-Governor in whose administration this report was issued, namely Sir George Campbell, was not destined to introduce the much-needed reform. It was reserved for his successor, Sir Richard Temple, to re-organise a corporation which in its old constitution had proved a failure. In the system which he introduced he provided a constituency,—the absence of which had been regretted by Sir George Campbell,—to which the Commissioners would be responsible. He made it possible for men with leisure and not mere "busy business-men" to become members of the Corporation. Warned by the failure of the old experiments he introduced a radical reform, of which his predecessor had seen the necessity ; and the system which he devised was one suited to the spirit of the times, demanded by large numbers of the rate-payers of Calcutta, and calculated to be the most efficient for practical purposes. He laid the foundations of Local Self-Government in Calcutta in regard to matters municipal. Lord Ripon had not yet set his foot in the country as Viceroy and Governor-General.

The new system was embodied in Act IV of 1876, entitled "The Calcutta Municipal Consolidation Act, 1876." Under this Act the Commissioners of the Town of Calcutta were to consist of 72 members, and were by the name of "the Corporation of the Town of Calcutta" to be a body corporate. Of the 72 members, 43 were to be elected by rate-payers of the town and 24 were to be appointed by the Local Government. The electors were to be male adult persons resident in the Town

or Suburbs, paying Rs.25 a year as Municipal rates or taxes. Some wards returned two, and some three Commissioners. A voter in a ward would have as many votes as there were Commissioners to elect. He might, however, give all his votes, that is two or three, to one candidate. No person would be eligible as a Commissioner who did not pay Rs. 50 a year as Municipal rates or taxes. The Chairman and the Vice-Chairman, if they were not elected or appointed Commissioners, would not be included in the number 72. The Chairman was appointed by the Local Government and would be removable by it on a recommendation by a Resolution of the Commissioners. The Commissioners were to appoint at a Special General Meeting proper persons to the several offices of Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor for the Town. All these officers and the Vice-Chairman were to be under the immediate orders of the Chairman, were to perform duties that should be assigned by him, and might be removed by a Resolution of two-thirds of the Commissioners passed at a Special General Meeting. Appointments and removals were to be subject to the approval of the Local Government. No Commissioner was to receive any allowance out of Municipal funds. The Commissioners in meeting might from time to time appoint from among the Commissioners such and so many Committees as they might think fit for the purpose of enquiring into and reporting upon any matter connected with the conservancy or improvement of the town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties (Section 55.) The Chairman or Vice-chairman should be a member of every such Committee, and the proceedings of every such Committee should be submitted to the Commissioners at a meeting. (Section 55).

The operation of the system established by this Act apparently gave satisfaction to the public. It called forth little in the nature of adverse criticism either from the public or the Government, for several years at any rate. In 1884, however, a section of the European inhabitants of the town made a complaint to the Government of Bengal in regard to the sanitation of Calcutta, and conducted an agitation against the Corporation in the press and on the platform. It was alleged that the sanitation of the town had been neglected and that the Corporation had failed in its duty

On receipt of the complaint, the Government of Bengal appointed, under Section 28 of Act IV of 1876, a Commission "to enquire into certain matters connected with the sanitation of the Town of Calcutta." The Commission consisted of three officials, namely, one a medical gentleman, Dr. Lidderdale, and two members of the Civil Service,—Mr. H. Beverley, who afterwards became a Judge of the Calcutta High Court, and Mr. H. J. S. Cotton, then Secretary to the Board of Revenue, and now Chief Commissioner of Assam. The last named gentleman was appointed on the nomination of the Calcutta Corporation. After the enquiry had been concluded, two of the Commissioners, Mr. Beverley and Dr. Lidderdale, signed the Report, and Mr. Cotton recorded a Note of Dissent. The Report of the majority, which was the Report of the Commission, did not err on the side of sympathy with the Municipal Commissioners or appreciation of their work. It was a piece of carping and cavilling from beginning to end, or at best a trenchant criticism of the work of the Commissioners. It may be observed by the way that the defects pointed out by the Commission in the constitution of the municipal establishment, in methods of work and in the condition of the town, have been all removed, and the suggestions made by that body have been nearly all carried out. What is specially relevant to the present purpose is that the commission, though it was unsparing in its criticism of the work or no-work of the Corporation, did not believe that any evils had resulted from the constitution of the Corporation and did not suggest any constitutional changes. On the contrary, it suggested the inclusion of the suburbs in the Municipal administration of the town, or rather the extension of the Municipal law of the town to the suburbs, with a view to the improvement of the suburbs. The following passage is taken from the Report of the Commission. "It seems to us that our report would be incomplete if we omitted to point out, and, indeed, to lay stress on the fact, that in order to derive the full benefit from the sanitary improvement that is being carried out in the town, it must be accompanied by sanitary progress in the suburbs. The insanitary conditions of the suburbs which surround Calcutta on the north, east and south, are admitted; there is no underground drainage, no pure water-supply, and the conservancy arrangements fall far short of those in force in the

town. On the other hand, the Suburbs are not so densely crowded. It cannot be denied, however, that the present condition of the Suburbs is more insanitary than that of the town, and what we desire to point out is that so long as this is the case, the Suburbs may continue to exercise an unfavorable influence on the health of the town. This being so, the question arises whether both localities should not be placed under the same local authority in regard to works of sanitation and improvement; in other words, whether the division between Town and Suburbs which now exists for Municipal purposes should not be abolished, or whether at any rate the limits of the Town Municipality should not be very largely extended. . . . The experience of Bombay has shown that a much larger area than that of the Town of Calcutta may be administered by a single local body with a fair amount of success. On the other hand, it has been suggested—and we ourselves are inclined to favour this view—that the Town and its Suburbs should be divided into several local areas, each of which shall have its representative body, with a central controlling board to secure unity of purpose and action. Whatever scheme may be decided on will require careful elaboration; but that some scheme is required under which the Town would have a more direct interest and responsibility in the administration of Municipal affairs in its Suburbs, we have not the slightest doubt.” (Para. 143.)

