

CALCUTTA CORPORATION:

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

PART SECOND.

CRITICISM AND REFUTATION OF

1. The letter of the Government of Bengal, No. 1311M., dated the 9th March, 1897, addressed to the Chairman of the Calcutta Corporation.
2. The letter of the Government of Bengal, No. 1283M., dated the 7th March, 1898, addressed to the Government of India.
3. The Speech of the Hon'ble Mr. Risley, delivered at the Bengal Legislative Council on the 19th March, 1898, introducing the Calcutta Municipal Bill.

CALCUTTA :

The 20th February, 1899

NALIN BIHARI SIRCAR,

Commissioner for WARD No. 4.

The Proposed Change in the Municipal Law of Calcutta.

PART SECOND.

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The Proposed Change in the Municipal Law of Calcutta.

PART SECOND.

A CRITICISM AND REFUTATION OF

- (1) *The letter of Government of Bengal, No. 1311M., dated 9th March, 1897, addressed to Chairman of the Calcutta Corporation.*
 - (2) *The letter of Government of Bengal, No. 1233M., dated 7th March, 1898, addressed to Government of India.*
 - (3) *The speech of the Hon'ble Mr. Risley, delivered at the Bengal Legislative Council on 19th March, 1898, in introducing the Bill.*
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In this note it is proposed to discuss the Local Government letter No. 1311M. (Municipal), dated 9th March, 1897, and addressed to the Chairman of the Calcutta Corporation, referred to in the concluding paragraph of the previous note on this subject, dated 15th March, 1898; as also the Local Government letter No. 1233M., dated 7th March, 1898, addressed to the Government of India, soliciting formal sanction to the introduction of the Bill; together with the speech of the Hon'ble Mr. Risley in the Bengal Legislative Council on the occasion of the first reading of the said Bill (as reported in the *Calcutta Gazette* of 30th March, 1898). All these cover practically the same ground, several paragraphs and statements being common to them all; the letter of the Bengal Government of 9th March, 1897, quoted above, ostensibly a reply to certain representations of the Municipal Commissioners, submitted to Sir Alexander Mackenzie, being really the foundation of the draft Bill now put forward for the "reform" of the existing Municipal Law of Calcutta. To review, from a non-official, and, it is hoped, unbiassed point of view, the above-quoted documents and publication, is the object of this paper.

It is clear from them all that, in the deliberate opinion of the Bengal Government, the present system of municipal administration in Calcutta has been an egregious failure; failing alike to grasp the complex questions of sanitary progress, or to devise measures for the due and enlightened discharge of municipal obligations. This sweeping condemnation is so entirely at variance with the belief and convictions of those who have devoted years of labor to, and study of, municipal affairs in Calcutta, that a close examination of the evidence adduced in support of the Government contention becomes a necessary duty.

First, then, the indictment of the existing law rests mainly upon the reports of the Sanitary Officers, deputed by Government to "make a sanitary survey" of the city, and upon the evidence of Dr. Banks, who was temporarily employed for a period of 6 months by the Calcutta Corporation as Chief Superintendent of Conservancy.

The Sanitary Officers referred to, Dr. Banks himself not excepted, were strangers to Calcutta, and had absolutely no previous experience of the northern half of the city to which their reports particularly referred. They were one and all new to the place, and were without knowledge of the past sanitary history of the area over which their inquiries extended. Dr. Banks was said to have had large experience of practical sanitation "as Civil Medical Officer of Puri," but it may reasonably be assumed that such experience, however great, would be of little help in gauging intelligently the sanitary exigencies of Calcutta. If, therefore, it was intended to use the report of these gentlemen as the basis for the drastic measures now proposed, common prudence should have suggested the desirability, not to say fairness, of associating with them some officer or officers, possessing an adequate knowledge of the general sanitary condition of the city, present and past; for, if a system of administration is to be placed on its trial, it is important that some regard should be had to what had previously been the state of things, as well as to what the sanitary situation of the city now appeared to be.

But, as was to be expected, the reports are silent as to what has been accomplished under the present rule, and only what yet remains to be done is enlarged upon. The legacy of past supineness inherited by the present Commissioners is still manifest by many a sanitary blot, and these of course, as in duty bound, the Sanitary Officers have held up to public gaze, but they have failed to record, as was equally to be expected, the yet more numerous blots the Commissioners have wiped away. Hence it is that the reports submitted to Government partake more of the nature of a sensational indictment than a plain statement of facts. In the midst of a torrent of general observations, they quote only a few specific cases, and the bewildered reader is left to his fears and his imagination for the details of the gruesome picture. Hasty legislation, born of panic, consequently confronts us.

Criticism of the Sanitary Officers' Reports, Dr. Banks' evidence and the summary thereof made by the Local Government.

In criticising the reports and the evidence, it may be remarked that no complete list is given of all the houses, privies, &c., inspected by the Medical Officers. This should certainly have been furnished, together with their remarks on the condition of each; and the omission to supply such necessary particulars is a serious defect, and greatly detracts from the value of this part of the case.

The first matter dealt with in the reports is overcrowding, and it is divided into two parts:
 Overcrowding. (1) the overcrowding of houses and huts by the inmates thereof, and (2) the overcrowding of areas of land covered over with masonry buildings and huts.

In reporting upon the first part, the Sanitary Officers instance seven cases only. The first is of a house in Colootolah (Ward No. 8), concerning which the information was obtained second-hand from a Conservancy Inspector. The number of the house and the name of the street in which it is situated have not been given; we have, therefore, no means of verifying the statement. As to the six other cases, the number of the premises and the names of the streets are given in respect of only two, *viz.*, 81, Grey Street, and Russic Lal Ghose's Lane (no number); but these are huts, not masonry buildings. When the Health Officer, Dr. Simpson, inspected these huts on 23rd December, 1896, he found no overcrowding in them. It is not stated how many other houses and huts were inspected with a view to determine the question of overcrowding; neither is it stated whether any houses and huts were at all inspected, which were *not* overcrowded.

As to the second part, *i.e.*, localities overcrowded with buildings, only three instances are given, and these are situated in Wards 5 and 7. There are no doubt many such instances of overcrowding in these two wards; but the report should have contained a fuller list of such localities and houses. It should have also mentioned the localities in the town that are *not* overcrowded; it is doubtful whether any such localities were inspected by the Sanitary Officers, for not a word is said about them in the reports.

Then, in all fairness to the present administration, it should have been stated when these buildings were erected, and since when has the overcrowding of masonry houses in certain localities taken place; for, before 1889, when the present Act came into force, there was no provision whatever in the law to regulate the building of masonry houses, and the Municipality had no legal powers to prevent overcrowding in buildings; and if all these overcrowded localities (built over with masonry buildings) existed before 1889, certainly no sensible man can find fault with the present system of administration. Even the existing law contains no provisions for remedying the state of things so bitterly complained of now.

With regard to overcrowding of houses by the inmates thereof, legal safeguards to remedy this were provided for the first time by the present Act in section 320, but, as Dr. Simpson has pointed out in his note, dated the 9th December, 1896, this section does not apply to *huts*, nor does the law provide any penalty for overcrowding. Further, no provision has been made fixing the minimum cubic space in a room for each person; hence, no effective action could be taken under the section. If then the law on the subject is defective, the law should be amended and not the system of administration, which has been in force for the last 34 years, and which cannot be held accountable for a state of things which it was powerless to remedy.

Dr. Banks in his evidence has also given half a dozen instances of overcrowded buildings, but these are all in Bara Bazaar (Wards 5 and 7), with the exception of one house, No. 108, Jaun Bazaar Street (Ward No. 14). Dr. Banks, however, does not say what was the condition of the masses of houses and huts in the other wards. As for overcrowded areas, Dr. Banks

refers only to Wards 5, 6, 7 and 8 as examples. He has evidently excluded all the other wards, but he has not categorically mentioned any ward or wards which, in his opinion, are not overcrowded with buildings and huts.

These reports, palpably incomplete and meagre, have, however, thus been summarised by the Local Government: "In many parts of the town and suburbs they found that both *pucca* houses and *bustee* huts were dangerously overcrowded, and were built in a manner which rendered proper ventilation and efficient conservancy almost impossible." This is a trifle too general and cannot reasonably be accepted as a correct summary of the reports of either the five Sanitary Officers or of Dr. Pilgrim, who reported on Wards 22 and 25 (Bhowanipore, Khidderpore and Watgunge). That there are *some* portions of the town proper, and smaller portions of the added area, overcrowded with *pucca* buildings and huts, nobody will deny; but to say that *many parts of both the town and the suburbs* are not only overcrowded, but *dangerously overcrowded*, is to state that which the evidence adduced does not support and which fuller inquiry could not justify.

And then, in a tropical city like Calcutta, what is it that constitutes "overcrowding to a dangerous extent"? The question has not been definitely settled by reference to any actual scientific inquiry, so far as Calcutta or similar cities are concerned. All that has been said or written on the subject is based upon experiments conducted in cities in temperate regions and under conditions absolutely different from those that obtain here. In Calcutta there are two prevailing winds, the north and the south, blowing alternately almost throughout the year. People here live and work largely in the open; they keep their doors and windows open, and their dwellings are thus kept well ventilated; they sleep with their windows open throughout a great portion of the year; many—particularly the poor—sleep on the roofs of houses, in verandahs, and other open places. These are certainly conditions which must be taken into consideration in determining the limit beyond which overcrowding, either of buildings in a locality, or of persons in a building, in Calcutta, would be injurious to health. In this connection it would not be out of place if some of the questions put to Dr. Simpson on this subject, at the Building Commission, together with his answers, are reproduced here:—

Q.—What is the minimum population per square mile which may be taken as *not* to affect mortality in a tropical city like Calcutta? Have any practical experiments been ever conducted in Calcutta to determine this?

A.—The maximum population per square mile which may be taken as *not* to affect mortality in a tropical city like Calcutta would be, I should say, from 35,000 to 45,000, if ordinary sanitary conditions are insisted on. No practical experiments in the wards of the city have been carried on to support this statement, there being so little in common in any of them.

Q.—In answer to Question No. 15 annexed to the Circular of the 3rd May, and elsewhere, you have recommended certain open spaces to be kept in ^{and}/_{or} around a building for purposes of ventilation. Have any experiments ever been made to determine what constitutes "sufficiency of ventilation" in Calcutta? What calculations, if any, have been made to determine the sufficiency or otherwise of the open air-spaces recommended for proper ventilation? If no experiments and calculations have been made, then on what grounds are your recommendations based?

A.—Experiments have been made to ascertain what constitutes sufficiency of ventilation in Calcutta, but they have not been sufficiently numerous or conducted under sufficiently varying conditions to allow of an exact answer. Approximately, however, when the air in Calcutta is obstructed by a building, it takes a distance of one to three times the height of the building before it again reaches the same level. It is on a basis of this kind, taking the minimum rather than the maximum, that the air-spaces recommended have been calculated.

Q.—What safe minimum cubic space would you recommend for a single healthy adult living (a) in a masonry building or (b) in a hut in Calcutta? Is the recommendation based upon any experiments on the subject carried on in this city? How do you arrive at it?

A.—This would depend entirely on the ventilation of the building. With open doors and cross ventilation the cubic space needed might be small under ordinary circumstances. But when the air is stagnant, which occurs between a fourth and a fifth of the year in Calcutta, the cubic space would require to be larger. So also in the cold weather and rains, doors and windows are apt to be closed, and the air in the room is changed, but slowly. It is the unfavourable conditions for rapid change of air, rather than the favourable, which have to be considered in fixing a minimum cubic space. I take it that, under the unfavourable conditions mentioned, the air of the room would not be changed more than three times in an hour, and as an individual requires 3,000 cubic feet of fresh air hourly, the room to give that amount of fresh air should have at least 1,000 cubic feet for each individual. Less would be required for children. Of course, if it can be arranged that under the worst conditions the air will be changed oftener, then the 1,000 cubic feet for each person may be diminished, but the 1,000 cubic

feet is a safe standard. In regard to huts, the same considerations weigh in dealing with the amount of cubic space to be allowed for each individual. But there is an important difference in a masonry house and in a hut in the matter of ventilation. The ventilation in a bamboo mat hut or even in a mud hut is much better as a rule than in a masonry house, and probably 500 or 600 cubic feet per person would be a safe standard."

It thus appears that in Dr. Simpson's opinion the safe minimum space for one person in the case of a masonry built room in Calcutta is 1,000 cubic feet and in the case of a *kutch*a hut 500 or 600 cubic feet. But the Building Commission (of which Dr. Dyson, the Sanitary Commissioner of Bengal, was a member) has recommended only 400 cubic feet of space for each person in the case of both houses and huts. Thus, where Dr. Simpson would allow only 50 persons to live in a house, Dr. Dyson would allow 125 persons—so great is the divergence of opinion amongst experts on this question of overcrowding in Calcutta.

With regard to the question of overcrowding in Calcutta, having special reference to the outbreak of plague, the following extract from a letter written by one of the Medical Officers, lately deputed to this country by the Secretary of State for India, in connection with plague operations, may not be uninteresting :—

"In my opinion in Calcutta, barring the inside overcrowding at night in the *bustees*, there is no actual overcrowding of areas, such as would allow rapid spread of disease. Of course, population over 200 to an acre is great overcrowding, but there are very few spots (perhaps about Burra Bazar and round about) where that limit is reached. Compare your 200 to an acre with 600 of Bombay!"

"Calcutta houses of middle class people are splendid, well-ventilated buildings with open squares inside. They compare favorably with London houses. They are further occupied by one family or at the most with two or three families, with the exception of a few filthy Marwari houses. In fact in the greater part of Calcutta there is no overcrowding inside the houses, as in thousands of tenement houses in Bombay. It is a common thing for middle class people in Bombay to occupy two or three rooms of the total cubic capacity of, say, 2,000 cubic feet, both for living and sleeping accommodation for 8 to 12 persons. Poor, of course, are far worse."

"No doubt, in Calcutta *bustee* houses are overcrowded; but there is a fortunate redeeming circumstance that the walls being of split bamboos and mud provide numerous unintended apertures for the circulation of air: doors ceiling, &c. are in most cases far from air-tight."

In making the above observations, it is not intended nor desired to undervalue the evils arising out of whatever overcrowding may now exist in Calcutta, and the necessity of abating the present evils in this respect is keenly felt. The object, however, is only to shew how very little is known and how slender has been the inquiry held in connection with this vital question.

In any case, the Commissioners cannot be blamed for what really exists; because these congested areas existed long before the present system of municipal government was established. The law has given power to the Commissioners for some years past to improve congested *bustee* areas (covered with huts), and this they have done and are continuing to do. The improvement of areas covered with masonry buildings, such as exist in Wards 2, 5, 6, 7 (portion) and 8, however, is beyond the powers of the Corporation, there being as yet no provision whatever in the law for making such improvements.

There are altogether 84 public latrines—48 municipal, 34 *jamadari* or licensed and 2 Government; besides 62 *zamindari* latrines in *bustees*. With the exception of the 34 *jamadari* latrines, the rest are open to the public, free of charge. The municipal latrines in the town area were made free in 1885, in accordance with the recommendation of the Beverley Commission. The sanitary officers do not appear to have personally inspected very many of these public latrines. They write: "Of the public latrines that exist, none are really built on sound sanitary principles, to add to which certain of them, as for instance, one in No. 93, Upper Circular Road, are in a hopelessly dilapidated condition, the masonry of the floors and seats broken up and the ground on which they stand freely absorbing every possible degree of filth. * * * The large gully-pit into which the night-soil is supposed to fall is choked and filled up with enormous masses of solid excreta." Dr. Banks, however, who evidently possessed fuller personal knowledge of these latrines, made the following observation in his evidence before the Medical Board:—

"The latrines (public) are as a rule made of masonry and the urinals of corrugated iron; the floors also are *pucca*. None of the public latrines which I have seen are *kutch*a. I do not think there is very much to object to in them. They seem to be fairly well flushed. * * * All the latrines in the town area are connected, that is to say, 46 out of the 50 public latrines, to the best of my knowledge, are connected with the sewers. * * * I think the flushing arrangements are fairly satisfactory under present conditions, but could be considerably improved. The water-supply is not constant."

Thus there is a conspicuous conflict of opinion on this point between the report of the five Sanitary Officers and the evidence of Dr. Banks. The Local Government however ignore this discrepancy and remark that "the public latrines and urinals were in many cases faulty in construction, they were imperfectly cleaned and their number was insufficient." Dr. Banks' observation quoted in the Government letter that "urinals were invariably used as latrines" greatly overstates the case, as only in certain cases at night are they so used; in the daytime scarcely a urinal is or can be used as a latrine.

Dr. Simpson, as Health Officer of the Corporation, has made the following observations on the Sanitary Officers' report regarding the public latrines:—

Those latrines which were found faulty in construction by the Sanitary Officers are old. Many old latrines, however, have been replaced by those of a modern type; for instance, the foul-smelling latrines and urinals in Dalhousie Square were replaced by Macfarlane's, on the Health Officer's suggestion and according to his design. Necessarily those latrines which are in a dilapidated condition cannot be cleansed so thoroughly as could be wished; but as a rule they are kept fairly clean, one and two mehters being kept at each, night and day, and after the rush of the morning is over the mehters thoroughly wash down and disinfect the latrine with phenyle or carbolic acid.

Recently two large latrines—one with 16 seats for men and one with 12 seats for women—also, a 4-seated urinal, were erected at Kalighat.** The seats are of Donaldson's pattern which is by far the best type in India for native latrines, and are of glazed earthenware, while the whole understructure of the latrines is of glazed brickwork. It will be seen, therefore, that the recommendation of the Medical Board as to latrine seats of glazed clay is one with which the Municipality agrees and has been carrying out for some years.