This idea of amalgamation which had already suggested itself to some minds was accepted by the Local Legislature and was embodied in the next comprehensive measure that was passed, namely, Act II of 1888, shortly called “The Calcutta Municipal Consolidation Act, 1888.” It came into force on the 1st of April, 1889, and is still in force as the law governing Municipal affairs in Calcutta. Under this law the Commissioners of Calcutta consist of a Chairman, a Vice-Chairman and 75 members. They are, under the name of the “Corporation of Calcutta,” a body corporate. Of the 75 members 50 are elected by male adult persons who pay rates and taxes of a particular amount, or who own or occupy houses assessed at particular amounts; 15 are appointed by the Local Government; and, under rules made by the Local Government, four are elected by the Bengal Chamber of Commerce, four by the Calcutta Trades’ Association, and two

by the Commissioners for making improvements in the Port of Calcutta, ordinarily called the Port Commissioners. For the purposes of the election of Commissioners, the Town, including the Suburbs, is divided into 25 Wards, each returning two Commissioners. The number of votes which a man can possess would vary according to the amount of rates and taxes; but no one can have under any circumstances more than 12 votes. No one is eligible as a commissioner who is not qualified as a voter. Commissioners get no allowances out of Municipal Funds. In regard to the appointment of the Chairman, the Vice-Chairman, and the other officers of the Corporation the same rules exist as were in force under Act IV of 1876. The Managing or Executive Committee of the Corporation is a body called the General Committee, appointed from year to year, consisting of 18 members, 12 of whom are elected by the 50 elected Commissioners, and 6 by the other 25 Commissioners. (Section 63.) The proceedings of the General Committee have to be submitted to the Commissioners in meeting, and the General Committee is bound by any Resolution passed by the Commissioners in meeting. (Section 64.) The Chairman and Vice-Chairman are *ex-officio* members of the General Committee, and the Chairman, or in his absence, the Vice-Chairman, presides at its meetings. The Commissioners in meeting may, from time to time, appoint from among the Commissioners such other Committees, standing or special, 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 to the General Committee, or for the purpose of advising or aiding the Chairman or Vice-Chairman in the discharge of their executive duties. (Section 65.) The Chairman or Vice-Chairman is a member of every Standing Committee, and, when present, presides at its meetings.

This is briefly the constitution which it is proposed to alter. Under the Bill the Corporation shall consist of the Chairman and 75 Commissioners, and shall by the name of "the Corporation of Calcutta" be a body corporate. The 75 Commissioners are to be elected and appointed in the same numbers and proportions and generally in the same manner as under the existing law. (Sections 6 and 7.) The General Committee shall consist of

twelve members and the Chairman as President. Of the 12 members, who shall all be Commissioners, four shall be elected by the Commissioners elected at ward elections, two shall be elected by the Bengal Chamber of Commerce, one shall be elected by the Calcutta Trades Association, one shall be elected by the Commissioners for the Port of Calcutta, and four shall be appointed by the Local Government. (Section 8.) The first elections or appointments to the General Committee shall have effect for a period of one year, and subsequent elections or appointments shall have effect for a period of three years. The Chairman is to be appointed and may be removed as under the present law. There is to be no Vice-Chairman appointed by the Commissioners, but a Deputy Chairman, with engineering and architectural qualifications, may be appointed by the Local Government, which, at its discretion, may dispense with such qualifications. (Section 12.) Subject to the approval or sanction of the Corporation of the General Committee in particular cases, and subject to other restrictions imposed by the Bill, the entire executive power is vested in the Chairman. (Section 24.) He is also to preside at meetings of the Corporation (Section 74) and at meetings of the General Committee (Section 85.) The Chairman may delegate to any Municipal Officer any of the Chairman's powers, duties or functions, except those conferred or imposed on him or vested in him by particular sections (Section 26.) The Corporation at a special meeting may from time to time appoint, for such periods as they think fit, proper persons to be respectively Controller of Municipal Accounts and Secretary to the Corporation. Such appointments shall be subject to the approval of the Local Government. (Section 56.) The General Committee, and not the Corporation, may from time to time appoint proper persons, for such periods as they think fit, to fill the respective offices of Engineer, Surveyor, Health Officer, Collector and Assessor, and any other offices carrying a salary of three hundred rupees *per mensem* or upwards. Every appointment to the office of Engineer or Health Officer, and every appointment to any other office carrying a salary of more than one thousand rupees *per mensem* shall be subject to the approval of the Local Government. (Section 57.) Every Municipal officer or servant shall be liable to fine, suspension or dismissal by the authority by whom he was appointed

(Section 60). The corporation shall meet ordinarily not less, than once a quarter for the transaction of business. But the Chairman may call a special meeting whenever he thinks fit, and shall call a special meeting upon a requisition made in writing by any ten commissioners. (Section 70). The General Committee shall ordinarily meet once a week for the despatch of business. (Section 83). The General Committee may from time to time delegate any of their powers or duties to Sub-Committees, and may also refer to Sub-Committees for enquiry and report or opinion such special subjects as they may think fit. The Chairman is to preside at meetings of Sub-committees; and the proceedings of Sub-committees shall be subject to confirmation by the General Committee. (Section 88). The proceedings of the General Committee shall not apparently require confirmation by the Corporation. Every member of the General Committee shall be entitled to receive a fee of 32 Rupees, and every member of a Sub-Committee a fee of 16 Rupees, for each meeting of such Committee or Sub-Committee at which a quorum is present and business is transacted, and which he attends from the beginning to the end thereof: Provided that no more than one fee shall be paid to any member for his attendance at all such meetings in any one week. (Section 93).

The constitution proposed, of which this is a very brief sketch, is obviously at variance with the principles of Self-Government, for, first, the General Committee is so constituted that in it the Commissioners elected at ward elections will be a standing minority, being four in number, while the nominees of the Local Government and the trading and commercial bodies will number eight; secondly, the General Committee, though only an Executive Committee of the Corporation, will be in most matters supreme, that is, independent of the control of the Corporation itself. An appearance of Self-Government is kept up in so far as it is provided that 50 Commissioners are to be elected by the Wards, and 25 only are to be elected by trading and commercial bodies and appointed by Government. But, curiously enough, the proportions are reversed on the General Committee, in which the number of representatives of the Wards is to that of the other members in the ratio of 1 to 2. The trading and mercantile interests of the town are to be represented by European bodies whose nominees to the Corporation will

have the same ideas, opinions and prejudices as the nominees of the Government are likely to have. And the General Committee in which the popular element is distinctly the smallest, is to be practically independent of the Corporation, which, to keep up appearances, is to be predominantly popular in its constitution. The interests of trade and commerce are already guarded by the Commissioners for the Port of Calcutta. Trading and Commercial men have, as individuals, voting power at elections. Their associations are represented by 10 members on the Corporation; and yet it is proposed to give them the power to directly nominate to the General Committee as many members, namely four, as represent the 25 Wards of the Town and the Suburbs. And in a system supposed to be one of Self-Government, the Local Government is to be represented on the General Committee by as many members as those that represent all the rate-payers. The Europeans resident in Calcutta have naturally little permanent interest in the Town. European Commissioners have, so far, taken very much less interest in Municipal work than native Commissioners, and the proposed system of payment of fees for attendance at meetings is obviously intended to supply a motive for attention to a kind of work which, on its own merits, has had so little attraction for Europeans. It may be observed that the funds of the Corporation are derived entirely from rates and taxes, and no grant is made either by the Government or any commercial or trading body for the purposes of municipal administration. The constitution proposed is viewed with general alarm not merely because it virtually destroys Local Self-Government in Calcutta, but also and mainly on the very practical and material ground that when the Commissioners have been rendered powerless and the executive supreme, the people, especially the poor people, will have little protection against the exactions of the subordinate officers of the Corporation and the numerous annoyances which it will be in their power to inflict with impunity.

The burden of proof is always on the innovator. In the present instance it sat heavily on the shoulders of the Legislature, for the system that it has sought to alter almost to the point of destruction had not been complained of by any body, and certainly did not offer itself as an evil crying for a remedy. At a time when Calcutta was specially

healthy, when the Commissioners were exhibiting great energy and wisdom in taking precautions against the plague that had broken out in Bombay, when they were about to inaugurate an extensive and costly system of drainage for the suburbs, Sir Alexander Mackenzie in presiding at the ceremony of inauguration pronounced the doom of the Corporation. Such a radical innovation, such a retrograde revolution, such a fierce iconoclasm could never be ushered in with less ceremony or a more complete absence of apology than what was exhibited in announcing this measure of extinction. The constitution of the Municipality of Bombay has been sometimes held up to be a model, but in Bombay the same officer is not Chairman of the meetings and the chief executive officer of the Corporation. In Bombay the Chairman is elected by the Corporation. In Calcutta he is to be, as heretofore, a servant of Government nominated by Government. And his salary is to be fixed by Government (Section 11 of the Bill), and not as heretofore by the Commissioners. (Section 43 of Act II of 1888.) As the imperfect sanitation of Calcutta has sometimes been urged as a plea for the Bill, it is as well to observe that the plague though it appeared in Calcutta could not spread or even take root in that town, and that it has been extremely difficult to eradicate it from the western town whose Municipal constitution is supposed to be so very much better than that of the Metropolis.

“Responsible executive”—that is the fetish held out to us for worship by the supporters of the Bill. What does it mean, however? To whom are the executive to be responsible? and in what way? If the conservancy of the town is in a neglected state, how is the Health Officer to be punished? And by whom? If the streets are badly repaired or the drainage pipes badly laid, how is the Engineer to be punished and by whom? Obviously, the executive are to owe no responsibility to the Commissioners. If responsibility is owed only to the head of the executive, it is miscalled responsibility. If it is owed to the Local Government, then there is no Self-Government. The more closely the Bill is examined the more clearly does it appear that the true principle of the Bill is the principle of an Irresponsible Executive.

Sir John Woodburn, in a statement made to the Bengal Legislative Council, said: “The Bill increases the share in the administration of the city, of those great interests in the

community which had been overborne by the single interest of the rate-payers." It is greatly to be regretted that His Honor did not cite a single fact in support of this statement. If the rate-payers had overborne other interests than their own, those other interests would certainly be entitled to a larger representation, though it is doubtful if even in such a case the attempt would be justified to have the interests of the rate-payers overborne by other interests. As a matter of fact, however, there is nothing to show that any interests have been overborne by the interests of the rate-payers, if indeed, there is or can be any conflict of interests in matters like those of sanitation. It is notorious that the parts of the town inhabited by the native population are those least attended to by the Municipal executive. The European quarter receives scrupulous attention. In the same statement Sir John Woodburn declared: "The solution which Sir A. Mackenzie proposed, and which the Council has accepted, is that the executive body of the Corporation shall be a Committee in which the three great interests of the city shall be equally represented: the rate-payers, the men of commerce and the Government." This seems to be an extraordinary scheme of Self-Government. The executive body, let it be remembered, is to be the ruling body of the Corporation, independent, except in a few matters almost formal, of the Corporation itself. Why must the Government, the rate-payers and commerce be equally represented on that body? According to what principles of Local Self-Government does Government require to be represented by its nominees on a Corporation or its governing, executive body? And if it is to be represented at all, why must it be *equally* represented with the rate-payers, on a body supposed to be self-governing? Why, again, should commerce be treated as a constituency distinct from rate-payers? Commercial men ought to have a voice in a self-governing body but only as rate-payers, and not twice over, first as rate-payers and next as commercial men. It is not, however, commerce that it is proposed to represent apart from the rate-payers, but *European* commerce. It is nationality and not a profession, whose equal representation with the rate-payers is considered by official authorities to be a legitimate principle of Self-Government. Neither Government, nor Commercial Associations, certainly not commerce limited to a nationality, but rate-payers alone have to be re-

presented on a truly self-governing body. Though that his abstractly true, the people of Calcutta are accustomed to, and would cheerfully tolerate, that kind and degree of special representation of commerce and the Government, which exists under the present law and which appears to be fully adequate.

The sanitary condition of the town is said to be in a deplorable state. Facts, present and palpable facts, give the lie to such an assumption. The mortuary returns for some time past, the history of the plague, the aspect of the town, the eagerness of men to live in Calcutta, the consequent rise in the value and the rent of landed property in the town, the annual administration reports, the results of the official investigation held in 1884 and 1885, all testify to a state of things very different from that now officially alleged to exist. But assuming the existence of considerable sanitary evils in the town, do they justify a radical change in the constitution of the governing body? They do not, any more than administrative evils in the Local and Imperial Governments would justify a change in the constitution of those Governments. The relevant inquiry in regard to the sanitation of Calcutta is not, what is it at present, but what is it as compared to the condition of the town in the days before Self-Government? And if there has been progress, it would also be relevant to inquire if the progress, with the funds available, ought to have been greater, and if it has been impeded by any defects in the constitution of the governing body. No such inquiries have been held.

It has been said that the Municipal Commissioners waste time on discussion and that they interfere with the executive in a way which impedes the doing of real business. It would be worth while inquiring, with reference to this charge, if the Commissioners have wasted any time but their own,—supposing there has been waste at all,—and if in spite of their discussions, if not in consequence of them, they have not done useful work. As regards interferences with the executive it will probably be admitted on behalf of the Commissioners that there have been interferences. The only question with considering in regard to this matter is if the interferences have been for the public benefit or have tended to the dislocation of useful business. The inquiry would be a most important one; but it has never been held. The mere fact of interference, whether proved or admitted, would not

condemn the Commissioners any more than it would condemn the executive. It may show either that the Commissioners were needlessly meddlesome and obstructive to public business or that the executive were at times reckless, foolish or negligent to a degree which rendered interference absolutely necessary. The character, purposes and results of interferences have not been ascertained. It is said, on behalf of the Commissioners that they have never interfered to restrain wholesome activity but have interfered only to restrain extravagance and blundering, or to stimulate to action a supine and sluggish executive. In spite of such attempts on the part of the Commissioners, the executive have often blundered and have been wasteful and negligent to a surprising degree. The corporation has been not only condemned unheard, but it has been condemned suddenly and without a complaint preferred against it by anybody. The people of Calcutta are in consequence to be made the victims of official prejudice; and Self-Government all over India must tremble in the balance when its most successful exhibition has been summarily swept away. Official minds will probably not be at ease until "self-governing" bodies are constituted on the plan of the Bengal Legislative Council where there is a standing majority of official and European Members. But will the most powerful microscope in the world discover the weight and value of the "self" in such constitutions?