In the town proper there are two distinct types of privies—one *kutch*a in *bustees* and the other Private Latrines *pucca* attached to masonry houses. The general description of private latrines or Privies. given by the Sanitary Officers is more applicable to the former than to the latter. The *pucca* mehter-service privies are as a rule of a far better type than the *kutch*a ones. There is one important sanitary feature in the construction of these mehter-service privies, whether *kutch*a or *pucca*, which has been overlooked, not only by the Sanitary Officers, but by Dr. Banks as well. That feature is the arrangement by which the solid excreta finds its way into the *gumla*, and the liquid (urine and washings) into the house-drainage, through the small drains by the side of the privy seat. It is in ignorance of this arrangement that the statement has been made both by Dr. Banks and in the letter of the Local Government to the Government of India that "ninety per cent. of the urine soaks into the floor or gets into surface drains"; which is absolutely at variance with the facts of the case. The drainage of almost all *pucca* houses in the town proper is connected with the underground sewers, so that the urine and washings of all the *pucca* privies attached to these *pucca* houses, instead of soaking into the floor, get into the sewers. In the case of *kutch*a privies in *bustees*, in which underground sewers have not been laid, the liquid (urine and washings) is collected in earthen pots outside the privy, and is removed in sullage carts to the different discharging depôts. With such an arrangement there must be some instances of *kutch*a privies in *bustees*, from which the liquid sewage finds its way into the ground or into adjoining surface drains; but these are the exceptions rather than the rule, and a little more vigilance on the part of the subordinate officers of the Conservancy Department would reduce them to a minimum.

Objection has been taken to the absence of "conducting pipes" in mehter-service privies, whether on ground or on upper floors; but it ought to have been known that privies with such conducting pipes, unconnected with the underground sewers and without any flushing arrangements and proper supply of water, would be greater and surer sources of nuisance and unhealthiness than without them. Dr. Simpson was strongly opposed to such conducting pipes, and he persistently refused to sanction such privies on the ground of insanitation.

Dr. Banks in his evidence before the Medical Board has given several instances of dark, ill-ventilated privies, badly situated and without proper entrance into the vaults thereof. But he has not mentioned the fact (and the Medical Board did not seek to elicit from him any information on the point) that all these privies are altogether antiquated structures, built perhaps a century ago, when there was no municipal system, or whatever there was, was under direct Government control. These are, moreover, so situated as to form an integral part of the main building, and no permanent improvement is possible without demolishing the whole structure; but for such demolition of a privy or

a portion of a building there is no provision in the law, and the Commissioners are therefore entirely powerless to effect such improvements, however desirable and pressing.

The type of mehter-service privy that has been in use for ages in this part of the country consists of two parts, whether on the ground or the upper floor, namely, the privy room, and the vault underneath, the latter being invariably situated on the ground floor. In Calcutta these privies were formerly attached to the house, but the Commissioners have lately insisted upon these being separate from the main building. The privy room has an entrance door and at least one window for ventilation. In the privy room there is the necessary aperture with foothold on either side; there is surface drain in front and on one side for the urine and washings to pass into the sewer or outside the privy; underneath the aperture within the vault is a *gumla* (earthen receptacle) to receive the night-soil through the aperture. The floor of the privy room is the roof of the vault, which has a trap door, to enable the mehter to remove the night-soil from the *gumla* and clean the vault. The only entrance to the vault being a trap door, mehters can only get in by stooping.

It is, however, alleged that "in order to clean these privies (that is to say, all ordinary private *pucca* privies), the mehters have to crawl on their hands and knees or even to lie down." The description is horribly graphic, but unfortunately for the sensation-monger it is not true. There may be isolated cases where such a description, although highly exaggerated, cannot be seriously objected to; but generally speaking, the words used are misleading and cannot be justified.

It has been complained that the vault or night-soil chamber in mehter-service privies is ill-ventilated, and it is recommended that there should be "adequate ventilation of the *gumla* chamber" (*i. e.*, the vault). This betrays practical ignorance on the part of the Sanitary Officers of the actual condition of things. That the vault should be lighted and that there should be proper access for the mehter one can understand; but it is difficult to see why the vault itself (which is used solely as a place for temporary deposit of night-soil) should be ventilated and thus be made a centre of nuisance and possibly of danger to health. As a temporary receptacle of sewage-matter, should not the place, in the interest of sanitation, be hermetically closed, as far as possible? But the accumulated filth must be daily removed, once if not twice, and for this purpose only a small trap-door is provided for the mehter. It is evidently sanitary considerations which have led to the vault and the trap-door being constructed of as small a size as is consistent with the actual necessities of the case.

The following is taken from Dr. Simpson's note on the Sanitary Officers' report regarding private latrines:—

With reference to the old types of latrines, their insanitary nature was brought before the Commissioners in a note on the subject on 25th February, 1888, when it was recommended that none of these latrines should in future be permitted, and those now existing should, as far as possible, be remodelled; the note was also included in the Health Officer's annual report for 1888, and photographs of the different types given. The result of this note was that several model latrines were erected at Municipal expense, and the best form was found to be connected latrines detached from the house and only connected by a passage, and this is being insisted on by the Health Department in new connected latrines. None of the kind described in the note of 1888 have ever been sanctioned by the Health Officer since that date. He has refused to have anything to do with such abominations, and only a few have been sanctioned during the past eight years by the Commissioners themselves; a fair number of them has been remodelled and converted into connected latrines, but progress in this direction is stopped by an insufficient unfiltered water-supply, whilst for a very large number of them nothing short of demolition of the latrine, as well as the whole or part of the house, can effect any improvement. It is impossible under existing, or indeed under any, circumstances for these types of latrines to be properly cleaned. * * Demolition of the latrine and the house is frequently the only improvement that is possible, while to improve the remainder an ample unfiltered water-supply requires to be provided.

When the drainage system was first introduced, connections were allowed without any flushing arrangements. This defect has been remedied in many houses, but those latrines which remain are very liable to get choked and out of order.

With regard to the number of mehters (sweepers) employed for removing night-soil from unconnected privies, there is again a divergence between the statements of the five Sanitary Officers and Dr. Banks. The Sanitary Officers say:—"As far as we can gather from the figures supplied by the Health Officer, there is an average of 39 privies per mehter, but we are credibly informed by the inspecting staff that the average number of privies per mehter is about 40 or 50." But Dr. Banks, then acting as the Chief Superintendent of Conservancy, in his evidence before the Medical Board, said:—"The average number of privies cleaned by each mehter is only 23·2."

The Sanitary Officers do not appear to have inspected any of the night-soil depôts,—for they have made no mention of them in their report. Dr. Banks has said something about them in his evidence, which has been summarised in the Government letter. After describing a night-soil depôt, Dr. Banks says, “the night-soil is washed into the main sewer with as much water as is available,” apparently suggesting thereby that it is not washed with sufficient water. These depôts, however, are worked in the morning, when there is always a large supply of unfiltered water available throughout the town. In reply to a question put to him as to the state of repair of these night-soil depôts, Dr. Banks said:—“Some of the depôts are not in good repair. One in particular in the *bustee* behind Park Street lane was in a bad state of repair when I inspected it. The floor is completely broken up. *Most of those I have seen are in fairly decent repair.* * * * The flushing arrangements are fairly good. * * * I understand they (the night-soil depôts) have no appreciable effect on vital statistics. * * *” And this part of the evidence has been thus summarised in the Government letter:—“*Some of the depôts were in bad repair, and in one the floor is described as being completely broken up!!*”

The surface drains in the town proper are quite different from those in the amalgamated suburban area. The latter are no doubt objectionable, being mostly *kutchas*, and more or less foul and unclean, but these must remain so until the underground sewer system, now being introduced, has been completed. In the town proper such open drains seldom exist on the sides of public roads; there may still be a few in private *bustees*, remote from public thoroughfares, but even these remnants of the old order of things are being fast obliterated. Dr. Banks has mentioned only one case in Ward 14. But the surface drains spoken of by the five Sanitary Officers are *pucca*, shallow, and are comparatively of short lengths, intended for the surface drainage of small local areas; in several instances these surface drains are redundant; the road having been sewered, the laying down of ordinary kirb and channel stones should meet all requirements. But even such surface drains in the town proper are very few in number. The Sanitary Officers ought to have ascertained approximately the number of such surface drains now existing, and mentioned it in their report. In the summarised report on the condition of the surface drains, as given in paragraph 4, sub-para. (6), of the Government letter, the surface drains in the amalgamated area and those in the town have been mixed up, and have not been kept separately in view. The first sentence, which runs thus:—“These drains were said to be badly aligned and out of repair; they were largely used as latrines, and in many instances, privies drained into them,” is evidently intended to be a general description of surface drains in the town proper; but the whole paragraph is only applicable to the surface drains in the amalgamated area, and must be admitted to be incorrect and highly misleading so far as the town proper is concerned.

Dr. Simpson has made the following remarks on the report of the Sanitary Officers in regard to surface drains:—

Surface drains in the town are to be found in *bustees*, and between closely built houses and on the sides of lanes and roads, and they form the general drainage system of the suburbs. In *bustees* and narrow passages where there are unconnected latrines, under existing arrangements, a quantity of the urine and privy washings pass into the surface drains before reaching the gully pit by which the surface drain is connected with the underground drains. As long as the surface drain is in good order, there is nothing particularly insanitary about this arrangement. It is far more preferable than a direct connection, which would inevitably get choked. It has the advantage of showing any defect at once, and allows of it being readily dealt with.

Mr. Hughes, the Chief Engineer of the Corporation, also has made the following observation:—

The remarks of the Medical Inspectors probably apply to an old pattern of surface drain made with half pipes laid in concrete. These are being replaced by kirbing and channelling, as it is found that they wear badly and cannot stand cart-traffic. As far as I have seen them, the surface drain in *bustees* are as a general rule in good order where they are fairly treated and properly cleaned and flushed.

The summarised report in the Government letter under this head is too general and too dogmatic. No idea whatever is given as to the number of “the numerous” wells now existing in the town proper. Since the introduction of filtered water supply, a considerable number of wells has been filled up; several, no doubt, still remain, and it was the clear duty of the Sanitary Officers to have ascertained by inquiry the reasons for retaining them. Then there are wells in Calcutta, the water of which is not unwholesome. Why should these be filled up?

Speaking of wells in Ward 22, Dr. Pilgrim writes:—"The water from these wells I found to be invariably clean and free from smell of any kind."

It is said that "wells in court-yards were contaminated by the percolation of sewage impurities from the soil." The allegation is far too general to be correct. Wells which are situated very close to a privy which is not kept clean, may have their water contaminated by percolation of sewage impurities; but are there not many wells removed from privies and other centres of impurity; why should these be condemned without the water being properly analysed?

Before the present law came into force, there was no legal provision for the compulsory filling up of wells. One of the recommendations of the Beverley Commission in 1885 was "that the Corporation should obtain power to fill wells and to forbid the sinking of wells in unwholesome localities." This power is given under the present law, and since 1889, 475 wells have been filled up. In his evidence before the Medical Board, Dr. Banks complained that "the Health Officer was systematically filling up all the wells, when a resolution was passed that none of the wells should be filled up until the water in them was analysed. This crippled the action of the Health Officer considerably." Dr. Banks however was ignorant of the law, hence his complaint. The Commissioners never intended to stop the filling up of wells, but they only insisted upon the provision of the law being complied with. Section 315 gives power to fill up unwholesome wells, which are injurious to health or offensive to the neighbourhood; and this could be ascertained only by a proper analysis of the water. The Health Officer dispensed with this preliminary process and indiscriminately issued orders to fill up wells; which, in many cases, if insisted upon, might have led to unnecessary litigation and consequent loss to the Corporation. It was only to avoid this undesirable state of things that the Commissioners directed the Health Officer first to analyse the water of a well, and if it was found to be unwholesome, then to issue orders to fill it up.

It further appears that both Dr. Banks and the Medical Board believe that "the wells are used for drinking when the supply of drinking water is shut off." This, however, is really not the case. When there is a supply of good drinking water close at hand, even though such supply is intermittent, it is the invariable practice, even with the very poor living in a *bustee* hut, to keep such drinking water carefully stored in *kulsis* (earthen pots), for use when required. The water of the well is no doubt used for washing and other purposes, but is never drunk.

It is alleged that owing to neglect of road scavenging, 'the subsoil has become dangerously polluted.' It is also said that "the surface of the roads, lanes and gullies in Calcutta has become polluted to a dangerous extent." Is surface pollution identical with the pollution of the subsoil? Has the neglect of street cleansing resulted in the pollution of both the surface and the subsoil? The information on this point is evidently very meagre and based merely upon conjecture. In answer to a question put to him, Dr. Banks said:—"I am not aware that the subsoil has been analysed, nor have I seen cuttings to show depth of pollution. I believe pollution is more the rule than the exception." But Dr. Simpson is quite of a different opinion on this question of the subsoil having become dangerously polluted by neglect of road scavenging. He wrote as follows:—

The surface cleansing of the streets is not as efficient as it should be, and in some of the worst localities, cause offensive smells, but that this rather than the sewers is answerable for the foul smells injurious to the public health and so frequently complained of is a misconception on the part of the Medical Board, and is not in accordance with the Health Officer's 10 years' Calcutta experience or investigations. If it were a fact, which it is not, there would be no need of spending 20 lakhs or more in remedying the defects in the existing drainage, which has been proved after a prolonged and thorough inquiry by sanitary experts to be in a dangerous condition. Moreover, the opinion of the Medical Board that several cases of tetanus which have occurred were traceable to persons falling and cutting themselves on soil impregnated with poisonous germs which has been caused by the condition of the streets is altogether unsupported by facts, and, considering the general and wide distribution of the tetanus bacillus in all soils, is a statement which could only be made under the most exceptional circumstances and after the most careful investigation. All soils are more or less impregnated with the tetanus bacillus, which is a widely distributed organism quite common in the superficial layers of the soil in temperate and especially tropical regions, and may be found also in most stables and probably on the maidan, and certainly on the race-course. Most cases of tetanus in Calcutta are among infants within a fortnight of their birth, and are due to cutting the navel cord with a split bamboo coupled with other native customs. The recommendation of the Board to sterilise the soil of Calcutta by watering all roads and lanes accessible to watering carts once a week with a solution of one part of perchloride of mercury to 5,000 parts of water would not effect the purpose for which it was intended, and does not commend itself to the Health Officer on account of its impracticability and danger.

The description of the condition of compounds and courtyards of houses by the Sanitary Officers is certainly true in respect of several houses in Wards 5 and 7 occupied by Marwaris. Houses inhabited by Bengali Hindus, who form the bulk of the population of Calcutta, are scrupulously clean; it is so, even in *bustee* huts occupied by very poor Bengalis. Besides the Marwaris, the Mahomedans and poor Eurasians also keep the inside of their houses filthy and uncleaned. Under ordinary circumstances, the Corporation has never thought it necessary to employ a special staff for the cleansing of private houses and their compounds or courtyards; it is only when any epidemic of cholera or smallpox breaks out, that Medical Inspectors visit private houses, and if found insanitary, get them cleaned and disinfected. On this point Mr. Williams, Chairman of the Corporation, wrote as follows:—"The Commissioners generally differ very much from the remarks of the Medical Board on this subject, if they are intended to apply generally to all localities; but they fully admit their applicability to Wards Nos. 5 and 7 (Burra Bazar and Jora Bagan) as a whole, and for this reason have allotted to those wards one special establishment. Action is being persistently taken under section 318." Dr. Simpson, Health Officer of the Corporation, wrote thus on the subject:—

"This is a matter of extreme difficulty in Calcutta. In western towns the inside of houses, even among the poor, are kept clean and in good order, and are never visited by a Sanitary Inspector, unless illness occurs in the house, traceable or suspected to be due to some insanitary condition. It is only amongst the lowest orders, which form but a fraction of the population, and where overcrowding exists, that filth and insanitary conditions prevail to any large extent, and for which a large special class of qualified Sanitary Inspectors are maintained. But in Calcutta, owing to the peculiarly migratory character of the people and their habits, which are not adapted to town life, with its bringing together of a large population, western conditions of town life are reversed, and it is only a fraction of the population that keeps the inside of their premises, and specially the courtyards or compounds, clean and in a sanitary condition. Under the conditions stated, to provide for the frequent inspection, cleansing and placing in a sanitary condition the insanitary premises of an eastern city such as Calcutta means the maintenance of an immense staff of well-qualified Sanitary Inspectors. For the overcrowded localities of Bara Bazar and Jora Bagan and other quarters, even the appointment of such Inspectors would not be effective, unless a staff was granted such as the Health Officer in September last recommended the Commissioners to employ for the special cleansing of the inside of premises, and which has been steadily working in Jora Bagan and Bara Bazar since that time. This is due to the fact that in large tenemented houses and huts it is no one's business to keep the premises clean, and notices, to be followed by prosecutions, if not complied with, would be of little avail in securing the object for which the notice was served. The prosecution would take two or three months; in the meantime the filth would remain, and probably the fine would be so small as not to force the landlord to keep the premises clean."

There is no doubt ample room for improvement in regard to cow-sheds and stables in Calcutta. But the Commissioners contend that there has been steady and continuous progress in this respect for years past. This question has always engaged the most careful attention of the Commissioners, and if the proceedings of the Corporation be referred to, it will be found what action has been taken from time to time to effect improvements in this direction. An enquiry into the state of things as they existed, say 15 or 20 years ago, will at once convince any body of the amount of good work already done in this connection. Up to 1896-97, 235 insanitary cow-sheds were closed under the law and 100 improved. Mr. Williams, the Chairman of the Corporation, thus wrote to the Government on this point:—

"Although a great deal undoubtedly remains to be done in the question of improving these, latterly there has been a most decided improvement in some instances, and it is to be believed that recent modifications in the bye-laws will lead to still further improvement. The Commissioners would point out that one great difficulty in dealing with this question is caused by the fact that the *Gowalas* themselves are, as a rule, not the landlords, and the landowners will not make any improvements."

Dr. Simpson also made the following observations:—

"Excellent bye-laws have been framed by the Commissioners for the securing of sanitary cow-sheds, and the only defect in them is that they do not apply to cow-sheds which contain less than five cows. The bye-laws make every cow-house, cattle-shed and stable or building in which an animal is kept subject to section 335 of the Municipal Act, and it will be seen from the list of prosecutions, annexed in the appendix and marked C, for violation of that section, and which only refers to seven of the Northern Wards, that the Health Department has, so far as the bye-laws permit, made every endeavour to get the cow-sheds of Calcutta improved. After a large number of notices had been served and further prosecutions were threatened, the Health Officer with one of the Ward Commissioners had a conference with a number of the *Gowalas* in August last, and on their representing that cubic space asked for each animal pressed on them as a hardship, he consented to recommend to the Commissioners a reduction from 800 to 600; and on their further representing that they had a difficulty in obtaining filtered water for their cow-sheds, he also promised to bring this to the attention of the Commissioners. The Health Officer explained the bye-laws to the *Gowalas*, and on their promising to improve their sheds, ordered that all the threatened prosecutions should be cancelled. The result of the conference has been that a fair number of the *Gowalas* have begun to put their cow-sheds into order."

"The wells in cow-sheds have been allowed in many cases to remain, because there has been difficulty in supplying the cow-houses with a sufficient supply of filtered water. The question of a supply of filtered water to all cow-sheds is now being considered by the Engineer and Commissioners, and immediately it is decided to grant every cow-keeper a proper supply of filtered water, the wells will be ordered to be filled up. There is scarcely an owner of a cow-shed, bullock-shed, or public stable in Calcutta, who has not within the past five years been served with notices to improve his shed or to remove it, and numbers have complied with the notices; but the great majority have disregarded them, and have been prosecuted under section 336, with the result that they are fined such small sums that it is cheaper for the owners to pay the fine periodically for keeping a cow-shed without a license, than to incur the expense of putting the cow-shed, stable or bullock-shed in order. It is stated that among the *Gowalas* there is a fund out of which prosecution fines are paid."

The summary of Dr. Banks' evidence, under this head, as given in the letter to the Government of India, paragraph 4, sub-para. 11, is very much exaggerated, if not somewhat inaccurate. It is stated that "Dr. Banks considered the menial establishment *absolutely inadequate to cope with the work*, and remarked that coolies, domes, bhistis, gully-pit boys were too poorly paid to expect honest work from them. Good coolies, he said, could not be got at Rs. 5-8 a month, a rate fixed twenty years ago, when food was cheaper. *As a rule the municipal coolies supplemented their earnings by working for a contractor on the square mile, set apart for dumping rubbish, by whom they were paid at the rate of Rs. 7 a month.*" The attention of the reader is specially drawn to the sentences in italics. Now, the following is taken from Dr. Banks' evidence before the Medical Board:—

"Q.—Is your establishment of men and carts sufficient for the work to be done? A.—I think it will be necessary to increase the number of small carts by 25 per cent. I would not suggest any increase in the number of hired carts, but rather the abolition of the system of hiring carts.

In my opinion, if *municipal carts are supplied, nothing like the proposed increase in the number of carts would be necessary.* More trips would be made daily.

Hired carts, in my opinion, simply incur needless expenditure."

"Q.—Is the rest of the establishment, with the exception of the small carts, sufficient? A.—Thirteen more double Gowkhana carts are required."

Again, "Q.—Do you find the working staff strong enough? A.—It is not sufficiently strong, in my opinion, and it is not well enough paid."

It will be seen that Dr. Banks did not say that "he considered the menial establishment *absolutely inadequate to cope with the work.*" To say that "the working staff is not sufficiently strong" is a different thing from saying that "the menial establishment is absolutely inadequate." Dr. Banks only wanted an increase of 25 per cent. of small carts, not of *men* for "road-sweeping and bustee-cleaning", and even then he observed "if municipal carts" (not hired contractors' carts) "are supplied, nothing like the proposed increase in the number of carts would be necessary"!

Dr. Banks, in stating his opinion that "the working staff is not well enough paid," evidently overlooked the fact that the menial staff (coolies, &c.) work only in the morning, and were never intended to work for the whole day. Everybody knows that these coolies are free to work in the afternoon, and as a matter of fact they do work for private persons. It is not true that these coolies *as a rule* work for a contractor on the square mile at Dhappa, as alleged. Dr. Banks only observed that "they (the dhangars) *may perhaps* go to the square mile and get work from the contractor there."

With regard to the supervising staff, the following is Dr. Banks' evidence:—

"Q.—Is the supervising staff strong enough, or too strong? A.—I think there are too many peons; I think there are enough Superintendents and Conservancy Inspectors."

In the Sanitary Officers' report it is stated that—

"the surface drains along roadsides are entirely insufficiently flushed. The following table shows the number of *bhistis* per ward. As example we would quote that—

In Ward No.	I	there are 8 <i>bhistis</i> to 409 acres or 1 to 51½ acres.
" "	II	" 9 " 217 " 1 to 29 "
" "	III	" 9 " 403 " 1 to 44½ "
" "	IV	" 8 " 320 " 1 to 40 "
" "	V	" 11 " 243 " 1 to 22½ "
" "	VI	" 10 " 262 " 1 to 26½ "

Having regard to the necessity for flushing which exists, especially in the dry season, the present staff of *bhistis* appears ridiculous."

The surface drains in the Town area are almost wholly the channel stones alongside the footpath and form only a very small fraction of the road-area; and the *bhistsis* are employed only to supply water to the sweeper to wash these channel stones or surface drain. *Eight bhistsis* are employed not to "flush" or wash 409 acres, which is the total superficial area of the whole ward, nor even the total road-area, which is only about 36 acres, in ward No. 1; but to wash only the surface drains, which form a very inconsiderable portion of the road-area. Thus, in the above table, instead of the total area of the surface drains in a ward, the total area of the ward is divided by the number of *bhistsis* employed to wash those drains!!

Such is the character of the reports upon which the Corporation has been condemned. The Government has afforded no opportunity to the Corporation to controvert the many misstatements, or to explain its proceedings. In fact, until the 26th of February, 1898, neither the Corporation nor the public at large had any idea that the present system of municipal administration was about to be wholly superseded upon such incomplete and one-sided evidence. The Hon'ble Mr. Risley

The insufficiency of the Sanitary Officers' reports tacitly admitted.

must have realized the weakness of his case, which rested on the discovery of the accumulation of 14 tons of night-soil in one place; a few insanitary, unclean and foul-smelling privies; a public latrine choked and its floor broken; and a number of other defects and irregularities, inseparable from any administration, however perfect, but which do not go very far to make a serious case against a system which has been in existence for nearly quarter of a century, and under which unquestionably so much improvement has been effected. It is necessary that the default should be shewn to have been persistent, continuous and extensive, before sufficient reason can be alleged to exist for the condemnation of the existing Municipal law.

Alleged Deterioration in the Sanitary Condition of Calcutta since 1884.

This necessity is recognized, and accordingly it is stated "that the state of the town revealed by the reports of the special Sanitary Officers was no new thing. Precisely the same facts in the same localities had been discovered by Mr. Beverley's Commission in 1884, and the Commissioners had then undertaken to remedy them. Yet twelve years later things are found to have, apparently in those quarters at any rate, only gone from bad to worse." It is also stated both in the letter to the Government of India and by Mr. Risley that "these evils are no new things in Calcutta. They had for the most part been discovered, although not so fully set forth by Mr. Beverley's Commission in 1884, and the fact that they still prevail to the extent described above seems to show that the present constitution of the Municipality is ill adapted to stand the strain of a grave and sudden emergency, &c." This is certainly a very grave charge, and, if true, would in itself be a sufficient justification for the entire remodelling of the present system. But is the allegation at all consistent

It is alleged that the recommendations of the Beverley Commission have not been carried out.

The allegation is wholly without any foundation whatever.

with the facts of the case? Will it bear the test of scrutiny? We say no, and we confidently appeal to an impartial public to endorse what we say, after they have heard our side of the case. A reference to the report of the Beverley Commission will show that certain specific recommendations were made, which were summarized at the end of the report, mentioning the particular paragraph of the report to which each of those various recommendations referred. Now if it can be shewn that those recommendations have been carried out by the Commissioners, then the allegation, referred to above, must be admitted to be absolutely baseless, and the case of the Government for the supersession of the Corporation falls to the ground.

For convenience of reference, the specific recommendations are reproduced below, and against each item is given a short statement specifying what has been done by the Corporation. The statement is prepared from the published Administration Reports of the Corporation.

Summary of Recommendations by the Beverley Commission of 1884.

I. That unfiltered water be laid on to as many sewer-summits as possible, with a view to the more effectual flushing of the pipe sewers. (Para. 43.)

II. That an addition of from 5 to 10 per cent. be made to the establishment for cleaning the sewers, with a view to the more frequent examination of the pipe sewers. (Para. 44.)

III. That the connection of houses and surface-drains with the sewers be pushed on more rapidly. (Para. 46.)

IV. That the supervision of house-drainage be improved. (Para. 47.)

V. That the underground system of drainage be extended to Hastings. (Para. 48.)

VI. That the drainage of Bagh Bazar be taken into early consideration. (Para. 49.)

VII. That the Maharatta Ditch be obliterated. (Para. 50.)

VIII. That greater economy be exercised in the use of filtered water for road-watering and flushing drains and latrines. (Para. 52.)

IX. That more stand pipes be erected in *bustees*. (Para. 53.)

X. That the extension works be pushed on as rapidly as possible. (Para. 54.)

XI. That more rapid progress be made in the distribution of unfiltered water in the principal streets. (Para. 55.)

XII. That foul tanks be filled as fast as possible under the present system. (Paras. 61-64.)

XIII. That foul tanks which cannot be filled be de-watered and guarded in the hot season. (Para. 66.)

XIV. That section 233 of the Act be more strictly enforced. (Para. 67.)

XV. That some restriction be placed on making excavations. (Para. 68.)

XVI. That the Corporation obtain power to fill wells and to forbid the sinking of wells in unwholesome localities. (Para. 71.)

Memorandum showing how far these recommendations have been carried out.

I. Since 1884-85, the year in which the Beverley Commission was appointed, 298 (unfiltered water) flushing branches have been laid, costing about Rupees one lac, including the value of cast iron pipes, hydrants, sluice valves, &c., &c.; 480 flushing chambers have been constructed, 430 of five hundred gallon and 50 of one thousand gallon capacity, costing over Rs. 80,000.

II. In 1884-85, the cost of establishment for sewer cleansing was Rs. 23,087, in 1883-84 it was Rs. 19,514. The establishment has since been increased by about 50 per cent., costing in 1896-97, Rs. 42,728.

III. The total number of houses connected with the underground sewers in 1884-85 was 24,359; in 1883-84, it was 22,155. The recorded grand total of houses connected with the public sewers on 31st March, 1897, was 29,588.

IV. The cost of establishment for supervision of house-drainage in 1884-85 was Rs. 4,905, against Rs. 3,078 in 1883-84. The establishment has since considerably outgrown, costing Rs. 16,417 in 1896-97.

V. The underground system of drainage has been extended to Hastings (Ward No. 18) at a total cost of Rs. 1,11,175.

VI. The revised project for the drainage of the Bagh Bazar area was adopted in 1886, the estimate amounting to Rs. 2,08,123. The work has now been long completed.

VII. The Maharatta Ditch has been obliterated at a cost of Rs. 26,000.

VIII. Since the installation of the unfiltered water pumping station at Mullick Ghât, and the laying down of pipes, &c., in connection with the scheme of 1884; all ground hydrants for road watering purposes, supply pipes to the night-soil depôts, public latrines and urinals, and the flushing tanks, that were connected with the filtered water supply system, have been connected with the unfiltered water mains.

IX. No standposts for filtered water supply can be fixed within a *bustee* (which is private land) by the Corporation. Since 1884-85, however, 819 standposts have been erected, the majority of which have been fixed close to *bustees*.

X & XI. Since 1884-85, the extension works for supply of both filtered and unfiltered water have been pushed on, the total cost up to 31st March, 1897, being Rs. 86,35,860—Rs. 78,57,823 for filtered water, and Rs. 7,78,037 for unfiltered water supply extension.

XII & XIII. Since 1884-85, 250 foul tanks have been filled up, and 89 tanks have been re-excavated, de-watered and improved. Before 1889 the practice was to fill up the tanks with refuse and road sweepings; now dry earth is used for the purpose. The total cost of tank-filling up to 31st March, 1897, was Rs. 1,28,725; out of which only Rs. 76,135 had been recovered from the owners.

XIV. Section 233 of Act IV of 1876, which is the same as section 292 of the present Act, has been vigorously enforced, as will appear from the number of prosecutions instituted from year to year under this section.

XV. Under the present Act of 1888 powers were given for the first time to the Corporation to prohibit excavations. See section 314 of Act II of 1888.

XVI. Powers have been obtained under section 314 to forbid the sinking of wells, and under section 315 to fill up wells. Since the present Act came into force, 475 wells have been filled up.

XVII. That the river water used at the bathing platforms be periodically analysed. (Para. 73.)

XVIII. That at least seventy-five bathing platforms in all be constructed before the close of the year 1885-86. (Para. 72.)

XIX. That, wherever possible, privies should have unfiltered water laid on and be connected with the sewers. (Para. 82.)

XX. That the public latrines be made free. (Para. 87.)

XXIII. That more public latrines be erected. (Para. 91.)

XXI. That separate latrines be constructed for women. (para. 87.)

XXII. That Zemindari latrines be connected with the sewers and with the water-supply. (Para. 90.)

XXIV. That more urinals be erected. (Para. 92.)

XXV. That the supervision in the night-soil department be improved. (Para. 96.)

XXVI. That better provision be made for the removal of cow-dung either through the sewers or by carts. (Para. 114.)

XXVII. That the roads in the north of the town be provided with side drains. (Para. 117.)

XXVIII. That the road-scraping establishment be increased by 20 per cent. (Para. 119.)

XVII. The river water, used at the bathing platforms, has been periodically examined chemically and bacteriologically at the Municipal Laboratory. All bathing platforms have now been connected with the filtered water supply.

XVIII. In 1885 the number of bathing platforms was 41. At the end of 1896, the number was 85. The total cost of construction of these bathing platforms up to 1896-97, exclusive of the cost of acquisition of land, was Rs. 79,192.

XIX. There are only 5,218 privies in the town area, connected with the public sewers. Many applications for such connection had to be refused for want of sufficient unfiltered water for flushing purpose. The scheme for the increased supply of unfiltered water in the town area has just been carried out and a large number of notices are now being issued calling upon owners or occupiers of houses to have the privies thereof connected with the public sewers.

XX and XXIII. In 1884-85, there were 37 public latrines; 11 have since been added. These 48 public municipal latrines are free, no charge being made for the use thereof. The several latrines, erected in *bustees*, have cost the Corporation over Rs. 75,000.

XXI. In 15 of the public latrines a certain number of seats in each has been screened off for the exclusive use of females since 1884-85. No separate latrine has been erected for the exclusive use of females, except one at *Kalighát*.

XXII. The Zemindari latrines are erected by the Zemindars (land-owners) within their respective *bustees* for the use of their *bustee* tenants. Of the 62 Zemindari latrines, only 15 are connected with the underground sewers; the rest are not so connected, being far removed from any public main sewer and for want of sufficient unfiltered water for flushing purpose.

XXIV. The number of urinals in 1884-85 was 58; 18 have since been added, making the total 76, on 31st March, 1897.

The total cost of erection of public necessaries up to 31st March, 1897, was Rs. 3,85,245.

XXV. The supervision of the night-soil department has been considerably improved; in 1884-85 the outdoor supervising establishment in the night-soil department cost Rs. 14,769; and that in the road and conservancy department, Rs. 25,886. Since the transfer of the conservancy from the Engineer to the Health Officer in 1887, the conservancy and night-soil departments have been amalgamated and are under the same supervising staff, the cost of which in 1896-97, in town area, was Rs. 39,959; the cost of the outdoor supervision in the road department under the Engineer during the same year was Rs. 14,974.

XXVI. In 1884-85 the hire of carts for removal of manure or cow-dung amounted to Rs. 3,080; while in 1896-97 the cost of removal of cow-dung was Rs. 9,254.

XXVII. The expenditure incurred in providing side-drains by laying new kerb and channel stones, since 1884-85, has been Rs. 1,07,299; the cost of *renewal* of kerb and channel stones, during the same period, has come up to Rs. 1,98,313.

XXVIII. In 1884-85 the cost of road-scraping establishment was Rs. 18,339 for 12 months; subsequently it was held by the Engineer to be objectionable to scrape the roads at any other time than the rainy season. The total cost for road-scraping during only 4 months of 1896-97 was Rs. 16,095.

XXIX. That the road-sweeping establishment be increased by 20 per cent. (Para. 120.)

XXX. That the establishment for removing horse-droppings be increased. (Para. 121.)

XXXI. That the number of conservancy carts and cattle, be increased. (Para. 126.)

XXXII. That the railway platform accommodation be increased and improved. (Para. 128.)

XXXIII. That the rolling-stock of the railway be increased. (Para. 128.)

XXXIV. That the supervising agency in the roads and conservancy department be strengthened. (Para. 129.)

XXXV. That all the surface conservancy be placed under an Executive Health Officer. (Para. 130.)

XXXVI. That the registration of births and deaths be placed more directly under the control of the Health Officer. (Para. 138.)

XXXVII. That the suburbs be placed under the same municipal administration as the town. (Para. 143.)

XXIX. The road-sweeping establishment has been increased by over 20 per cent. In 1884-85 the cost was Rs. 46,545; in 1896-97 it was Rs. 62,975.

XXX. The cost of removal of horse-droppings in 1884-85 was Rs. 5,791; the establishment has since been increased; the total cost in 1896-97 was Rs. 8,557.