THE
PROPOSED MUNICIPAL LAW
FOR
CALCUTTA.

THE law that at present governs Municipal administration in Calcutta is embodied in the Calcutta Municipal Consolidation Act passed by the Bengal Legislative Council in 1888. It is now proposed to amend that law. The Bill which has been introduced for that purpose into the Bengal Legislative Council, and which is now under the consideration of a Select Committee of that Council, is entitled 'A Bill to amend the law relating to the Municipal Affairs of the Town and Suburbs of Calcutta and to authorise the extension of the same to Howrah.' The Bill, if passed into law, will virtually extinguish Local Self-Government in Calcutta, and will place Municipal affairs under the control of a practically irresponsible executive. It will, besides, very largely interfere with the private liberties of residents of the town, reduce their comforts, add to their vexations, make life costly, affect rights of property; and may even drive out of town those respectable men of moderate means who may be described as the poorer middle-class. The Bill has, therefore, caused intense and wide-spread alarm in the town. It is necessary to point out, by way of introduction to a criticism of the constitutional changes it proposes, first, that the Bill is of a wider than parochial importance, and secondly, that though ushered in on the plea of improved sanitation for the town, it is probably an expression of official prejudice against Local Self-Government, and is part of a retrograde policy which has lately been manifesting itself in many directions.

The Bill is not a thing of mere local interest or importance. Directly, of course, that is in its immediate bearings, the Bill purports to affect the people of Calcutta alone. But the principle on which it is based, if once recognised as valid, may be extended to any other part of the country. That principle is one of a practically irresponsible executive in a body supposed to be self-governing. The principle is the reverse, that is to say, of what is known as the principle of Local Self-Government. The Bill, therefore, threatens the civic liberties not only of the Metropolis but of every other town and Municipal area. There is not a Municipality in the country that would not be found wanting if it was to be judged by the tests employed with regard to the Calcutta Corporation. And there is not a town in the country that is not less fitted for Local Self-Government than Calcutta, for nowhere is the population larger, better educated, or possessed of larger interests. When the Calcutta Municipality has had its doom sealed, the future of no other self-governing Municipality will be safe. Whatever evils exist in municipal government in Calcutta, exist with tenfold vigour in the interior. Besides, the question is apparently not of one sort of Municipal Government or another, but of Self-Government and its extension on the one hand, and the revival of bureaucratic and central methods of government on the other, in regard to all institutions, municipal or other. Not parochial but provincial issues are involved in the Bill.

The evidences are only too manifest of an almost general reversal of the policy, which, in the earlier days of British rule, was regarded as of the essence of England's mission, and with which succeeding Governments identified themselves until very recent days. The policy was to educate the people according to western methods and up to western standards, not only in literature, art and science, but in the business of life and the work of civil administration. In a word the policy was to anglicise the eastern mind and life, without in any way assailing religious belief or practices, or giving a shock to social life and moral notions. The well educated Hindu was regarded as one of the triumphs of English rule. All that spirit and policy is now changed. The educated Indian is the person apparently the most thoroughly hated. Some sympathy is still professed for the backward classes, but the native educated in the learning and ideas of the west

is become an object of aversion. So intense and pronounced is the hate, that many of the old laws and institutions, perfectly fair and liberal in spirit, are being changed in a barefaced way. The native has never had any favour shown to him, but he has had a fair field for a pretty long time, and that is now to be taken away from him. With the exception of the Covenanted Civil Service,—whose constitution cannot be touched except by Parliament,—nearly all the fields of higher service hitherto open to fair competition have been secured against the invasion of the native. The Statutory Civil Service, created by an Act of 1870, is gone. The Army Medical Service is no longer to admit natives of India. The Engineering College at Roorkee is to be equally exclusive. In the Education Department, natives of India, whatever their qualifications, will always constitute an inferior service with lower emoluments and a lower status than those of European members of the Department. In all these instances race has been made a disqualification. Her Gracious Majesty the Queen's well-known Proclamation of 1858 has thus been torn to tatters and cast to the winds. There is a repugnance amongst officials to appoint Bengalis, whatever their qualifications, as clerks in other provinces than Bengal; and Courts are unwilling to admit men as Vakils or Pleaders in any province but their own. By some authorities in Bengal special facilities have been given to the employment of Europeans, Eurasians and Mahomedans in some departments of the public service.

The Municipal Bill is only one more move in the same retrograde direction. Sanitation may have its needs, but it is to be feared that there is a feeling in some quarters that "nigger" Commissioners must not be allowed to exercise authority over European officers of the Corporation like the Engineer, the Health Officer or the Chairman. The Vice-Chairman, who is generally a native, is deemed an anomaly. The Bill proposes to abolish his office. The people have been accustomed to look upon some of the higher Municipal appointments as prizes which they might compete for. When the Bill is passed those prizes are no longer to be within the practical reach of natives of the country. Lord Lytton distinctly proposed a bifurcation of the Civil Service on the principle of race, as it was a task of a "difficulty, indeed of utter impossibility" to get

English gentlemen to serve cheerfully under native superiors. What he openly stated,—not publicly but unmistakably—in regard to the Civil Service, has probably been felt in regard to the Corporation of Calcutta by those official personages who have conceived or approved the policy of the Bill. The Bill is no accident, but is one expression, among many, of the policy of latter-day statesmanship in regard to the administration of India.

The History of Municipal Legislation in Calcutta is briefly told. The number of Acts that have been passed is, indeed, large; but most of them are of a partial and fragmentary character, not dealing with Municipal affairs as a whole, but with some particular matter or other, such as markets, or slaughter-houses, or water-rate, or assessment, &c. The Acts that are of a comprehensive character and have made constitutional changes are few in number. The earliest Act that deals with a Municipal matter is XII of 1837. It provides that every house and out-house built within the town shall be covered with an outer roof of incombustible materials. No Municipal Commissioners had yet come into existence; nor does this Act create any. Commissioners appear to have been first appointed under Act XVI of 1847 for the improvement of the Town of Calcutta. Act XXII of 1847 enabled the Commissioners to purchase and hold real or personal property. The first Act of any importance, however, was Act X of 1852 under which four Commissioners were appointed by the Lieutenant-Governor of Bengal for the improvement of the Town of Calcutta, who continued to exercise their functions as such until that Act was repealed by Act XXVIII of 1856. In the meantime some small Acts were passed, such as Act XII of 1852 conferring certain powers on the Commissioners; Act XIV of 1856 entitled “an Act for the conservancy and improvement of the Towns of Calcutta, Madras and Bombay, and the several stations of the settlement of Prince of Wales’ Island, Singapore, and Malacca;” and Act XXV of 1856 entitled “an Act to comprise in one Act the provisions necessary for the assessment and collection of Municipal rates and taxes in the Towns of Calcutta, Madras, and Bombay, and the several stations of the settlement of Prince of Wales’ Island, Singapore and Malacca.”

By Act XXVII of 1856 Municipal Commissioners were made bodies corporate in each of the stations of Prince of

Wales' Island, Singapore and Malacca, consisting in each case of not more than five persons formed into a Committee. The Act provided that in each of the said stations the Resident Councillor should be one of the Municipal Commissioners, one should be appointed by the Governor of the settlement, and three should be elected by the rate-payers in the manner laid down in the Act. The Resident Councillor was to be the President of the Commissioners. A system of Local Self-Government was thus introduced into those stations in 1856. It was not till twenty years after, that this system was introduced into Calcutta. The contrast between the treatment offered to Calcutta and that offered to the stations of the Prince of Wales' Island, Singapore and Malacca, comes out in bold relief when we compare the Act just referred to with the very next Act of the Council, namely XXVIII of 1856. If the former establishes a distinct system of Self-Government, the latter creates a distinct system of centralised government. Act XXVIII of 1856 provides that "there shall be three Commissioners for the purposes of this Act and for the conservancy of the Town of Calcutta under Act XIV of 1856. Such Commissioners shall be appointed by the Lieutenant-Governor of Bengal, and shall be removable at his pleasure." The Lieutenant-Governor was to appoint one of the said Commissioners to be President of the Board of Commissioners. The Commissioners so appointed were to be a body corporate and to have perpetual succession and a common seal. The Commissioners were to receive such allowances out of the funds to be raised under the Act, as should be fixed by the Lieutenant-Governor. The Act was entitled "an Act for appointing Municipal Commissioners, and for levying rates and taxes in the Town of Calcutta."

All the Acts, so far mentioned, were Acts of the Legislative Council of India. Nearly every vestige of the system reared up by those Acts was removed by the comprehensive and consolidating measure, Act VI of 1863, passed by the Lieutenant-Governor of Bengal in Council, which repealed Acts XIV, XXV and XXVIII of 1856, which had already repealed smaller Acts. The constitution provided by Act VI of 1863 is thus briefly described in Section 3. "All Justices of the Peace for Bengal, Behar and Orissa, resident in the Town of Calcutta, and all Justices of Peace for the Town of Calcutta, shall, by the name of 'The Justices of the

Peace for the Town of Calcutta,' be a body corporate and have perpetual succession and a common seal, and by such name shall sue and be sued." The Lieutenant-Governor of Bengal was to appoint one of the said Justices of the Peace to be Chairman of the Justices. The Chairman was to be removable from office by the Lieutenant-Governor, on a recommendation by a Resolution of the Justices. The Justices were at a Special General Meeting to nominate a Vice-Chairman whose appointment was subject to the approval of the Lieutenant-Governor. The Justices were at a Special General Meeting to appoint proper persons to the several offices of Secretary, of Engineer, of Surveyor, of Health Officer, of Collector of Taxes, and of Assessor for the Town of Calcutta. These officers and the Vice-Chairman were in all things to be under the immediate orders of the Chairman, were to perform such duties as he would assign to them, and were removable by a Resolution of the Justices. This Act was amended from time to time in regard to matters of detail by various small Acts, but the constitution as determined by it remained practically unaltered till 1876.

It will be observed that the system of municipal administration in Calcutta under these Acts was official, or at any rate centralised. The Municipal Commissioners were not necessarily, but they might be and often were, servants of Government. They were certainly appointed by Government and were responsible to it. Justices of the Peace were appointed by the Lieutenant-Governor, and by virtue of that official status they came to be Municipal Commissioners under the Act of 1863. This official, centralised system of administration proved a failure, as well from a popular as from an official point of view. The sanitary condition of the town was a scandal and a disgrace, and many are the graphic descriptions that have been given of the aspect and the condition of Calcutta in those days,—its streets, its lanes, its drains, its bustees, its tanks and wells, its miserable water-supply, its poor illumination, all rendered lamentably significant by the complaints of the people, their diseases and the high death-rate among them. Calcutta was known to be the most unhealthy place, the plague-spot in Bengal.

The official testimony also is not at all in favour of the old system of Municipal administration. In the Report on the Administration of Bengal for 1872-73, we read the following :

“The Lieutenant-Governor is more and more convinced that the present constitution of that [the Calcutta] Municipality is not good. There is too much of a spurious independence. There has been occasion for question whether a body of well-to-do householders have not preferred to reduce the direct house taxation when taxation affecting a poorer class had, perhaps, greater claims to consideration. The Justices are so far independent of the Government that the Government really is not responsible for the great and weighty matters affecting the Metropolis of India which are involved in great undertakings and much expenditure of money with a rapidly increasing debt. Not being in a position to interfere with dignity and effect, it is compelled very much to abstain from interference. On the other hand, the Committees of Justices and such bodies to whom many things are now delegated, are not efficient for executive work, as was, for instance, prominently brought to light by the failure of the Calcutta Census. As stated in the last report, much had been achieved by Mr. Hogg, but the Lieutenant-Governor much fears that some very important questions have lately drifted. His personal opinion is that the Municipality should be radically reformed. At the same time, to devise a good constitution for such a town is a work of extreme difficulty; and, perhaps, discouraged by the ill-success of his endeavours for Municipal reform, the Lieutenant-Governor has not yet attempted it.” (Introduction, pp. 29-30).

In the same report occur the following further remarks “In the last report the opinion of the Lieutenant-Governor was expressed that the constitution of the Municipality required reform....The task of giving a fit constitution to a city so very peculiarly situated as Calcutta is one of extreme difficulty; the Lieutenant-Governor has been unsuccessful in his attempt to settle the Municipal arrangements in the interior; he has thought it well to watch the reforms lately made in Bombay; recently the anxiety occasioned by failure of the crops has made it impossible to undertake an additional labour; and so altogether it has happened that the task of reforming the Calcutta Municipality has not been attempted.... The main practical drawback to the present Municipal system is that, while the Justices are not responsible to any constituency (being the mere nominees of the Government and yet not responsible to Government, since no term of office is prescrib-

ed) things are so arranged that in practice the main body of the Justices has no sufficient voice. ...Most of the able and influential men whose names appear on the list of Justices are busy business-men ; they cannot afford to give very much time to the affairs of the Municipality. The business is done either at meetings, which are public meetings and where reporters encourage long speeches, or in Committees which require much time. It is found that no man can take much part in the proceedings who cannot devote a large portion of his time, and listen for hours to speeches before he gives a vote ; and the result is that most of those whose assistance would be most valuable are deterred and take little or no part, while the business rests, as has been said, with a very limited number of gentlemen." (Report, Chapter X, pp. 176, 177.)