XXXI. On 31st March, 1885, the number of conservancy carts in the Municipal Gowkhana was 377; while on 31st March, 1897, the number (for the town area) was 542, besides 157 hired refuse carts.

The number of conservancy animals on 31st March, 1885, was 362, while that on 31st March, 1897, was 568, besides 314 hired bulls (two for each hired cart).

XXXII. Most of the refuse platforms have been improved and extended, and the accommodation thereat has been increased.

XXXIII. In 1884-85 the rolling-stock of the railway consisted of 129 waggons, of which 103 were for removal of sweepings. The stock was subsequently increased. In 1896-97 there were 243 waggons, of which 210 were for removal of sweepings.

XXXIV. In 1884-85 the total cost of outdoor supervising agency in the roads and conservancy department was Rs. 25,886; the staff has since been largely strengthened; and the total expenditure under this head in the town area during 1896-97 was Rs. 48,884.

XXXV. In July 1887, the work of surface conservancy was transferred from the Engineer to the Health Officer, the latter having been appointed as a whole time Executive Officer in the previous year (May 1886).

XXXVI. The registration of births and deaths was transferred from the Police to the Corporation under the Health Officer in 1887. In 1884-85 the establishment cost Rs. 6,176. It has since been largely increased, costing Rs. 12,800 in 1896-97.

XXXVII. The suburbs to the extent of about fourteen square miles were amalgamated with the town proper in 1889.

It will appear from the above that almost every one of the specific recommendations of the Beverley Commission has been more than fully carried out; and it is most unaccountable that in the face of these proved facts, recorded in the Administration Reports of the Corporation, (which have been regularly submitted to and scrutinized by Government, year after year), both Sir Alexander Mackenzie and Mr. Risely could, apparently without hesitation, publicly declare that "the fact that these evils have been allowed to exist for over 12 years since they were officially brought by Government to the notice of the Commissioners raises grave doubts whether the Corporation is either competent or willing to deal with them effectually and permanently."

Let the Government of India and the Secretary of State judge how far the representation of the Local Government on this point is just and true.

Necessity for amendment of the Law in the interests of commerce.

After dealing fully with the report of the Sanitary Officers and Dr. Banks' evidence before the Medical Board, and attempting to show that Calcutta is highly and dangerously insanitary, not only at the present time, but has been so for years past, in spite of the recommendations made 12 or 13 years ago by the Beverley Commission, Mr. Risley in his speech has tried to impress upon the members of the Council the importance of and absolute necessity for improving its sanitary condition on the latest European standard in the interests of the commerce of the city, at any rate. He says the (sanitary) evils that at present exist in Calcutta, and which have existed for so long, are "a far greater danger to the town now than they were before," because "the sanitation and conservancy of the great Indian maritime cities have now become a matter of international concern." "They (the Sanitary Conventions) demand the production of accurate statistics of mortality, and they insist on the effective maintenance of a modern standard of sanitation." Therefore,

Improvement of the sanitary condition of Calcutta on the latest European standard, urged in the interests of its commerce.

Mr. Risley contends that the present Act should be revised throughout, so as to make "the law adequate to the sanitary requirements of the present day and the condition of Calcutta as it now is." To this proposal no reasonable person can have any objection, provided the sanitary measures are so framed as not to unnecessarily wound the religious feelings or rudely interfere with the long-established customs of the people of this country.

Mr. Risley also contends that "the time has come for the representatives of the commercial community to take an active part in the administration of the city." Why, that time came long ago, and the fact was recognized by previous Lieutenant-Governors in years past, as will be shewn later on. Under the present law there are ten seats specially reserved for the European representatives of the commercial community; and if they really meant to take an active part in the administration of the city, they could easily have done so. But in point of fact they have never evinced any interest in any municipal question; their attendance at meetings has always been irregular and seldom. Not a single proposition for reform has ever emanated from any one of them; they have always been indifferent to a degree. If with such a brilliant record of the work of the ten representatives of the commercial community during the last ten years, Mr. Risley thinks their number should be increased with due regard to the best interests of the Corporation, that idea can be realized by Government appointing, say, another ten representatives of the commercial community, without tampering with the present constitution of the Corporation.

It is, however, remarkable that this argument of Mr. Risley's, *viz.*, that the amendment of the municipal law is rendered necessary in the interests of the commerce of the city, and which is put forward with such emphasis in his speech at the Bengal Council, does not find any place in the letter of the Local Government, dated 7th March, 1897; nor, again, is any reference made to it in the letter dated 9th March, 1898; beyond the bald statement that "the sanitation and conservancy of the great Indian maritime cities have now become a matter of international concern." With his keen perception, Mr. Risley doubtless felt, when introducing his Bill into the Council, that if a strong and telling case was to be presented against the existing system of municipal administration of Calcutta, he must not omit to clinch his arguments by a pointed reference to the possibility of danger to its commerce from its alleged highly insanitary condition. But he had to present the battery of his rhetoric at a structure that had stood the test of 25 years, built as it is on the foundation of British traditional self-government, and supported and fostered by generations of British statesmen and by the public opinion of Great Britain. He appealed therefore to a very vulnerable part of English feeling when he raised the war-cry of danger to commerce. We all know that nothing touches the average Englishman so keenly, or commands his sympathy and attention so readily, as matters connected with danger to commerce.

It was apparently feared that all the eloquence, all the lurid coloring lavished on the Sanitary Officers' report might miss their sensational mark, and hence it was that the red-rag of danger to trade was flaunted in the face of John Bull! The past history of the port of Calcutta, however, will shew the emptiness of such fears; and it may safely be said that if anything does drive commerce away from Calcutta, it will be its enormous port charges, its heavy pilotage and its ill-conceived railway arrangements; but the bogey of Mr. Risley's will alarm very few.

Alleged defects in the present Law as to the constitution of the Corporation.

Mr. Risley further contends that the Act should be amended for the purpose of providing the town with a responsible municipal executive; it is here that we join issue with him; our contention is that such a responsible executive exists under the present Act, and no radical change in that respect is necessary in the law. But he says "in point of fact, as His Honor the President (Sir Alexander Mackenzie) observed in his statement on the opening of the session of Council in March 1898, under the present law there is no municipal constitution at all in the proper sense of the word; everything is fluid and indefinite."

Paragraph 7† of the letter to the Government of India contains an exposition of sections 61, 63, 64 and 65 of the present Act, dealing with the powers of the Chairman and the appointment of committees by the Corporation.

† Compare paragraph 9, Bengal Govt. letter of 9th March, 1897.
 " " 9, Hon'ble Mr. Risley's Speech in Council.

Objection is taken to section 61, which vests all powers under the Act in the Commissioners, on the ground that most or some at any rate of those powers "are such as a large deliberative body cannot properly exercise." But this is not the case with Calcutta alone. In the municipalities of Great Britain and in Europe all powers and authority are vested in the representative corporate body. We read in Mr. Shaw's book on the Municipal Government in Great Britain:—

"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."

Again in his book on the Municipal Government in Continental Europe he writes:—

"It (the German system) is like the English and the French systems in the main fact that the voters elect a representative common council, of considerable size and sitting in one chamber, which has in its hands for exercise directly or indirectly the whole authority that exists in the municipality. It is a body large enough to contain men of various opinions, and it acts openly, with full responsibility."

It is therefore idle at the present day to question the expediency of vesting all authority in a large corporate body.

But here in Calcutta that authority has been delegated to the Chairman under section 61, so far as the practical every-day working of the various sections of the Act is concerned. He has been made directly responsible to the Corporation for the proper administration of the Municipality in accordance with the specified provisions of the law and in accordance with the resolutions of the Commissioners-in-meeting, so long as the latter are not inconsistent with the law. And then the same section further empowers the Chairman to delegate his authority to his subordinates, who again are directly responsible to him for their action. The Corporation however retains the power of revision, whenever necessary. If anything goes wrong in the administration, it is open to the Commissioners-in-meeting (not to any individual Commissioner, as alleged) to review the action of the Executive, and pass such orders as may appear to them fit, proper and legitimate. But such orders can never be made absolute, they would be effective only "as far as possible." If any action has been taken under orders of the Chairman in exercise of the powers delegated to him under section 61, and if it be disapproved of by the Commissioners-in-meeting (which in point of fact has happened very rarely, if at all), the modification or cancelment of the Chairman's orders are to be made by himself, only *as far as it is possible* to do so, and not otherwise. It is not quite correct to say that "if any order already passed by the Chairman is brought before a meeting (of the Commissioners) and modified or disapproved he has to modify or cancel his action accordingly"; because the exact wording of this portion of section 61 runs thus:— * * ; and if any order passed by him (Chairman) 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.*"

Thus, it is clear beyond doubt that the system in vogue in Calcutta ever since 1863, *viz.*, the

The present system of vesting all powers and authority in the Corporation is in force in Calcutta since 1863—it is logical, reasonable and eminently practical. Chairman with his subordinates exercising all executive authority and daily carrying out the provisions of the law, subject to the general control of the Corporation, is not vague, "fluid and indefinite" as alleged; but is logical, reasonable and eminently practical. It is under this system that such good and beneficent work has been admittedly carried out. In the letter of Government to the Chairman, dated 9th March, 1897, it is stated, at the end of subpara. 1 of paragraph 4, that "no one disputes the amount of work actually done by the Corporation, in years past, or the fact that much money has been spent on

Calcutta." Mr. Risley has also said in his speech: "to say that there must be a change in the constitution of the Municipality does not necessarily imply any reflection on the work done in the past by the Commissioners or their executive."

Why then change the constitution of the Municipality, which has been so long established and has become so familiar to the ratepayers? If only a higher standard of sanitary laws has now to be enforced, as alleged above, why not rest satisfied with providing for it in the amending Act; moreover, if greater promptitude of action is required, that also may be successfully provided for in the new Act, without revolutionizing the constitution. For, whatever may be the allegations made against the Commissioners, none has been preferred on the score of not carrying out the specific provisions of the law. Provide for what you want in the law, and it will be carried out.

In paragraph 8† of the letter to the Government of India, the names and the numbers of members on the various Standing Committees in 1895-96 are given; suggesting by implication, that so many committees with such large numbers of members on them are unnecessary, and are calculated to needlessly hamper the Executive. So far as the large number of members on each Committee is concerned, it was so only in that year, and was no doubt a mistake. Never before that year did any Standing Committee consist of more than 18 or 20 members. To single out the particular year (in which alone an unfortunate mistake was committed) for the purpose of shewing "in what manner the discretion vested in the Commissioners by section 65 has been exercised" is certainly very unfair.

Commenting upon the resolution of the Commissioners arrived at, in May 1895, to the effect that there should be no limit of the number of members composing a standing committee (which was rescinded the following year), it has been observed in para. 10‡ of the letter to the Government of India that "a law under which action of this kind is possible obviously fails to discriminate between the true functions of the corporation as a representative body exercising general and especially financial control, and the duties of their Executive in giving effect to the positive provisions of the law in matters of conservancy and municipal works." It is true that section 65 does not fix the maximum number of Commissioners on a committee, it says that the Commissioners-in-meeting may appoint standing or special committees, "consisting of so many members as they may think fit." If the Government is persuaded that by doing away with the limit of number in any given year—and such a thing has happened only once in the history of the Corporation—the Commissioners-in-meeting have grossly abused their power under this

section, the best and easiest way to guard against such abuse of power in future would be to fix the maximum number by law. But not to have fixed the number in any year can never be reasonably construed as a "failure to discriminate between the true functions of the Corporation * * and the duties of the Executive * *" Section 65 most distinctly lays down the functions of the Standing Committees with special reference to the Chairman, as representing the Executive, and there can be no mistake about it. It runs thus:—

"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." Surely, this section cannot be said to give rise to any doubt as to what the functions of these Standing or Special Committees really are. The functions are, it will be observed, purely consultative and deliberative, and not executive at all.

Serious exception has been taken not only to the large number of members on each committee, but also to the appointment of the various committees themselves. In paragraph 10‡, it is stated that "no reasonable being can suppose that an executive hampered by the possibility of interference by any one of a series of multifarious committees can administer successfully the affairs of a great city." Both Sir Alexander Mackenzie and Mr. Risley are evidently of opinion that successful administration of the affairs of a great city is incompatible

Objection to section 65 of the present Act under which the Corporation appoints Standing Committees other than the General Committee.

† Compare paragraph 10, Bengal Government letter of 9th March, 1897.

‡ Compare paragraph 10, Hon'ble Mr. Risley's Speech in Council.

‡ Compare Subpara. 4, paragraph 10, Bengal Government letter of 9th March, 1897.

‡ Compare paragraph 14, Hon'ble Mr. Risley's Speech in Council.

with multiplicity of committees; accordingly the new Municipal Bill provides for the appointment of only one committee, *i. e.*, the General Committee. But is administration by committees only peculiar to the Calcutta Municipality? The Calcutta Port Trust has six standing committees; it

The system of administration by means of Committees is universal.

also appoints special committees from time to time for special purposes. What municipality or large public corporate body is there that does not appoint special and standing committees for the administration of its affairs? And where has the appointment of such committees interfered with the success of corporate bodies?

Section 65 of the present Act, which authorizes the Commissioners to appoint standing and special committees, is identically the same as section 55 of Act IV., of 1876, and section 30 of VI., Act of 1863. The same provision is also to be found in the English Municipal Corporations (consolidation) Act of 1882. It runs thus:—

The council may from time to time appoint out of their own body such and so many committees, either of a general or special nature, and consisting of such number of persons as they think fit, for any purposes which, in the opinion of the council, would be better regulated and managed by means of such committees; but the acts of every such committee shall be submitted to the council for their approval.

The practical applicability of this section is to be found in every City Government in Great Britain. Writing about the Manchester Municipality, Mr. Albert Shaw says in his book on Municipal Government in Great Britain:—

“The working organization of the Manchester council is so excellent and methodical that it may well claim some of our attention. The full body ordinarily holds two meetings a month. The mayor presides, and in his absence the deputy mayor takes the chair. The mayor is almost invariably an alderman, and it is not uncommon to pay him the compliment of a re-election for a second year. The deputy mayor this year is the alderman who served last year as mayor. There are some sixteen grand standing committees of the council, with an average membership of perhaps twenty, some being larger and some being smaller. Each alderman and councillor is assigned to duty on three different committees. Such at least is the rule, though there are a few exceptions. The mayor is a member *ex-officio* of every standing committee, besides being chairman of a so-called “general purposes” committee that meets at his call. Each committee has its chairman and deputy chairman, and it apportions its work to a number of sub-committees, to each of which the chairman and deputy chairman belong. The committees meet more or less frequently according to the nature of their duties. Thus the finance committee and the watch (police) committee hold weekly meetings, while the cleansing committee, the gas committee, the waterworks committee, and several others meet once in two weeks, and the art gallery committee, the baths and wash-houses committee, and others find it sufficient to assemble once a month. The sub-committees meet as frequently as occasion requires. Careful synopsis reports of the committee meetings are brought to the full council. The system combines high specialization of oversight with complete harmony and centrality. The mayor as a member of all committees is in touch with all departments. Each councillor by virtue of membership in several committees has a varied range, and each great committee with twenty or more men includes some representative of all or nearly all the other great committees.

The sub-committees, of which there are nearly a hundred, give every councillor some particular work to do. The more carefully this Manchester system of committees and sub-committees is studied, both in theory and in practice, the more worthy of admiration it seems. The following list of standing committees, arranged alphabetically, will indicate the chief departments of municipal activity in Manchester, and the mode of partition that has been found advantageous:—

(1) Art gallery committee, with sub-committees on the audit of accounts, on the art building and care of the galleries, and on art, *i. e.*, purchase of pictures, &c. (2) baths and wash-houses committee, with sub-committees on the audit of accounts and on each one of eight important establishments in different quarters of the city; (3) cleansing committee, with sub-committees on audit, on estates, on works and stores, on horses and provender, on new districts, and on the garbage works at Water Street and Holt Town; (4) finance committee, with sub-committees on audit and charitable trusts, and on stock and bonds; (5) gas committee, with sub-committees on audit, on each of three great gas-works, on street mains and lighting, and on electric lighting; (6) general purposes committee, with sub-committees on amalgamation and on parliamentary matters; (7) improvement and buildings committee, with sub-committees on audit, on central district, on northern district, on southern district, on purchasing and widening of streets, on building by-laws, and on the Victoria Arcade; (8) markets committee, with sub-committees on audit, on cattle plague, on central markets, abattoirs and slaughter-houses, on Smithfield market, and a special one on matters regarding provision for dealing with foreign cattle; (9) parks and cemeteries committee, with sub-committees on audit, on Alexandra Park, on Ardwick Green, on Birch Fields, on Chestham Park, on open spaces, open-air baths and nurseries, on Philips Park and Cemetery and open-air bath, on Queen's Park, on Queen's Park Art Museum, on Southern Cemetery and on music in the parks; (10) paving, sewerage and highways committee, with sub-committees on audit and offices, on yards, and on each of the southern, northern and central districts; (11) public free-libraries committee, with sub-committees on audit, on reference-library and general purposes, on reference-library extension and on the selection of books, and five sub-committees on specified groups of the fifteen neighbourhood branch libraries; (12) rivers committee, with sub-committees on audit and on the sewage-disposed scheme; (13) sanitary committee, with sub-committees on audit, office and clothing, on nuisances, on unhealthy dwellings, on hospitals and analyst's laboratory, and on the Shop Hours Act &c.; (14) town hall committee with sub-committees on officers and audit, on decorations and furnishing, on stationery, organ, bells, and clocks;

(15) watch committee, with sub-committees, on audit, on clothing for the police, firemen, &c., on weights and measures and petroleum, on lock-ups, &c., on fire brigade and theatres, and on hackney coaches; (16) Water works committee, with sub-committees on sale, supply, street mains and appeals, on audit, on the new Thirlmere aqueduct, and on hydraulic power. Besides these sixteen, there is a large committee on the Manchester Ship Canal, under the mayor's chairmanship, which includes, besides others, the chairmen of all the standing committees, and there is one on technical instruction, with sub-committees on the municipal technical school, on the municipal school of art, on audit and grants, and on new buildings."

And then with regard to the Committees of the Calcutta Corporation, every one of them, with the exception of the Buildings and Complaints Committees, has been a Standing Committee, for years back, appointed and reappointed, from year to year, at the instance of the Chairman, the head of the Executive. If the proceedings of these Committees be referred to, it will be found that far from in any way being obstructive, the members as a rule have cheerfully worked together and materially helped the Chairman with sound advice, based upon local knowledge and experience. There have no doubt been occasional differences of opinion, but such instances have been rare, hardly one in fifty. Sir Henry Harrison spoke as follows with regard to the work done by such Committees of the Corporation :—

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.

Sir Henry Harrison quoted in support of the condemnation of the present constitution of the Corporation.

Mr. Risley has attempted to show how the constitution of the Corporation has been found fault with by such avowed friends of Local Self-Government as the late Sir Henry Harrison; and he has attempted this difficult task by quoting from one of his (Sir Henry's) speeches delivered in the Bengal Legislative Council, on 4th February, 1888. It is, however, very amusing to find how smartly only a portion of that speech has been quoted in all the three documents, now under criticism. In paragraph 7† of the Bengal Government letter dated 9th March, 1897, the quotation is prefaced thus :— "Looking for the causes of this failure, it seemed to the Lieutenant-Governor to be, first and foremost, in the municipal constitution and its actual working. *The most favourable account of the Calcutta Municipality is no doubt that given by Sir Henry Harrison in the Bengal Council on 4th February, 1888. But even he remarked*" (Here follows the quotation). Again, in paragraph 6 of the Government letter dated 7th March, 1898, the same extract from Sir Henry Harrison's speech is preceded only by the sentence in italics, reproduced above. Further, in discussing the question of the powers of the Chairman under the Act, Mr. Risley has quoted the same passages in support of his theory, *viz.*, "the Chairman as such has virtually no powers under the Act."

But after all what was really Sir Henry Harrison's idea? What did he mean to express by those few sentences, quoted so frequently and with so much zest by Mr. Risley? A reference to the whole speech and to the occasion of it will fully explain matters.

The speech was delivered on 4th February, 1888, in the Bengal Legislative Council, and was an ingenious and masterly reply to two amendments which were in direct opposition to each other. One of these amendments was moved by Babu Kallynath Mitter, to the effect that the Corporation should consist of 80 Commissioners, of whom 60 should be elected and 20 nominated, that is, in the proportion of 3 : 1; and the other was moved by Mr. Irving, *viz.*, that the Corporation should consist of 60 Commissioners, of whom 30 should be elected and 30 nominated (including 4 by the Bengal Chamber, 4 by the Trades Association and 2 by the Port Trust), that is, in equal proportion. Sir Henry Harrison objected to both the amendments, and maintained that no change should be made in the fundamental proportion between the elected and the nominated Commissioners, which was 2 : 1.

† Compare paragraph 6, Bengal Government letter of 7th March, 1898.

" " 13. Hon'ble Mr. Risley's Speech in Council.

The portion of the speech quoted by Mr. Risley dealt with Babu Kallynath's arguments, and was evidently intended to oppose the increase in the number of elected Commissioners. The latter part of the speech dealt with Mr. Irving's arguments in support of his amendment, and clearly set forth Sir Henry Harrison's reasons for not disturbing the existing proportion of 2 : 1. The speech concluded thus :—

Sir Henry Harrison was decidedly in favor of the present constitution.

"For these reasons, although there is great force in the arguments used by the Hon'ble Mr. Irving, I think we ought to follow the old lines, as laid down in the Bill, which allow two-thirds of the Commissioners to be elected by the wards; and I therefore trust the Council will, on the fullest consideration, adhere to the proposals before them in the Bill."

It may be here mentioned that important passages in the speech, which would go against the contention sought to be established, have been passed over without even adopting the usual practice of putting asterisks to note the omissions. The quotation in paragraph 6 of the letter to the Government of India is so given as would make any reader naturally believe that the paragraph beginning with the sentence: "The rôle which the elective Commissioners for the native wards &c.," and ending with "the motive power in the Corporation has been too weak," is immediately followed by the paragraph beginning with the sentence: "I welcome cordially an effective opposition ***" and that nothing intervenes between. In point of fact, the first paragraph is closely followed by an explanation as to how it has been possible to work the machinery. Sir Henry's own explanation is this :—

"That being so, the question is how has it been possible to work the machine. The way in which it has been possible is mainly by the Chairman first of all using his powers of persuasion and trying to induce Committees to do what he considers necessary, a course which I must in justice say very often succeeds, or appealing to a general meeting. In general meetings of the Corporation he no doubt on the whole succeeds in carrying his point more easily than in Committees, and the reason is because in general meetings there are a larger number of Commissioners disposed to support him who do not take any part in the ordinary committee work of the Municipality. The position of the Chairman is always stronger in general meetings than in committees of the Corporation. The difficulties which I have described were much more insuperable in the earlier days of the Corporation. When I first joined as Chairman, I found the difficulty of doing more than just carrying on the work of Municipality greater than it is now; and all who take an interest in municipal affairs will bear me out that there has been a conspicuous and signal improvement latterly as compared with the earlier period. To this many reasons have contributed. In the first place, the Commissioners have improved by experience; secondly, the proportion of Commissioners of the nationalities which were at first weakly represented has increased. * * * "

Sir Henry's explanation as to "how it was possible to work the (municipal) machine" with such brake-power as it obtains in Calcutta.

The whole of this passage intervened between the two paragraphs quoted in the documents now under criticism.

Then, the special extract from Sir Henry Harrison's speech, referred to above, has been followed in both the letters by the following characteristic observation :—

"Since Sir Henry Harrison's time, the power of the Chairman has, it appears to the Lieutenant-Governor, been gradually dwindling, and the interference of the 'Committees' been rapidly growing. The 'motive power' has been decreasing, and the 'brake-power' becoming too strong."

But did Sir Alexander Mackenzie or Mr. Risley ever take the trouble to enquire why the power of the Chairman was gradually dwindling? Certainly it could not be due to any accession of fresh powers on the part of the opposition, for the opposition was very much the same as it was in Sir Henry Harrison's time, both as regards the number and the *personnel* of those who constituted it. The "motive-power" in the Corporation, if it has decreased at all, has decreased because of the frequent changes in the "driver"; since Sir Henry Harrison's retirement there have been five Chairmen, between 1890 and 1898. Then the appointment by Government of persons, unaccustomed to, and in some cases ignorant of, the methods of local administration such as obtain in Calcutta, persons unsympathetic to a degree towards the best interests of the Institution, of which they were made the head, may to a great extent account for the failure of the "motive-power." If the driver of a train is changed too often and if indifferent persons are put on as drivers, who do not understand the business, nor take any real interest in it, it is no wonder if the train runs badly and accidents happen. It is idle to find fault with the "brake-power", however carefully and judiciously it may work; it cannot make the train move, nor can it prevent mistakes, committed by the driver.

In regard to late frequent changes in the Chairmanship, even so staunch and uncompromising a supporter of Government as the Hon'ble Mr. Turner has remarked :—

"Then, too, it has been most unfortunate that in the past three years we have had as many Chairmen of the Municipality. Constant changes of heads of a department are disastrous, and I am strongly in favor of having the appointment of Chairman made a permanent one."

As the manner in which only a portion of a long speech of Sir Henry Harrison's, so disingenuously quoted, both in the Government letter and in Mr. Risley's speech, without any reference to the context, is calculated to very much mislead those who do not know what the views of that veteran Chairman really were in regard to the work of Local Self-Government in Calcutta, based upon his own personal knowledge and experience, extending over 10 years, it is considered very desirable to reproduce here some extracts from a magnificent speech delivered by Sir Henry Harrison at a meeting of the Commissioners held on 4th April, 1889, soon after the present Act came into force. It shews how liberal, friendly and sympathetic an administrator Sir Henry was, and how statesmanlike were his utterances.

Sir Henry Harrison said:—

At their first meeting under the new Act, the Commissioners would doubtless expect him to say a few words on the task which lay before them as members of the new Corporation of Calcutta. He had on two previous occasions, 1882, 1885, met a new body of Commissioners in that hall, but this was a far more important meeting, since it inaugurated the local government of a far larger area, and this work would be carried out under the provisions of a new law. The salient features of that law, for which he was in great measure responsible, had doubtless failed to gain the approbation of many sections of the community, who were largely represented in this Corporation; but in such a city as Calcutta, where interests were so varied and in some cases so conflicting, he was free to confess that he regarded this rather as a merit than the reverse. Those who wished to see the entire constitution of Calcutta recast were disappointed, because *the Act recognised the propriety of working on the old lines, of developing, not destroying.* Those, on the other hand, who wished to see all the safeguards in the former Act abandoned, were annoyed, because it was considered wise and just to retain them. So also in regard to sanitation, the one party averred that the new Act made so little progress as to be all but worthless; the other party, that it moved so fast as to be dangerous. It was a law of human societies that whenever party spirit runs high, moderation finds no toleration; but time usually proves that the one extreme does not, as it supposes, monopolise all the virtues, and the other all the vices. He believed that the new Act, in spite, nay, perhaps, in consequence of, its satisfying neither extreme, was substantially a just, fair and workable measure.

But anyhow, so far as those he was addressing were concerned, he was entitled to call upon them to give it a fair and generous trial, whatever their views might be. By accepting election or nomination under the new Act, they had virtually pledged themselves to work it in a loyal and appreciative spirit. And, indeed, the most cursory glance at the part which they had to play as a Corporation, must surely awaken in them a feeling of mingled responsibility and pride. Some persons were disposed to run down and belittle the duties which they had to fulfil. No attitude could be more mistaken or unfounded. In their case they might be certain that those who took the highest and most exalted view of the work that lay before them were nearest the truth. *The experiment which is being made in Calcutta and Bombay of entrusting the government of a large commercial capital, bristling with important and exacting interest, to the control of a body in which councillors who are the products of the educational system which has hardly been half a century at work in India predominate, is clearly an experiment of such transcendent importance that any one who takes a part in it should feel himself honored in so doing.*

In the arena of social and political contests, as in the battle-fields of actual warfare, the individual has his attention engrossed by the comparatively insignificant details, which occur within his own limited observation. It is only by watching the contest from a distance that the true significance of all the apparently complicated evolutions can be correctly estimated. So also, when the history of these times comes to be written with that impartiality and freedom from bias which only time and distance can bestow, will it not be the verdict of posterity that few more interesting episodes have occurred than that in which they were now co-operating? "Suppose for a moment that at this present time it were possible to stop the annual indent on England for the recruitment of officials and soldiers, and leave the people here in the country to manage their own affairs without risk of commercial disaster, political danger, breach of public tranquillity, or class injustice, that India thus left to itself be relied on to take its place as a constituent portion of the vast Empire of Queen Victoria? Would it not be one of the most splendid triumphs recorded in history of a policy which some men may think too hopeful, but which all must admit to have been in the highest degree lofty, generous and noble?" For India as a whole, the speaker admitted, this day was still distant, but, he added, is not this a fair description of the very experiment they are now witnessing in Calcutta? *For the last twelve years or even longer have not men whose grand-fathers were trained in the very opposite school of ideas been controlling the affairs of the metropolis of India, been ministering to the many-sided wants of modern civilisation, been draining, sanitating, introducing pure water, and in a word carrying on the Municipal government according to Western methods? There were some persons excellently intentioned who have fretted and fumed because the wheels of the chariot of progress have at times carried, but was not any progress at all in such a trial an almost unparalleled success? Was it not still more gratifying to reflect that this experimental system had in sober truth developed in many of the most experienced Commissioners that moderation in judgment, that sense of responsibility in action and discussion, that toleration of opposition, that practical sagacity which is at once the test of the experienced administrator and the best guarantee for the confidence bestowed in him? Was it not a legitimate triumph that, now that the necessity of making more sustained efforts for the improvement of the suburbs of Calcutta was at last fully realised, no better course suggested itself than to make them over to the same body who had reclaimed the town of Calcutta?*

The task which lay before them was a very arduous one, and were he to say that he hoped they would set to work to face it in a spirit of unity and solidarity, he would say what they would know to be quixotic and unmeaning. *Conflict,*

discussion, opposition, the shock of rival interests and sympathies were of the very essence of Municipal life; without them a Corporation would soon stagnate and decay. But this he would say that party spirit was a sign of health or disease precisely as it was or was not subordinated to the interests and well-being of the whole body. The knowing how to lose, how to be beaten, was the most useful and salutary quality a Commissioner could bring with him, the more so as defeat was very often the necessary prelude to victory. Those who, once beaten, abandoned the contest and shook off the dust of their feet as a testimony against the perversity and obtuseness of their colleagues, were of little use, whereas those who were not disheartened, but were willing to gain their ends in part when they could not have everything they desired, proved themselves to be staunch and sterling allies.

For another year, therefore, he had to remain at the helm of the Municipality, a year which he could foresee must be to him one of trial and tribulation. If the winds blew, the water rose, the waves beat upon the ship, the machinery went wrong, the crew and passengers quarrelled, the tendency would be to find fault with the pilot, but if the ship after all arrived safely in port, this would be his one sufficient reward, and though this announcement must, he feared, be unwelcome to many who looked to a new Chairman for more vigorous and drastic measures, he must admit that he thought he possessed one qualification which even his most inveterate opponents would not deny him, that of unswerving loyalty to the Corporation as well as of belief in its success. *He was not afraid to avow himself an optimist in this respect, and though the pessimist scored many triumphs in the fields of ridicule, censure, destructive criticism, to the optimist alone was it given to gain successes in the paths of construction. Those who disbelieve in human progress will never build up human institutions, and he was not ashamed to say that he did believe in the future of the Calcutta Corporation. Doubtless it had made many mistakes, none knew this better than himself; it had also not been able to escape the curse of most Municipalities, that of canvassing for private ends and personal objects, but with all this it had shown the best possible sign of healthy life, continuous and steady progress along the path of improvement, and though this path was strewn with difficulties, though their course was beset with rocks and shallows, he for one would venture to prophesy that they would surmount them in the future as they had done in the past, and that in years to come this day would be looked back upon as the first page in another chapter of the record of those wise measures by which the time-honored conservatism of Indian society is being reconciled with the restless enterprise of European civilization.*

The speech recalls to mind all that is best and noblest in the traditions of Anglo-Indian administration. Well might the framers of the Bill quote Sir Henry Harrison in support of their pet views; but in doing so, let them not commit an outrage upon his honoured memory. The friend of progress and of liberal government, if living, he would scorn to have his name associated with a measure, which, however plausibly or with what weight of authority or official influence it may be defended, will take its place among the great reactionary enactments of the latter half of the nineteenth century, and which will, in the fulness of time, be relegated to that oblivion, which, under the ordering of Providence, is the inevitable lot of bad men and bad measures.

Alleged defects in the working of the present Law: shortcomings of the Commissioners.

In paragraph 9† of the letter to the Government of India objection has been taken particularly to the appointment of the Complaints Committee, and the opinion of Sir Henry Harrison has been quoted in support of the objection. The formation of the Appointment of the Complaints Committee justified. Complaints Committee is mentioned as an instance of the way in which the Act "leaves it open to the Commissioners to intervene in any question or class of questions, whether within the legitimate functions of the Executive (? Commissioners) or not." The Complaints Committee was appointed for the first time in 1889 on the proposal of Babu Kallynath Mitter and Sir Henry Harrison, the then Chairman, opposed it, as the following extract from the proceedings of the meeting of the Commissioners held on 4th April, 1889, will shew:—

"Babu Kallynath Mitter said there should be a Standing Committee to hear and dispose of complaints made by the rate-payers. He was deluged with notices issued by the Corporation of Calcutta on several persons in Ward No. 3, requiring them within a fortnight to demolish certain walls, platforms, &c. Notices had been issued wholesale and the rate-payers wanted to know why, after all these years, they should be called upon to remove these things now. If there was a committee who would make it convenient to attend, say once a week, to hear and determine complaints, it would be satisfactory to the rate-payers. It would be better to have such a Standing Committee now that there would only be a few Ward Commissioners in the General Committee.

Nawab Abdul Luteef seconded the motion, as he knew personally that there were many complaints as to the doings of the subordinates of the Municipality.

Babu Lall Behary Bysack said he had intended to propose a similar resolution, but having given notice of four other propositions, he did not like to overburden the Commissioners at their very first sitting. He thought it was the bounden duty of all the Commissioners to enquire into the complaints and grievances of their constituents, but it was an open secret that not a single complaint was ever properly attended to. Whenever a complaint was made to any department or sent directly to the Vice-Chairman or the Secretary, it was sent on to the very depart-

† Compare paragraph 12, Hon'ble Mr. Risley's Speech in Council.

ment which was complained against, but whether it was properly attended to, or how it was disposed of, was not known. He therefore could not too strongly recommend the Commissioners to pass this resolution. Complaints should be enquired into by an independent body and not by the department against whom the complaint was made.

Baboo Juggernath Khannah supported the resolution; he had had numerous complaints made to him, and had often to write to the Vice-Chairman and the Secretary about them.

Mr. Swinhoe said there were already a number of complaints of double and treble assessments being made, and he thought that the proposed Committee should enquire into all such general matters."