The Lieutenant-Governor in whose administration this report was issued, namely Sir George Campbell, was not destined to introduce the much-needed reform. It was reserved for his successor, Sir Richard Temple, to re-organise a corporation which in its old constitution had proved a failure. In the system which he introduced he provided a constituency,—the absence of which had been regretted by Sir George Campbell,—to which the Commissioners would be responsible. He made it possible for men with leisure and not mere "busy business-men" to become members of the Corporation. Warned by the failure of the old experiments he introduced a radical reform, of which his predecessor had seen the necessity ; and the system which he devised was one suited to the spirit of the times, demanded by large numbers of the rate-payers of Calcutta, and calculated to be the most efficient for practical purposes. He laid the foundations of Local Self-Government in Calcutta in regard to matters municipal. Lord Ripon had not yet set his foot in the country as Viceroy and Governor-General.

The new system was embodied in Act IV of 1876, entitled "The Calcutta Municipal Consolidation Act, 1876." Under this Act the Commissioners of the Town of Calcutta were to consist of 72 members, and were by the name of "the Corporation of the Town of Calcutta" to be a body corporate. Of the 72 members, 48 were to be elected by rate-payers of the town and 24 were to be appointed by the Local Government. The electors were to be male adult persons resident in the Town

or Suburbs, paying Rs.25 a year as Municipal rates or taxes. Some wards returned two, and some three Commissioners. A voter in a ward would have as many votes as there were Commissioners to elect. He might, however, give all his votes, that is two or three, to one candidate. No person would be eligible as a Commissioner who did not pay Rs. 50 a year as Municipal rates or taxes. The Chairman and the Vice-Chairman, if they were not elected or appointed Commissioners, would not be included in the number 72. The Chairman was appointed by the Local Government and would be removable by it on a recommendation by a Resolution of the Commissioners. The Commissioners were to appoint at a Special General Meeting proper persons to the several offices of Secretary, Engineer, Surveyor, Health Officer, Collector of Taxes, and Assessor for the Town. All these officers and the Vice-Chairman were to be under the immediate orders of the Chairman, were to perform duties that should be assigned by him, and might be removed by a Resolution of two-thirds of the Commissioners passed at a Special General Meeting. Appointments and removals were to be subject to the approval of the Local Government. No Commissioner was to receive any allowance out of Municipal funds. The Commissioners in meeting might from time to time appoint from among the Commissioners such and so many Committees as they might think fit for the purpose of enquiring into and reporting upon any matter connected with the conservancy or improvement of the town, or of advising and aiding the Chairman in the discharge of any portion of his executive duties (Section 55.) The Chairman or Vice-Chairman should be a member of every such Committee, and the proceedings of every such Committee should be submitted to the Commissioners at a meeting. (Section 55).

The operation of the system established by this Act apparently gave satisfaction to the public. It called forth little in the nature of adverse criticism either from the public or the Government, for several years at any rate. In 1884, however, a section of the European inhabitants of the town made a complaint to the Government of Bengal in regard to the sanitation of Calcutta, and conducted an agitation against the Corporation in the press and on the platform. It was alleged that the sanitation of the town had been neglected and that the Corporation had failed in its duty

On receipt of the complaint, the Government of Bengal appointed, under Section 28 of Act IV of 1876, a Commission "to enquire into certain matters connected with the sanitation of the Town of Calcutta." The Commission consisted of three officials, namely, one a medical gentleman, Dr. Lidderdale, and two members of the Civil Service,—Mr. H. Beverley, who afterwards became a Judge of the Calcutta High Court, and Mr. H. J. S. Cotton, then Secretary to the Board of Revenue, and now Chief Commissioner of Assam. The last named gentleman was appointed on the nomination of the Calcutta Corporation. After the enquiry had been concluded, two of the Commissioners, Mr. Beverley and Dr. Lidderdale, signed the Report, and Mr. Cotton recorded a Note of Dissent. The Report of the majority, which was the Report of the Commission, did not err on the side of sympathy with the Municipal Commissioners or appreciation of their work. It was a piece of carping and cavilling from beginning to end, or at best a trenchant criticism of the work of the Commissioners. It may be observed by the way that the defects pointed out by the Commission in the constitution of the municipal establishment, in methods of work and in the condition of the town, have been all removed, and the suggestions made by that body have been nearly all carried out. What is specially relevant to the present purpose is that the commission, though it was unsparing in its criticism of the work or no-work of the Corporation, did not believe that any evils had resulted from the constitution of the Corporation and did not suggest any constitutional changes. On the contrary, it suggested the inclusion of the suburbs in the Municipal administration of the town, or rather the extension of the Municipal law of the town to the suburbs, with a view to the improvement of the suburbs. The following passage is taken from the Report of the Commission. "It seems to us that our report would be incomplete if we omitted to point out, and, indeed, to lay stress on the fact, that in order to derive the full benefit from the sanitary improvement that is being carried out in the town, it must be accompanied by sanitary progress in the suburbs. The insanitary conditions of the suburbs which surround Calcutta on the north, east and south, are admitted; there is no underground drainage, no pure water-supply, and the conservancy arrangements fall far short of those in force in the

town. On the other hand, the Suburbs are not so densely crowded. It cannot be denied, however, that the present condition of the Suburbs is more insanitary than that of the town, and what we desire to point out is that so long as this is the case, the Suburbs may continue to exercise an unfavorable influence on the health of the town. This being so, the question arises whether both localities should not be placed under the same local authority in regard to works of sanitation and improvement; in other words, whether the division between Town and Suburbs which now exists for Municipal purposes should not be abolished, or whether at any rate the limits of the Town Municipality should not be very largely extended. . . . The experience of Bombay has shown that a much larger area than that of the Town of Calcutta may be administered by a single local body with a fair amount of success. On the other hand, it has been suggested—and we ourselves are inclined to favour this view—that the Town and its Subnrbs should be divided into several local areas, each of which shall have its representative body, with a central controlling board to secure unity of purpose and action. Whatever scheme may be decided on will require careful elaboration; but that some scheme is required under which the Town would have a more direct interest and responsibility in the administration of Municipal affairs in its Suburbs, we have not the slightest doubt.” (Para. 143.)