The Complaints Committee, as will be observed from the above, was intended to be a court of appeal against the action of the Executive, and as such it was too much to expect the head of the Executive to support it. Moreover, it is well known how Sir Henry Harrison was zealously inclined to support and defend his own subordinates, even though they were in the wrong; the case of Babu Nobagopal Mitter, the late License Officer of the Corporation, who was charged with serious defalcations, was a glaring instance of Sir Henry Harrison's weakness in this respect. The Commissioners wanted to criminally prosecute the officer, but the Chairman accepted the latter's resignation and let him off. It was, therefore, no wonder that Sir Henry Harrison should oppose the proposal for a Committee which would deal with the complaints of the rate-payers against the action of the Executive Officers. He was so entirely opposed to the appointment of the Committee, that he would not even attend its meetings, though under the law, as Chairman, it was his duty to do so. But the question is not whether Sir Henry Harrison was opposed to it, but whether it was not necessary to provide for some machinery or agency by which the complaints of rate-payers against the action of the subordinate executive staff may be dealt with. Under Act VI of 1863 special provision was made in section XVIII for dealing with such complaints. The same section was re-enacted as section 42 in Act IV of 1876, which ran as follows:—

"The Commissioners shall provide and keep an office within the town, and shall at such office, and during all days of business, keep open a book, in which shall be entered all reasonable complaints made orally or by letter by any inhabitant or owner or occupier of any house or land within the town, of any matter cognizable by the Commissioners; and the proper officer of the Commissioners shall forthwith enquire into the truth of all such complaints and report thereon to the Commissioners; and such report shall be entered in the said book, and such book shall be open, at all reasonable times, to any inhabitant or owner or occupier of any house or land within the town."

It is the omission of this wholesome provision from Act II of 1888 that led to the formation of the Complaints Committee. That the residents of Calcutta, particularly the poor, have every day innumerable causes of complaint, which are but indifferently attended to, and sometimes wantonly disregarded, owing to the chronic perversity of the subordinate municipal staff, will be admitted by all, Europeans and Indians alike, except perhaps the Municipal Executive. No doubt most of the complaints that reach the superior officers are attended to, but the procedure followed in dealing with them, as pointed out by one of the Commissioners, has been such as would render proper redress of grievances of the rate-payers almost an impossibility. The Chairman and the other superior officers are no doubt best fitted to deal justly, promptly and impartially with such complaints, but the difficulty with them is that they are not assisted in this work by an independent staff whose sole duty is to investigate into the real facts of the case and place them before the Chairman. Complaints are disposed of on the reports of the very department or of the very officers complained against. A complaint is lodged before the Chairman, the letter is received by the Secretary, who forwards it to the department concerned for report; in the meantime no acknowledgment of the letter of complaint is made, nor is the decision of the Chairman afterwards communicated to the party. In the Government Postal Department, it is well known, how prompt and energetic they are in dealing with complaints from the public in regard to the working of the Post Offices; every complaint, however trivial, is carefully and in a business-like way enquired into and fairly dealt with; the public have a firm faith that in the Post Office their grievances will always be fairly redressed—at any rate, these are thoroughly enquired into; but such a feeling of confidence does not exist amongst the rate-payers of Calcutta with regard to the Municipal Executive. It was therefore that the Commissioners thought it advisable, in the interests of the rate-payers, to appoint a standing Complaints Committee, which, if its proceedings from year to year are carefully analysed and studied, it will be found, has done substantial good to the rate-payers by bringing to light some of the vagaries of the municipal officers and their underlings, and redressing the grievances of the poorer residents of the town.

It is alleged that the Committee has "degenerated into a mere appellate tribunal from the orders of responsible municipal officers, after they had enquired into cases." But why? Objections to the proceedings of the Complaints Committee refuted. this is exactly the function given to the Complaints Committee by the Commissioners-in-meeting. It is really a tribunal to which rate-payers might appeal and look up for redress against the "orders of the responsible municipal officers," if they have good reasons to believe that such orders are wrong.

Mr. Risley has said that "it was very soon found that the Committee took two months to dispose of a single complaint, while such complaints came in at the rate of twenty a day, and hence an order was passed that it should only have jurisdiction in the case of complaints referred to it by the Chairman or by some Commissioner." But nothing of the kind happened. At the very first meeting of the Complaints Committee held on 22nd April, 1889, a discussion took place as to "laying down practicable rules" for the conduct of business of the Committee, and it was then finally resolved that the Committee should restrict itself to an inquiry into the following complaints:—

1. Such as are referred to them for consideration by the Chairman;
2. Such as are laid before them at the request of any Commissioners;
3. Such as are preferred under section 439 of the Act."

It was never intended that this Committee would deal with *all* complaints, nor was it at all a fact that the Committee restricted its line of action on finding out after some time that it could not cope with the work it had undertaken. From the very outset its scope of work was determined, and to this the Committee have loyally adhered ever since.

It has been further alleged that ordinary persons who are more likely to need redress cannot get access to it. Nothing could be further from the truth than this. A cursory inspection of the proceedings of the Complaints Committee will shew that it is the poor and middle-class men and women, the unfortunate victims of *zulum* and illegal exactions by petty municipal underlings, whose cases were brought up before the Committee. Those who are well-to-do and influential residents know how best to deal with these unscrupulous municipal subordinates, and do not require the help of the Commissioners.

It is observed that "most of the more reasonable and experienced Commissioners fight shy of the Committee, whose operations have consequently fallen into the hands of other and younger men, who are, among the whole body of the Commissioners, perhaps the most incompetent to exercise the functions they aspire to." How far this observation is true, will be quite apparent when it is remembered that such Commissioners as the following were its members at one time or other:—Rai Durgagati Banerjee, Bahadur, Raja Sewbux Bogla, Babus Juggunath Khanna, Surendra N. Banerjee, Narendra N. Sen, Mr. G. T. Doucett, Moulvie Budruddin Hyder, Khan Bahadur, Mr. W. H. Ryland, Mr. N. N. Ghose, late Dr. A. L. Sandel, late Pundit Prannath, Babu Nobin Ch. Bural, Dr. J. N. Ghose and others. Are these "younger men"? Are they not "reasonable and experienced" Commissioners?

It is also stated in paragraph 12† of the letter to the Government of India that Sir Alexander Mackenzie "has read all the proceedings of the Commissioners in meeting, of their General Committee, and of the various Standing and Special Committees from 1894 to 1897," and has found "that the Chairman and the Executive generally have far less power than they ought to have; in fact, it may almost be said there are as many Chairmen as there are members of Committee." It is difficult to understand what is meant by this extraordinary statement. Individually no member of the Corporation or of a Committee, as such, possesses any power whatever; it is only when he sits in meeting that he has collectively along with his colleagues certain powers. It is therefore a mistake to say that there are "as many Chairmen as there are members of Committee." Under section 61, as stated above, the Chairman exercises practically almost all the powers of the Commissioners; while a Commissioner, if he has got any proposition to make, must bring it before the Commissioners in general or committee meeting, and if it be approved of and adopted by a majority, then, and then only, it becomes effective. Thus a Commissioner individually has no power; nor is any Committee all-powerful; for, under the law, every resolution of a Committee, before it can be put into action, must be confirmed by the Commissioners in meeting; unless of course the matter is urgent and the Chairman is in accord with the majority of the Committee, in which case action may be taken by the Chairman, in anticipation of

† Compare paragraph 12, sub-para. 1, Bengal Government letter of 9th March, 1897.

confirmation of the Commissioners-in-meeting. It is thus clear that no Commissioner nor any Committee has any power whatever to interfere with, or obstruct, the Chairman in the exercise of his duties; it is only the Commissioners-in-meeting that can restrain the Chairman. With what truth then can it be said that "the Executive has no real head, or rather it is hydra-headed," or "that the Act confers an unlimited power of controlling the Chairman by the action of Committees?" A Committee may come to some decision and pass a resolution, but if the Chairman disagrees, it is open to him not to carry it out or even to take any notice of it, until the Committee's resolution has been confirmed by the Commissioners-in-meeting.

In paragraph 13 † of the letter to the Government of India it is stated that "it would not be difficult to find instances of wasted hours in the proceedings of both the general meetings and the General Committee, * * * The drawback is that sometimes matters of trivial moment are made the occasion of long and profitless dispute." All that need be said against this accusation is that what has appeared to Sir Alexander Mackenzie and those outside the Corporation as instances of "wasted hours" may not really have been so to the Corporation. What appears to Sir A. Mackenzie and men like him as matters of "trivial moment," may have been, in point of fact, of vital importance to the Corporation. The discussion on the subject of making a grant to the Alms House has been found fault with, as being, in the opinion of Sir Alexander Mackenzie and Mr. Risley, profitless and an instance of absolute waste of time. But the question involved an important principle, *viz.*, whether the Corporation could lawfully make any grants to a charitable institution, such as the Alms House. The law makes it permissible for the Corporation to contribute out of its funds towards the expenses of a Hospital, Primary School, and other specified purposes, enumerated in section 36 of the present Act; but in the opinion of the Advocate-General, no such grant could be made by the Corporation to a charitable institution. The application of the President of the District Charitable Society, on behalf of the Alms House, having been rejected on the grounds mentioned above, it was contended that the Alms House was a hospital and may legitimately claim some contribution. The discussion next turned upon the question whether the Alms House could be looked upon as a hospital.

It is stated that "instances, recent instances, of this (*i.e.*, 'wasted hours' of discussion on 'matters of trivial moment') are in the recollection of all persons familiar with the work of the Municipality." It would have been well if these "instances" had been specifically mentioned, for then it could have easily been shewn that they had some important bearing on vital questions connected with the interests of the Corporation, which was perhaps purposely overlooked by a biased critic.

At the latter end of subpara. 1 of paragraph 13, a short extract from Sir Henry Harrison's speech in the Bengal Legislative Council, on 7th April, 1888, has been given, evidently with a view to support the allegation of wasting time and making "matters of trivial moment the occasion of long and profitless dispute." The extract is said to be a description given by Sir Henry Harrison of the meetings of the General Committee; but it was in fact a general description of meetings of the Town Council consisting of 30 members; there was no General Committee in 1888. Sir Henry was then simply arguing against enlarging the number of members on the then proposed General Committee to 35, as suggested by the Hon'ble Gurudas Banerjee.

Attention has been drawn in paragraph 14 ‡ of the letter to the Government of India to the table given in the Health Officer's Annual Report for 1894, "showing that frequently when the Executive, *i.e.*, the Engineering Department, refused sanction to constructions as opposed to the Building Regulations, the aggrieved parties got the matter put before the Buildings Committee, and the Executive orders were reversed." The table contains 56 cases, specially selected and picked out from the proceedings of the Buildings Committee; and it is no wonder that "in 90 per cent. of these (cases) the Executive order was set aside." Why, the table could have been so arranged as to shew that in 100 per cent. (*i.e.*, in all cases) the order of the Executive was set aside. It has been alleged that the order of refusal of the Executive to sanction constructions was frequently appealed against before the Buildings Committee, and the decisions of the Committee have been condemned as affording glaring instances of "interference by the Standing Committees with the every-day working of the Act." But the allegation as to frequent appeals resulting in "interference with *every-day working of the Act*" is very far from the truth, as

† Compare paragraphs 13 and 14, para. 1, Bengal Government letter of 9th March, 1897.

‡ Compare Subpara. 2, paragraph 12, also paragraph 15, Bengal Government letter of 9th March, 1897.

the following tabular statement will shew the number of appeals that come up before the Buildings Committee in a year is only 2 to 5 per cent. of the total number of refusals to sanction by the Executive :—

	NUMBER OF APPLICATIONS FOR SANCTION.		NUMBER OF APPLICATIONS SANCTIONED.		Number of Applications refused.	NUMBER OF CASES BROUGHT UP BEFORE BUILDINGS COMMITTEE.	Percentage of Appeals.
	Pucca buildings.	Kutchu huts.	Pucca buildings.	Kutchu Huts.		Pucca buildings and Kutchu huts.	
1892-93	2327	+ 3136	874	+ 1560	4029	198	5%
	5463		1434				
1893-94	2539	+ 3470	954	+ 1274	3781	107	3%
	6009		2228				
1894-95	2334	+ 3059	840	+ 1123	3430	118	3%
	5393		1963				
1895-96	2188	+ 2716	716	+ 995	3193	170	5%
	4904		1711				
1896-97	2229	+ 2584	776	+ 887	3150	134	4%
	4813		1663				
1897-98	2597	+ 2675	933	+ 685	3654	52	1%
	5272		1618				

Moreover, if these cases were carefully analysed, it would appear that in some cases the orders of the Executive were *ultra vires*, in others the application of the law or bye-law by the Executive was wrong; only a few, no doubt, have been treated as special cases, under clause 8 of the Building Bye-laws, Chapter f. But the Health Officer (Dr. Simpson) himself, in submitting to the Chairman the table, referred to above, did not so much condemn the Buildings Committee as he did the law and the bye-laws themselves. He 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. As a rule building laws limit exceptions to public buildings. It is obvious then from the foregoing that a Building Act, which shall meet the requirement of the town, and a proper administration of the Act, when secured, are urgently necessary. The latter requisite is, however, dependent 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.*

Then, in this paragraph not only has the Health Officer's report been quoted against the Buildings Committee, but extracts from the speeches of individual Commissioners have been given in support of Mr. Risley's contention. These speeches were made at an ordinary meeting of the Commissioners held on the 18th July, 1895, in connection with a motion of Mr. N. N. Ghose to the effect that "the Chairman be requested to prepare a Note or Memorandum on the difficulties that have arisen in the interpretation and the working of the building regulations as given in Act II (B.C.) of 1888, and of the bye-laws passed by the Commissioners and sanctioned by the Local Government, and on the generally unsatisfactory character of those regulations; and that the Memorandum, when prepared, be sent up to the Local Government after it has been adopted by the Commissioners-in-meeting." A few stray sentences from Mr. Ghose's speech have been given, and it is observed that "the whole of his speech was a powerful indictment of the action of the Commissioners, and specially of the Buildings Committee." But upon the mind of an unbiased and fair-minded person, reading the whole speech, quite a different

Mr. Ghose found fault with the Buildings Committee for "loosely interpreting" the regulations, which he said were "vague, ambiguous and unsatisfactory."

impression would be left. Mr. Ghose's contention evidently was to get the building regulations and bye-laws revised, so that there might be no doubt as to their real meaning. "What he desired was that the building regulations as given in the Act and in the bye-laws should be known to have a definite meaning, and should be applied strictly in all cases." He no doubt found fault with the Buildings Committee; but it was "not so much for violating" the regulations, as for "loosely interpreting" them; and this could never have been the case if the regulations and bye-laws were properly and carefully worded. Mr. Ghose said :—

In one case where a three-storied house was built without sanction in a very narrow street, when the Commissioners proposed to pull down the building, they were told by high legal authority that if they did so, they would not

be exercising their discretion in such a judicious way that a Court of law would recognise; that it would be a capricious use of their discretion.

If the general propositions which he stated were challenged, he would be obliged to refer to specific cases. In one case of Abdul Gunny, the Chairman had recorded his opinion that he "was not disposed to go in for demolition in view of the uncertainty which surrounded the bye-laws," and in another case he (the Chairman) stated that having regard to the unsatisfactory character of the bye-laws and all the objections having been withdrawn, the best thing that could be done was to sanction the building. It was, therefore, admitted by the highest officer of the Corporation that there was uncertainty in the interpretation of the bye-laws, and that they were vague, ambiguous and unsatisfactory. The speaker did not wish the law to be made more rigorous; he thought the sections of the building regulations in the Act and the bye-laws passed by the Commissioners provided rules sufficient for the purpose; they were neither too harsh nor too lax. But the Commissioners had to interpret the law, and if they came to the conclusion that the bye-laws which had been framed were ambiguous, it was their duty to make them clear and certain in their action.

Babu Narendranath Sen, in seconding Mr. Ghose's motion, said:—

This question was thoroughly discussed when it was brought up some time in 1893, when on the speaker's motion a Special Committee was appointed to revise the building bye-laws. The Chairman was strenuously opposed to the appointment of that Committee; he was under the impression that the Commissioners wanted to relax the bye-laws, and so he was pleased to call only a single meeting of that Committee, and it practically died a natural death. However, every day's experience showed that great difficulty was felt in working the building regulations and bye-laws, and if it had not been for the Buildings Committee, he thought it would have been practically impossible to administer those regulations and bye-laws.

Babu Priya Nath Mullick supported

the resolution as it had been modified, because it was clear that in some respects the bye-laws were ambiguous in their wording, as for instance, which of the rules under section (f) related to buildings on sites previously built upon and which did not. There were, besides, various other reasons why a Committee should be appointed to submit a report within three months.

Babu Lal Behari Bysack said:—

To give instructions to the Buildings Committee to conform to the law would be very desirable and would serve the purpose if there had not been conflicting opinions in regard to certain sections of the bye-laws, and particularly those under Chapter (f), as had been explained by Babu Priya Nath Mullick. There was considerable ambiguity and difficulty in determining whether all the rules under that chapter applied to houses on sites previously built upon as well as to buildings on sites previously unbuilt upon. If all these rules applied to both classes of cases, then in the cases which had been cited by Baboo Kally Nath Mitter of three-stories, erected on sites previously built upon, there would have been no difficulty; but the opinion was strongly held by many that those rules applied only to houses constructed on sites previously unbuilt upon, and the Chairman had himself sanctioned many buildings of three or four stories on reconstructed sites, not only because he could not dismantle them from want of Police aid, but also because the rule was differently construed on different occasions. Then as to the height and mode of construction of buildings, chapter (e), it was provided that 'when any old masonry building was taken down to an extent exceeding one-half, the rebuilding of that portion shall be deemed to be the erection of a new building;' therefore, when less than half was taken down, those rules would not apply.

He was about to say that an application was first submitted for pulling down and reconstructing less than half the building, and when that was rebuilt a further application followed to rebuild, say, one-third more: in such a case, the application could not be refused to rebuild the rest of the house in portions. How could the Buildings Committee conform to the bye-laws when there were these difficulties in the way? The speaker, therefore, thought it was high time that a committee should be appointed to consider the difficulties which had arisen, and as long as those difficulties existed definite instructions could not be given to the Buildings Committee.

It will appear from the above that there was considerable difference of opinion amongst the Commissioners, regarding the existing building regulations. Babu Kally Nath Mitter and a few others thought the bye-laws themselves were all in order, but the working thereof was defective and objectionable; while the majority entirely differed from this view of the case and supported Mr. N. N. Ghose's resolution, which was carried. The opinion of the majority of the Commissioners on this subject was that the law and bye-laws were incomplete and were vague and uncertain in their readings; and this is, however, found to be what was subsequently expressed by the members of

In enumerating the defects in the working of the building regulation, the report of the Building Commission has said nothing about any flagrant violation thereof by the Commissioners.

the Calcutta Building Commission in their Report, dated 23rd December, 1897. Paragraph 41 of the Report, dealing with the main defects in the present Act and bye-laws (regarding buildings, &c.) runs thus:—

"Before dealing in detail with the alterations which we consider ought to be made in the existing law, we desire to report that the main defects which we find in the Act and bye-laws and in their working are as follows:—

- (1) The absence of power to prevent the construction of buildings, contrary to the regulations contained in the bye-laws;
- (2) The want of effective powers of punishment for offences against the Act;

- (3) The absence of any provision in the Act for the width of streets or for the height of houses ;
- (4) That much of the matter contained in the bye-laws would properly find its place in the Act ;
- (5) That the Building Committee of the Commissioners is too large a body for the purpose of dealing with questions relating to building ;
- (6) That Bye-law (f) 8 is too wide in its terms."

It will be noticed that the Report of the Building Commission says nothing whatever as to wilful and flagrant violation of the law and bye-laws by the Commissioners, but only categorically mentions the main defects in them.

In paragraph 15 † of the letter to the Government of India, an attempt has been made to justify the observations of Sir Alexander Mackenzie made in the course of his famous Entally speech, that in the Calcutta Corporation "there is far too much speech for the sake of speech," and that the Commissioners "treat every question before them as an opportunity for speech making." Quotations from speeches of Messrs. Simmons and Ryland have been given in support of Sir Alexander Mackenzie's remarks. But at the same meeting, did not other Commissioners, possessing greater experience than either Mr. Simmons or Mr. Ryland, take quite a different view? Why have they not been quoted? Babu Kally Nath Mitter, speaking on Mr Skrine's motion to introduce the "closure," said :—

The speaker must say that during his nineteen years' experience of the business of the Corporation, he had only in about five cases felt the desirability of the rule of closure ; if, therefore, the occasions when such a rule might be an advantage were so very rare, he submitted that the case for a rule of this sort was not proved.

Mr. J. G. Aparcar said :—

In the present case he did not find that this resolution had the consideration given to it which would make it acceptable to the Commissioners. He was not prepared to accept it on the mere *ipse dixit* of his friend ; he would be prepared to consider the proposal if it was proved that the Commissioners had acted in a way which was scandalous. He did not know if Mr. Skrine had been to the House of Commons ; Mr. Aparcar had done so on frequent occasions, and he had heard members of the front benches, both of the Government and the opposition, men most skilled in public affairs, repeat themselves again and again. It could not therefore be expected that a higher standard of debate should prevail here. He regarded the discussion which this motion had provoked a waste of time. *He seldom remembered a member of this Corporation speaking who did not say something bearing upon the question then before the meeting.*

Babu Priya Nath Mullick said :—

He had been an elected Commissioner in this Municipality, for more than 6 years, and also, since 1884, in the Suburban Municipality, and a nominated Commissioner before that, but he had never seen the necessity for such a rule.

And finally, what better and stronger testimony could there be against Sir A. Mackenzie's sweeping observation than that of the late Mr. Harry Lee, who was Chairman of the Calcutta Corporation for three years? In his farewell speech at a meeting of the Commissioners, held on 23rd March, 1893, Mr. Lee said :—

"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?"

In paragraph 16 † of the letter to Government of India, an attempt has been made to shew how "the leading Commissioners themselves have on many occasions found fault with the administration of the town." Stray quotations have been given from speeches delivered by Commissioners, but it is not stated what the occasion was for such speeches and against whom the criticism was directed. Reference is first made to the special general meeting of the Commissioners held on 16th September, 1895. At this meeting the Annual Administration Report of the Municipality for 1894-95, was placed before the Commissioners, and the Chairman (Mr. Ritchie) in proposing its adoption said :—

"The record before you is a record of progress, and it is a record that the Commissioners need not be ashamed of publishing to the world. We are well aware that there has been a wave of hostile criticism from outside, directed

† Compare paragraph 16, Bengal Government letter of 9th March, 1897.

‡ Compare paragraph 17, Bengal Government letter of 9th March, 1897.

against the Municipality. Such a wave is no new thing. I have been recently making an inquiry into the history of Calcutta Municipal Administration, going back to the days, when it was directly in the hands of the Magistrates; when there was no attempt to remove the sewage, other than to send a small quantity of it into the river; when the only supply of water was direct from the river and local tanks; when your streets were traversed by stinking open drains; when the time of the President in Council was occupied by considering applications for small additional grants for oil lamps, which the state of the imperial finances generally obliged him to refuse. These days lasted till 1840, and since then there has been a record of progress, slow but sure. But what I want to draw your attention to is that, throughout the history of the town, all those who have been concerned in its administration and have borne the burthen and heat of the day have had but little assistance from the outside public, while on the other hand they have been assailed by violent and virulent criticism; criticism of the unhelpful sort, based on ignorance and reckless assertion. The older Commissioners among you will corroborate me in this statement, and that the recent attacks from correspondents in the papers and elsewhere, of which I speak, have been as nothing to what have periodically occurred in former times. Let me not be misunderstood in what I am saying. We have a finger in everybody's pie; there is not an individual citizen who is not affected in his comfort and health by our proceedings; and so far as criticism goes hand-in-hand with an effort to improve matters, it is laudable in the highest degree, and is the duty of all good citizens. What I say is that the form which this criticism should take on the part of those who have influence, is to give assistance to the constituted authorities in the many ways that are open to them, and not to raise sensational cries and give unnecessary alarm. Of course, living as we do in a tropical climate, with a tropical rainfall, in a town set on a dead-flat, one of the largest in the world in respect of population brought here by the strides of civilisation, we are set 'in the midst of many and great dangers'; but the manly part is surely to avoid sensationalism and wholesale condemnations and to look into the facts and to strive quietly to attain remedies that the best expert advice can suggest; and none the less, in a year like the past one, with a high mortality from small-pox and fever, which in itself was a sufficiently grave cause of anxiety to those responsible for combating it."

He then went on reviewing the whole record of works done. It is to these opening observations of the Chairman, quoted above, that Babu Narendra Nath Sen took exception, and he said:—

"That the Chairman had tried to make out that the state of things at present was not much worse than it had been at any time before. For his own part he could not assent to that proposition. *Never was Calcutta in a more insanitary condition than it was at present, and that was a fact which was admitted on all hands.*"

Only the sentence in italics is quoted by the Local Government. He then referred to the delay in preparing the Drainage scheme and to the "bungling" made in regard to the Goragatcha trenching ground. A perusal of Babu N. N. Sen's speech will at once shew that the criticism was directed wholly against the Executive. So was Babu R. C. Pal's speech at the same meeting, referred to by Mr. Risley. Babu Radha Charan said:—

"*Bustee improvement was one of the greatest necessities of the town; but it was now practically at a stand-still. There were many bustees in the northern division of the town which were in the same state now that they were ten years ago, and if active measures were not taken to improve them, their condition would become worse. It was the great pride of Sir Henry Harrison's administration that bustee and town improvement made rapid strides.*"

The prominent reference to Sir Henry Harrison's administration was evidently made in order to contrast it with that of Mr. Ritchie, who, as it was well known at the time to most of the Commissioners, was entirely opposed to any expenditure from the Municipal Funds for bustee improvements, as hitherto done. His individual views on the subject were clearly set forth in the Annual Administration Report for 1892-93, page 114. During Mr. Ritchie's administration all bustee improvement projects were put off by him on one stereotyped objection, viz., "no money".

Speaking about the Conservancy of the town, Babu R. C. Pal said:—

"Lastly, it was stated in the report that a Committee had been appointed to consider the advisability of amalgamating the Road and the Conservancy Departments, but the reason which led the Commissioners to appoint the Committee ought to have been stated. *It was a matter of long standing complaint that the working of the Conservancy Department was going from bad to worse; in many parts of the Northern Division refuse was not removed from streets for 3 and 4 days together, and in spite of complaints nothing was done to remove the filth. Generally speaking, the streets were not properly swept and refuse promptly removed. Drains were not regularly cleaned and flushed. In short, the city had become a city of filth and smell since the Health Officer had taken charge of the Conservancy work. Such was the state of the town; improvement was, therefore, required not only in the matter of the sewers and the building regulations, but also in the cleansing of the town. No one was more anxious for the sanitation of the city than Dr. Simpson, but unfortunately he was too much absorbed with bacteriological research to give his undivided attention to his principal work. The Health Officer should be always abroad, paying surprise visits to every ward, inspecting every lane and bye-lane unaccompanied by any officer. Then there would be a terror amongst the Inspectors. But the Health Officer would not do that, and matters were drifting from bad to worse.*"

Only the lines in italics have been quoted in the Government letter!! It will now be clearly seen against whom the criticism was directed and with what object.

The quotation from the speech of Babu Joygobind Law was also directed against the Executive and not against the Commissioners; and if the proceedings of the General Committee meetings are

referred to, it will be found how vehemently he has attacked the Engineer's Department, from time to time, for "inordinate delay" in preparing a scheme for preventing the flooding of Bechoo Chatterjee's Street, Sukea's Street and all that locality which, it is notorious, gets flooded after an ordinarily heavy shower of rain. Special establishments had been sanctioned more than once for making a survey of this area, taking levels, preparing plans, etc., with a view to formulate a scheme, temporary though it might be, for stopping the flooding of the streets named above; but all to no purpose; and it was against the indifference and laziness of the Executive in this matter that Babu Joygobind Law protested.

It is however very interesting to note how approvingly Mr. Ritchie, the Chairman and head of the Executive, one in Government service, has spoken of the administration of the Municipality generally. Mr. Ritchie has admitted that since 1840 "there has been a record of progress, slow but sure," and in respect of the work done in 1894-95 he has observed that "it is a record the Commissioners need not be ashamed of publishing to the world."

It is alleged in para. 17† of the letter to the Government of India that "examples of the way in which the Committees interfere with the normal action of the Executive are too numerous to be quoted;" and the Lieutenant-Governor has specially condemned "the interference by the Standing Committees with the everyday working of the Act." But has there really been any *interference with the everyday working of the Act*? Only three instances have been quoted. At first sight, and to those unacquainted with the facts of the cases, the instances will no doubt appear to be undue interferences with the Executive in unimportant matters of detail, but these are not so trivial as they are made to appear. A consideration of the circumstances under which those resolutions, now objected to, were passed, will no doubt justify the action of the Committees concerned. Each of these specific instances, it will be observed, involved the necessity for a general direction to the Executive or the discussion and settlement of some principle by the Commissioners-in-meeting.

The first example is the resolution of the General Committee in regard to "privy connections," passed at their meeting held on 14th September, 1895; in the opinion of the Local Government it was an unwarrantable interference with the Executive. But what were the facts of the case? For some time before this resolution was passed by the General Committee, notices had been issued by the Health Office calling upon the owners or occupiers of several houses to connect their mehter service privies with the sewers. It was found that these notices were being indiscriminately issued, without reference to the capacity of the public sewers adjacent to the privy, and the available supply of unfiltered water for flushing the privy and the street sewer. Reports reached the members of the General Committee, from time to time, about cases where there was no proper appliance for flushing of the sewer (such as a flushing chamber) with which a privy had been ordered to be connected. This will be amply borne out by a reference to the proceedings of the General Committee during 1894-95 and 1895-96. Under these circumstances, it was thought desirable in the interests of public health to put a check upon such indiscriminate connection of privies with the sewers; and Babu Narendra Nath Sen only focussed the views of almost the whole Committee, not excluding the Chairman, by having a definite resolution passed on the subject. The following extract from the proceedings of the meeting of the General Committee held on 14th September, 1895, will shew the importance of and necessity for the resolution arrived at, almost unanimously, by the members present, including the Chairman:—

"*Prohibition as to future privy connections*—Babu Narendra Nath Sen moved that, until the general drainage system of the town is put in a satisfactory condition, privy connections be not sanctioned. The unfiltered water-supply as well as the capacity of the drains were insufficient even at present.

The Chairman observed, with reference to the capacity of the sewers, that even if privies were not directly connected, the sewage must still be put into the sewers at the dépôts.

Babu Kally Nath Mitter suggested that the better plan would be to resolve that no privy connection should in future be allowed without the sanction of the General Committee.

Brigade-Surgeon Sanders would certainly not sanction more privy connections if there was insufficient flushing water.

Babu Joygobind Law remarked that for months the water had been insufficient, and the consequences would be dangerous if future connections were allowed.

The Chairman thought the Executive were quite alive to the undesirability of sanctioning fresh connections, and the attention of the Health Officer had already been called to it.

† Compare paragraph 18, Bengal Government letter of 9th March, 1897.

Babu Devapersad Sarvadhikary remarked that if in constructing privies and drains care was taken that the whole of the household refuse water was drained into the channel, the flushing would be more satisfactory than if flushing depended upon the cistern alone.

Babu Narendra Nath Sen was informed that the Officiating Engineer was opposed to granting privy connections.

Babu Devapersad Sarvadhikary observed that on the other hand the Health Officer objected very strongly to drop-privies, and in small houses they were certainly objectionable. He moved as an amendment that in granting privy connections in future care should be taken that the whole of the surplus water of the house should, as far as practicable, be drained on to the privy.

After some further discussion it was resolved that privy connections shall not be sanctioned in future except with the special sanction of the General Committee."

The second example is given from the proceedings of a meeting of the Hackney Carriage Committee held on 13th April, 1896. One of the questions discussed at this meeting was the "illegibility of numbers on Hackney Carriage Tickets," and the resolution arrived at was very different from what has been alleged to have been moved and carried, as will be seen from the following:—

"Illegibility of numbers on Hackney Carriage Tickets.—Mr. Phelps would request the Chairman to consult this Committee in all matters relating to the administration of the Hackney Carriage Department, specially as the Committee hold their meetings at least once every month. There was a complaint of the way in which the present contractor had done the lettering of the Hackney Carriage Tickets. Mr. Phelps understood that the contract was given to the present man because his tender was a few annas per hundred less than that of the old contractor. The numbers on the tickets for the current year were in many instances absolutely unrecognisable, owing to the bad paint peeling off.

Some of last year's tickets having been compared with those of the present year and found to be in better condition, it was resolved *that the Commissioners be recommended to cancel the present contract and enter into a contract with the contractor who supplied the tickets in the previous year.*"

"That the Chairman should consult the Commissioners in all matters relating to the administration of the Hackney Carriage Department" was, it will be seen, no resolution of the Committee (as alleged in the letter to the Government of India), but a mere suggestion of Mr. Phelps. He "would request the Chairman to consult this Committee (not the 'Commissioners') in all matters relating to the administration of the Hackney Carriage Department." That Mr. Phelps' suggestion was not an unreasonable one will be clear when it is borne in mind that this was a Committee specially appointed at the instance of the Chairman for the purpose of helping him in the administration of the Hackney Carriage Act, within the town. In this connection it should not also be overlooked that the question of mere legibility of numbers of tickets, though very insignificant by itself, cannot really be considered so, when viewed in relation to hackney carriages, for, is not legible numbering of tickets attached to hackney carriages an important factor in the administration of the Hackney Carriage Department? And from that point of view, should not the matter be looked upon as a legitimate subject for consideration by the Special Committee appointed to look after the proper administration of the Hackney Carriage Department? It is to be noticed that the only members of the Hackney Carriage Committee present at the meeting were Mr. W. H. Phelps and Mr. W. Graham. There were no Hindu Commissioners!!

The third example is found in the question of a grant to the Alms House. It was brought up before the Commissioners several times by the Chairman, and was not a trivial, ordinary matter, coming within the sphere of the normal action of the Executive; otherwise it would not have evoked the discussion it did. The circumstances which made the consideration of this question difficult have already been fully explained. In a matter which involved serious doubts as to the legal powers of the Commissioners in making the grant applied for, certainly it was not at all unreasonable and unbusinesslike to request the Chairman (I do not see any resolution in this connection in which the words "the Chairman was *allowed* to take up the question, &c." have been used) to prepare a "note" on the question for the information of the Commissioners.

But these do not at all come under the category of "every-day working of the Act," and what really constitutes "the every-day working of the Act"? ought not to have been put forward as affording evidence of "the way in which the Committees interfere with the normal action of the Executive." As already explained, they involved determination of a general policy of action or of a principle, and therefore came eminently within the province of the Commissioners-in-meeting, and not

of the Executive. It appears, however, from the way in which the charge of interference with the Executive has been somewhat recklessly levelled against the Commissioners and their Committees, that Sir Alexander Mackenzie's and Mr. Risley's conception of "the every-day working of the Act" and "the normal action of the Executive" is very different from what it really is. They seem to have overlooked, at any rate for the time being, the vast and varied work which the Municipal Executive have to perform daily from day dawn to nightfall. The cleaning of roads and side drains; the removal of sweepings from roadside, and night-soil from privies; the watering and lighting of streets; the cleaning, flushing and maintenance of underground sewers; the daily supply of over 20 million gallons of filtered water; the sanctioning of filtered water connections with private houses and huts; the sanctioning of unfiltered water connections for the flushing of private connected privies; the inspection of water fittings in private houses; the issuing of notices under sections 161 and 157; the cutting off of water connections for various reasons; the repairing of leakages in the main and service water pipes; the daily working and management of the several pumping stations; the carrying out of extension works, both of the filtered and unfiltered water-supply systems; the repairing and relaying of old and damaged sewers; the examination and inspection of underground drainage of private houses; the issuing of notice to remedy defective drainage; the construction of new roads; the construction and repairs of public latrines, night-soil depôts and urinals; the maintenance of squares; the maintenance and working of a railway for removal of refuse to the Salt Lakes; the clearing and maintaining of roadside open drains in the added area; the issuing of notices under the multifarious sections of the Act; and the instituting of prosecutions in the Police Court for default in carrying out the requisitions contained in these notices, which, taking all departments together, amount to many thousands; the maintenance of three *Gowkhanas* for the conservancy of the town and the added area; the registration of births and deaths, and the keeping of statistical records of same from year to year; the medical and sanitary inspection of the town and of private houses; the investigation of dangerous epidemic diseases; the filling up of foul tanks and wells; inspection and control of food, drink and drug; maintaining an efficient laboratory for the daily analysis of food, water, gas, etc.; keeping out-door dispensaries in the added area; and others too many and too minute and detailed to be mentioned in this note, comprise "the every-day working of the Act." With how many, if any, of these have either the Commissioners or the Committees ever interfered?