This idea of amalgamation which had already suggested itself to some minds was accepted by the Local Legislature and was embodied in the next comprehensive measure that was passed, namely, Act II of 1888, shortly called “The Calcutta Municipal Consolidation Act, 1888.” It came into force on the 1st of April, 1889, and is still in force as the law governing Municipal affairs in Calcutta. Under this law the Commissioners of Calcutta consist of a Chairman, a Vice-Chairman and 75 members. They are, under the name of the “Corporation of Calcutta,” a body corporate. Of the 75 members 50 are elected by male adult persons who pay rates and taxes of a particular amount. or who own or occupy houses assessed at particular amounts; 15 are appointed by the Local Government; and, under rules made by the Local Government, four are elected by the Bengal Chamber of Commerce, four by the Calcutta Trades’ Association, and two

by the Commissioners for making improvements in the Port of Calcutta, ordinarily called the Port Commissioners. For the purposes of the election of Commissioners, the Town, including the Suburbs, is divided into 25 Wards, each returning two Commissioners. The number of votes which a man can possess would vary according to the amount of rates and taxes, but no one can have under any circumstances more than 12 votes. No one is eligible as a commissioner who is not qualified as a voter. Commissioners get no allowances out of Municipal Funds. In regard to the appointment of the Chairman, the Vice-Chairman, and the other officers of the Corporation the same rules exist as were in force under Act IV of 1876. The Managing or Executive Committee of the Corporation is a body called the General Committee, appointed from year to year, consisting of 18 members, 12 of whom are elected by the 50 elected Commissioners, and 6 by the other 25 Commissioners. (Section 63.) The proceedings of the General Committee have to be submitted to the Commissioners in meeting, and the General Committee is bound by any Resolution passed by the Commissioners in meeting. (Section 64.) The Chairman and Vice-Chairman are *ex-officio* members of the General Committee, and the Chairman, or in his absence, the Vice-Chairman, presides at its meetings. The Commissioners in meeting may, from time to time, appoint from among the Commissioners such other Committees, standing or special, 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 to the General Committee, or for the purpose of advising or aiding the Chairman or Vice-Chairman in the discharge of their executive duties. (Section 65.) The Chairman or Vice-Chairman is a member of every Standing Committee, and, when present, presides at its meetings.

This is briefly the constitution which it is proposed to alter. Under the Bill the Corporation shall consist of the Chairman and 75 Commissioners, and shall by the name of "the Corporation of Calcutta" be a body corporate. The 75 Commissioners are to be elected and appointed in the same numbers and proportions and generally in the same manner as under the existing law. (Sections 6 and 7.) The General Committee shall consist of

twelve members and the Chairman as President. Of the 12 members, who shall all be Commissioners, four shall be elected by the Commissioners elected at ward elections, two shall be elected by the Bengal Chamber of Commerce, one shall be elected by the Calcutta Trades Association, one shall be elected by the Commissioners for the Port of Calcutta, and four shall be appointed by the Local Government. (Section 8.) The first elections or appointments to the General Committee shall have effect for a period of one year, and subsequent elections or appointments shall have effect for a period of three years. The Chairman is to be appointed and may be removed as under the present law. There is to be no Vice-Chairman appointed by the Commissioners, but a Deputy Chairman, with engineering and architectural qualifications, may be appointed by the Local Government, which, at its discretion, may dispense with such qualifications. (Section 12.) Subject to the approval or sanction of the Corporation of the General Committee in particular cases, and subject to other restrictions imposed by the Bill, the entire executive power is vested in the Chairman. (Section 24.) He is also to preside at meetings of the Corporation (Section 74) and at meetings of the General Committee (Section 85.) The Chairman may delegate to any Municipal Officer any of the Chairman's powers, duties or functions, except those conferred or imposed on him or vested in him by particular sections (Section 26.) The Corporation at a special meeting may from time to time appoint, for such periods as they think fit, proper persons to be respectively Controller of Municipal Accounts and Secretary to the Corporation. Such appointments shall be subject to the approval of the Local Government. (Section 56.) The General Committee, and not the Corporation, may from time to time appoint proper persons, for such periods as they think fit, to fill the respective offices of Engineer, Surveyor, Health Officer, Collector and Assessor, and any other offices carrying a salary of three hundred rupees *per mensem* or upwards. Every appointment to the office of Engineer or Health Officer, and every appointment to any other office carrying a salary of more than one thousand rupees *per mensem* shall be subject to the approval of the Local Government. (Section 57.) Every Municipal officer or servant shall be liable to fine, suspension or dismissal by the authority by whom he was appointed

(Section 60). The corporation shall meet ordinarily not less, than once a quarter for the transaction of business. But the Chairman may call a special meeting whenever he thinks fit, and shall call a special meeting upon a requisition made in writing by any ten commissioners. (Section 70). The General Committee shall ordinarily meet once a week for the despatch of business. (Section 83). The General Committee may from time to time delegate any of their powers or duties to Sub-Committees, and may also refer to Sub-Committees for enquiry and report or opinion such special subjects as they may think fit. The Chairman is to preside at meetings of Sub-committees; and the proceedings of Sub-committees shall be subject to confirmation by the General Committee. (Section 88). The proceedings of the General Committee shall not apparently require confirmation by the Corporation. Every member of the General Committee shall be entitled to receive a fee of 32 Rupees, and every member of a Sub-Committee a fee of 16 Rupees, for each meeting of such Committee or Sub-Committee at which a quorum is present and business is transacted, and which he attends from the beginning to the end thereof: Provided that no more than one fee shall be paid to any member for his attendance at all such meetings in any one week. (Section 93).

The constitution proposed, of which this is a very brief sketch, is obviously at variance with the principles of Self-Government, for, first, the General Committee is so constituted that in it the Commissioners elected at ward elections will be a standing minority, being four in number, while the nominees of the Local Government and the trading and commercial bodies will number eight; secondly, the General Committee, though only an Executive Committee of the Corporation, will be in most matters supreme, that is, independent of the control of the Corporation itself. An appearance of Self-Government is kept up in so far as it is provided that 50 Commissioners are to be elected by the Wards, and 25 only are to be elected by trading and commercial bodies and appointed by Government. But, curiously enough, the proportions are reversed on the General Committee, in which the number of representatives of the Wards is to that of the other members in the ratio of 1 to 2. The trading and mercantile interests of the town are to be represented by European bodies whose nominees to the Corporation will

have the same ideas, opinions and prejudices as the nominees of the Government are likely to have. And the General Committee in which the popular element is distinctly the smallest, is to be practically independent of the Corporation, which, to keep up appearances, is to be predominantly popular in its constitution. The interests of trade and commerce are already guarded by the Commissioners for the Port of Calcutta. Trading and Commercial men have, as individuals, voting power at elections. Their associations are represented by 10 members on the Corporation; and yet it is proposed to give them the power to directly nominate to the General Committee as many members, namely four, as represent the 25 Wards of the Town and the Suburbs. And in a system supposed to be one of Self-Government, the Local Government is to be represented on the General Committee by as many members as those that represent all the rate-payers. The Europeans resident in Calcutta have naturally little permanent interest in the Town. European Commissioners have, so far, taken very much less interest in Municipal work than native Commissioners, and the proposed system of payment of fees for attendance at meetings is obviously intended to supply a motive for attention to a kind of work which, on its own merits, has had so little attraction for Europeans. It may be observed that the funds of the Corporation are derived entirely from rates and taxes, and no grant is made either by the Government or any commercial or trading body for the purposes of municipal administration. The constitution proposed is viewed with general alarm not merely because it virtually destroys Local Self-Government in Calcutta, but also and mainly on the very practical and material ground that when the Commissioners have been rendered powerless and the executive supreme, the people, especially the poor people, will have little protection against the exactions of the subordinate officers of the Corporation and the numerous annoyances which it will be in their power to inflict with impunity.

The burden of proof is always on the innovator. In the present instance it sat heavily on the shoulders of the Legislature, for the system that it has sought to alter almost to the point of destruction had not been complained of by any body, and certainly did not offer itself as an evil crying for a remedy. At a time when Calcutta was specially

healthy, when the Commissioners were exhibiting great energy and wisdom in taking precautions against the plague that had broken out in Bombay, when they were about to inaugurate an extensive and costly system of drainage for the suburbs, Sir Alexander Mackenzie in presiding at the ceremony of inauguration pronounced the doom of the Corporation. Such a radical innovation, such a retrograde revolution, such a fierce iconoclasm could never be ushered in with less ceremony or a more complete absence of apology than what was exhibited in announcing this measure of extinction. The constitution of the Municipality of Bombay has been sometimes held up to be a model, but in Bombay the same officer is not Chairman of the meetings and the chief executive officer of the Corporation. In Bombay the Chairman is elected by the Corporation. In Calcutta he is to be, as heretofore, a servant of Government nominated by Government. And his salary is to be fixed by Government (Section 11 of the Bill), and not as heretofore by the Commissioners. (Section 43 of Act II of 1888.) As the imperfect sanitation of Calcutta has sometimes been urged as a plea for the Bill, it is as well to observe that the plague though it appeared in Calcutta could not spread or even take root in that town, and that it has been extremely difficult to eradicate it from the western town whose Municipal constitution is supposed to be so very much better than that of the Metropolis.

“Responsible executive”—that is the fetish held out to us for worship by the supporters of the Bill. What does it mean, however? To whom are the executive to be responsible? and in what way? If the conservancy of the town is in a neglected state, how is the Health Officer to be punished? And by whom? If the streets are badly repaired or the drainage pipes badly laid, how is the Engineer to be punished and by whom? Obviously, the executive are to owe no responsibility to the Commissioners. If responsibility is owed only to the head of the executive, it is mis-called responsibility. If it is owed to the Local Government, then there is no Self-Government. The more closely the Bill is examined the more clearly does it appear that the true principle of the Bill is the principle of an Irresponsible Executive.

Sir John Woodburn, in a statement made to the Bengal Legislative Council, said: “The Bill increases the share in the administration of the city, of those great interests in the

community which had been overborne by the single interest of the rate-payers." It is greatly to be regretted that His Honor did not cite a single fact in support of this statement. If the rate-payers had overborne other interests than their own, those other interests would certainly be entitled to a larger representation, though it is doubtful if even in such a case the attempt would be justified to have the interests of the rate-payers overborne by other interests. As a matter of fact, however, there is nothing to show that any interests have been overborne by the interests of the rate-payers, if indeed, there is or can be any conflict of interests in matters like those of sanitation. It is notorious that the parts of the town inhabited by the native population are those least attended to by the Municipal executive. The European quarter receives scrupulous attention. In the same statement Sir John Woodburn declared: "The solution which Sir A. Mackenzie proposed, and which the Council has accepted, is that the executive body of the Corporation shall be a Committee in which the three great interests of the city shall be equally represented: the rate-payers, the men of commerce and the Government." This seems to be an extraordinary scheme of Self-Government. The executive body, let it be remembered, is to be the ruling body of the Corporation, independent, except in a few matters almost formal, of the Corporation itself. Why must the Government, the rate-payers and commerce be equally represented on that body? According to what principles of Local Self-Government does Government require to be represented by its nominees on a Corporation or its governing, executive body? And if it is to be represented at all, why must it be *equally* represented with the rate-payers, on a body supposed to be self-governing? Why, again, should commerce be treated as a constituency distinct from rate-payers? Commercial men ought to have a voice in a self-governing body but only as rate-payers, and not twice over, first as rate-payers and next as commercial men. It is not, however, commerce that it is proposed to represent apart from the rate-payers, but *European* commerce. It is nationality and not a profession, whose equal representation with the rate-payers is considered by official authorities to be a legitimate principle of Self-Government. Neither Government, nor Commercial Associations, certainly not commerce, limited to a nationality, but rate-payers alone have to be re-

presented on a truly self-governing body. Though that his abstractly true, the people of Calcutta are accustomed to, and would cheerfully tolerate, that kind and degree of special representation of commerce and the Government, which exists under the present law and which appears to be fully adequate.

The sanitary condition of the town is said to be in a deplorable state. Facts, present and palpable facts, give the lie to such an assumption. The mortuary returns for some time past, the history of the plague, the aspect of the town, the eagerness of men to live in Calcutta, the consequent rise in the value and the rent of landed property in the town, the annual administration reports, the results of the official investigation held in 1884 and 1885, all testify to a state of things very different from that now officially alleged to exist. But assuming the existence of considerable sanitary evils in the town, do they justify a radical change in the constitution of the governing body? They do not, any more than administrative evils in the Local and Imperial Governments would justify a change in the constitution of those Governments. The relevant inquiry in regard to the sanitation of Calcutta is not, what is it at present, but what is it as compared to the condition of the town in the days before Self-Government? And if there has been progress, it would also be relevant to inquire if the progress, with the funds available, ought to have been greater, and if it has been impeded by any defects in the constitution of the governing body. No such inquiries have been held.

It has been said that the Municipal Commissioners waste time on discussion and that they interfere with the executive in a way which impedes the doing of real business. It would be worth while inquiring, with reference to this charge, if the Commissioners have wasted any time but their own,—supposing there has been waste at all,—and if in spite of their discussions, if not in consequence of them, they have not done useful work. As regards interferences with the executive it will probably be admitted on behalf of the Commissioners that there have been interferences. The only question with considering in regard to this matter is if the Government interferences have been for the public benefit or have tended nearly to the dislocation of useful business. The inquiry would be principally most important one; but it has never been held. The mere fact of interference, whether proved or admitted, would not justify the Legislature in interfering with the

condemn the Commissioners any more than it would condemn the executive. It may show either that the Commissioners were needlessly meddling and obstructive to public business or that the executive were at times reckless, foolish or negligent to a degree which rendered interference absolutely necessary. The character, purposes and results of interferences have not been ascertained. It is said, on behalf of the Commissioners that they have never interfered to restrain wholesome activity but have interfered only to restrain extravagance and blundering, or to stimulate to action a supine and sluggish executive. In spite of such attempts on the part of the Commissioners, the executive have often blundered and have been wasteful and negligent to a surprising degree. The corporation has been not only condemned unheard, but it has been condemned suddenly and without a complaint preferred against it by anybody. The people of Calcutta are in consequence to be made the victims of official prejudice; and Self-Government all over India must tremble in the balance when its most successful exhibition has been summarily swept away. Official minds will probably not be at ease until "self-governing" bodies are constituted on the plan of the Bengal Legislative Council where there is a standing majority of official and European Members. But will the most powerful microscope in the world discover the weight and value of the "self" in such constitutions?