Mr. Risley has evidently wholly misunderstood the scope and functions of the Standing Committees, and has therefore represented the case in a way which does not tally with the real truth. Sir Alexander Mackenzie, it is said, has read all the proceedings of the Commissioners in General and Committee Meetings, but he could not have read them carefully or correctly if he meant by "interference by the Standing Committees with the normal action of the Executive," interference with "the every-day working of the Act" of the kind specified above. With the exception of the Complaints and the Buildings Committees, the business transacted by the Standing Committees consists of consideration of questions of principle; of matters requiring general control and guidance by the Commissioners; of new projects of work; sanctioning of new estimates; additions to Budget grants; re-organisation of any special department; proposals for increase of establishments; acceptance of tenders for works, materials, machinery, &c., of value of over Rs. 1,000, and such other items. Ninety-five per cent. of the business of the Standing Committee involves consideration of finance, of "ways and means." The Complaints and the Buildings Committees, no doubt, have to deal with orders passed by the Executive in regard to applications for construction of buildings and privies; but, as pointed out elsewhere, even the cases that are so reviewed by these two Committees are infinitesimally small, forming a very small fraction indeed, compared with orders passed by the Executive, which are to be counted by thousands. To say therefore that the Standing Committees seriously and largely interfere with the Executive in their *daily working* of the Act, is to make a statement which is completely refuted by the actual facts of the case.

In paragraph 18† of the letter to the Government of India an extract is given from the proceedings of the ordinary monthly meeting of the 11th July, 1895, as an example of the way in which proposals for sanitary improvements are obstructed by the Commissioners. The subject matter was the proposal for laying unfiltered water pipes for flushing sewers in Armenian Street. The facts of the case are these:—some of the privies attached to houses standing on this street having been found to be in an insanitary condition, notices had been served on the owners thereof to connect them with the

Example of the way in which sanitary improvements are alleged to have been obstructed.

† Compare paragraph 19, Bengal Government letter of 9th March, 1897.

sewer. But there was no arrangement for the proper flushing of either the sewer under the street or of any of the privies, so the notices had to be withdrawn. Simultaneously a proposal was made to lay unfiltered water pipes in the street; but there was great deficiency in the supply of unfiltered water, and as the mere laying down of the pipes in that street would not give a proper and sufficient supply for flushing, but prejudicially affect the general supply of the town, the Commissioners thought it advisable, in the interests of sanitation, to postpone the laying down of the pipes until there was a better and more adequate supply of unfiltered water.

In the Government letter Mr. Risley thought fit to make the following paraphrase of the proceedings referred to above:—

“That is, the notices had to be cancelled, because there was no water for flushing. The proposal to supply the water was negatived, because the notices had been withdrawn * *”

It will now appear quite clear that in this particular case the proposal to *lay pipes in the street* could not possibly mean *supplying the water*, and the proposal to lay pipes (not the proposal to supply the water, as alleged) was negatived, because the supply of unfiltered water itself at the source was deficient.

The name of the writer of this Paper having been prominently mentioned in this paragraph, he sent an official communication to Mr. Risley, the Secretary to the Government of Bengal, Municipal Department, explaining the facts of the case, and pointing out the serious misapprehension under which the paragraph in the letter to the Government of India was written; and in acknowledging this letter, Mr. Risley has admitted that “in view of the explanation now given, Sir Alexander Mackenzie is satisfied that your action in the matter of the supply of unfiltered water to Armenian Street was not open to the charge of being obstructive.” Mr. Risley has further observed that “he (Sir Alexander Mackenzie) exonerates you (the writer) from any responsibility for the resolution of the Water-supply Extension Committee of the 15th May 1895, *which was rightly set aside by the General Meeting of the 11th July, 1895.*”

In paragraph 19 of the letter to the Government of India it is stated “there could be no better illustration of the incapacity of the Corporation, as at present constituted, to deal with any administrative matter than the difficulty which the Medical Board and the Government experienced in inducing the Commissioners to appoint a sufficient temporary staff to remove the vast accumulations of filth discovered by the Sanitary Officers.” In point of fact, however, neither the Government nor the Medical Board had anything to do with the appointment of the temporary staff for the special cleansing of the town. The news of the prevalence of bubonic plague in Bombay reached Calcutta on the 24th September, 1896. On the 25th (the next day) a special resolution was passed by the Commissioners in General Committee requesting the Health Officer to pay *daily* visits to the different parts of the town for inspection and supervision (instead of his usual three visits a 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 a special additional staff for the purpose. On the 28th September the sum of Rs. 3,000 was placed at the disposal of the Health Officer to meet immediate requirements for special cleansing, and the Engineer was called upon to at once report as to the measures necessary for the efficient flushing of the sewers. On 2nd and 5th October a special staff, consisting of 200 coolies, 60 carts, one Superintendent, 2 Sub-Inspectors, &c., costing about Rs. 5,500 per month, was sanctioned for the purpose of cleansing and disinfecting filthy houses and filthy localities. On the 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; on the same day a Chief Superintendent of Conservancy was also temporarily appointed on a monthly salary of Rs. 1,000. All these things were done without any suggestion, much less pressure, from the Government; and as for the Medical Board, why, it did not even exist when these measures were adopted by the Commissioners; for the Medical Board was formed on the 10th October, under a resolution published at Darjeeling on that day; and indeed its first meeting did not take place until the 20th October, when the President and some of the official members of the Board came down from Darjeeling.

After making these provisions for the special cleansing of the town, the Commissioners, not being satisfied with the manner in which the Executive was proceeding with the work, unanimously adopted the following resolution at a meeting of the General Committee held on the 23rd October, 1896:—

Example of the alleged incapacity of the Corporation to deal with any administrative matter.

“That having regard, however, to the prevalence of the disease (Bubonic plague) in Bombay and to the intimate business relation that exists between the two cities, the General Committee 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 recommend to the Commissioners-in-meeting to spend any reasonable amount for the purpose.”

The ‘special establishment’ referred to in this resolution was not the one which had already been sanctioned and was working, as Mr. Risley would have the Council to believe; but it contemplated an additional and a much larger establishment for the *thorough* cleansing of the *whole* town, and not of one or two wards only.

It is further stated that “although on the 30th November, 1896, the Medical Board addressed to the Corporation a number of specific recommendations for the cleansing of the city, it was not till the 22nd January, and then under the strongest pressure from the Government and the Board, that they sanctioned a grant of Rs. 30,000 towards a further temporary establishment for cleansing up the town.” In the first place the Medical Board’s letter, dated 30th November, 1896, which was addressed to the Government (and only a copy of which was sent to the Corporation) does not appear to contain any recommendation whatever to employ an additional temporary staff for the special cleansing of the whole city. The only specific recommendations therein made were:—

- (1). That all roads and lanes accessible to water carts be watered once a week with a solution of perchloride of mercury to five thousand parts of water.
- (2). That in all cases of overcrowding, resort should be had to the provisions of sections 320 and 385 of the Act.
- (3). That as soon as a larger supply of unfiltered water is available, the number of public latrines and urinals be greatly increased.
- (4). That steps be taken to put in order all house drains and house connections which are now out of repair.
- (5). That action be at once taken under sections 317 and 318 of the Act to inspect and cleanse all insanitary compounds and courtyards of private houses.
- (6). That the water of all wells in the courtyards of private houses be analysed, and if it is found to be unfit for use, the wells should be closed under section 315 of the Act.
- (7). That immediate action be taken to enforce the provisions of section 286, regarding cowsheds and stables.
- (8). That the paving of all hackney carriage stands be taken in hand as soon as possible.

None of these, it will be observed, refers to the removal of “the vast accumulations of filth discovered by the Sanitary Officers;” in point of fact, the Sanitary Officers, in their report, made no mention whatever of the “vast accumulations of filth” all over the town. On the other hand, it will be noticed that before the Sanitary Officers went about making a sanitary survey of the town, the Commissioners themselves were anxious about the cleansing up of the whole town, and openly declared that they would sanction any reasonable expenditure for the purpose, and their views were embodied in their resolution of 25th October, 1896, quoted above. The Sanitary Officers’ report did not reach the Corporation till the 30th November, 1896.

If the proceedings of the General Committee subsequent to the 25th October, 1896, were referred to, it would be found how the question of cleansing up the town was the subject of constant attention on the part of the Commissioners at that time, and how they tried to impress upon the Chairman the importance and urgency of the work.

Specific charges against the Commissioners showing “laxity of administration.”

In paragraph 20 of the letter to the Government of India a “striking example of the laxity of administration” is given. It is in regard to the collection of rates. It is said “that the demands remitted and cancelled during the preceding three years had amounted to Rs. 6,36,330, or an average of 2,12,077 a year, being 5·26 to 6·17 per cent. of the total demand.” The Government, however, is evidently not aware that this is more nominal than real. All rates being payable in advance, bills are made out in full for the succeeding quarter in respect of every holding in the town, on the supposition that every house is occupied and will continue to be occupied during the whole of that quarter. But as the quarter advances, notices of vacancy are received, necessitating cancelment of occupier’s share and the reduction of the owner’s share bills, in terms of the provisions of the law. It will be thus seen that a portion of the total demand made up just before the beginning of the quarter must in the nature of things be fictitious, and will have to be written off as not due from any body. After making allowance for such fictitious demand, the amount actually remitted or cancelled during the three years (1893-94 to 1895-96) was not Rs. 6,36,330, but only Rs. 2,33,050, or an average of Rs. 77,683 a year, being only 2% (and not 5·26 to 6·17) of the total demand; the total amount, remitted and cancelled for vacancy, error and reduction, during

The allegation as to collection of rates being defective for a long time.

the same period being Rs. 4,03,280. To condemn a Municipality and to charge the Commissioners with laxity of administration, because only 2% of the demand is found irrecoverable, is the height of absurdity. The system of collection, far from being defective, is quite efficient, for what Municipality is there in the world which can realize its demands in full? The Government congratulates all Municipalities in the Mofussal on their being able to keep down their remissions and cancellations to only 5% of the total demand. Why it should condemn the Calcutta Corporation on the ground of defective collection (only 2% of the demand being irrecoverable) is what passes comprehension. Reference has been made to the defective arrangements and want of proper supervision in the Warrant Department, to account for the 2% of the demand which is irrecoverable. No doubt the working of the Warrant Department is far from satisfactory, but those who know the actual state of affairs, cannot be persuaded to believe that the whole of this 2% has become irrecoverable in consequence of the laches of the Department. Only a fraction of it may perhaps be so accounted for; but by far the greater portion of this amount is really irrecoverable owing to the poverty of many of the persons against whom the bills were issued, the absence from town of some, and the evasion of payment by others in many ways.

In paragraph 21 of the letter to the Government of India it is alleged that the "Accounts Department of the Corporation is reported to be in an unsatisfactory state, both as regards the compilation of the initial accounts and their audit." But no information is given as to who has made such a report. The Government auditors have, no doubt, from time to time, pointed out defects and irregularities in the annual accounts in the course of their auditing, but they do not appear to have ever condemned either the system of keeping accounts or the department itself. Some of these minor defects have, it is true, been allowed to continue, but for this the Commissioners are not to blame; their proceedings will show that whenever such reports have been submitted to them, they have invariably resolved that the defects should be remedied at once. It is the Chairman, the head of the Executive, who is answerable for not carrying out the suggestions of the auditors. However, these are mere small matters of detail and cannot at all justify the sweeping and serious charge now laid at the door of the Accounts Department for the first time.

It is said that "the officer appointed to be Chief Accountant has not sufficient experience for the control of a large office." The present Chief Accountant was in Government service for over 15 years: 5 years as estimator in the Midnapur District Board Office, one year in the Canal Revenue Office (Midnapur), Public Works Department, and 9 years as Accountant in the Midnapur Treasury. He holds certificates from District Magistrates and Collectors, such as Messrs. Cornish, Vowel, Wilson, Marriot and others. He was brought into the Municipality by the late Mr. Lee in 1890, as Assistant Accountant, which post he held with credit for nearly 7 years, and during which he officiated for the Chief Accountant on several occasions; in 1897 he was promoted to the post of the Chief Accountant on the retirement of his predecessor.

Mr. Risley says "nor is the post adequately paid." The pay of the post is Rs. 300 to Rs. 400 per mensem. At the Calcutta Port Trust, just before the opening of the Kidderpore Docks, the pay of the Chief Accountant, a European, used to be only Rs. 350 to Rs. 450 per mensem.

It is alleged that the "accounts of the Chief Engineer, who is responsible for heavy loan expenditure, are compiled by an Accountant, whose pay is Rs. 105, and five clerks." But it is to be borne in mind that there is no regular account-keeping in the Engineer's Department; whatever they do in this respect is wholly of a subsidiary character; in the Engineer's Department they keep a record of estimates sanctioned and compare them with contractors' bills for checking, and do work of this kind, but the regular compilation of accounts is done at the central Accounts Department under the Chief Accountant.

Reference is made to "serious losses in the Workshop", but it is not stated how these losses arose and how they were discovered. Mr. Risley has attributed the losses to "the imperfect control exercised by the Accounts Department," but he is not aware of the fact that the Accounts Department has never been given any such control. The workshop accounts have all along been kept separately in charge of the European Superintendent of the Workshop, who is under the Engineer of the Corporation. They have been regularly audited by the Government Auditors, who do not appear to have ever found fault with them. It was early in 1896 that ugly rumours were afloat in town

Serious losses in the Workshop alleged to be due to the imperfect control exercised by the Accounts Department.

about the management of the workshop; anonymous letters were addressed to leading Commissioners, setting forth the disgraceful state of affairs there. The Commissioners at once took the matter up and appointed a Sub-Committee, to inquire into the whole question. Babu Jadunath Sen, one of the members of the Sub-Committee examined the books of the Workshop, and discovered gross irregularities, fudging of accounts, absence of proper record, and non-entry in the books of important transactions with a particular private firm, against which large sums of money were found debited in account, but were unrealised for years; the firm was practically a bogus one, the Superintendent himself being largely interested in it. The Commissioners wanted to criminally prosecute the Superintendent, but there was evidently great disinclination on the part of the Executive to do so. Legal opinion was taken to ascertain if criminal proceedings would lie, but eventually the whole question was hushed up. The Superintendent was suspended, and he was quietly removed from the place, and another person was put in charge.

Reference is also made to the accounts of the Stores Department. For three years, 1890-91 to 1892-93, the usual annual "reconciliation" statements were not prepared for audit. Like the Workshop, the Stores account used to be in charge of the Superintendent of Stores, who works under the Chairman direct. But in 1892-93 the Commissioners coming to know of the unsatisfactory state of things in the Stores Department, went into the question by the appointment of a Sub-Committee, which was materially assisted by Messrs. Lovelock and Lewes, one of the leading firms of Chartered Accountants in this city. It was on the recommendation of this Sub-Committee that the Stores Department was for the first time brought under the control of the Chief Accountant in 1893. The Commissioners have subsequently sanctioned a special establishment to bring up old accumulated arrears of previous years, which has already cost over Rs. 3,000.

But after all, to an impartial, fair-minded person, well acquainted with the real facts of the case, what do these instances of defect and irregularity show? They unmistakably point to one conclusion, *viz.*, the imperfect control and the indifferent supervision exercised by the Superior officers of the Corporation, from the Chairman downwards. If there had been vigorous and careful supervision, many of the defects now complained of would not have arisen. It is the supineness of the Executive that is alone responsible for the defects complained of; and strangely enough the Government wants this very Executive, which has proved so inefficient, to be freed from whatever control they are now under.

The preponderance of the Hindus and the smallness of the Europeans on the Corporation; the practical exclusion of the European men of business from the Corporation—further defects in the working of the present Act.

Then the question of the preponderance of the Hindus and the smallness of the Europeans—particularly the European men of business—on the Municipal Board has been discussed, in paragraphs 22, 23 and 24 of the letter to the Government of India and in Mr. Risley's speech. It is observed that "a further defect in the working of the present Act is the practical exclusion of the European men of business from all share in the municipal government of Calcutta;" the majority in the Corporation are Hindus, over-riding other sections of the community. And in illustration of this contention three statements are attached of the letter addressed to the Government of India. The same statements were also laid before the Council by Mr. Risley while introducing the Bill.

Statement A shews the comparative representation of the different nationalities in India as it stood in 1882, under Act IV of 1876, and in 1895, under the present Act. It is, however, not explained why the elections of 1882 and 1895 have been especially selected for comparison. The proper method of arriving at a fairly accurate result would have been to take the average of the 4 elections under each of the two Acts, IV of 1876 and II of 1888. Taking this average, it will be found that the proportion of Hindus amongst elected members has declined from 70·83% to 69%, and on the entire body of elected and nominated Commissioners, from 55·2% to 51%. In comparing the result of the elections of 1882 and 1895, Mr. Risley says, "the proportion of Hindus amongst elected members has declined from 64·6 to 61·6," but this is not correct, the decline is from 64·6 to 56·7. The mistake has evidently arisen from the classing of the ten Commissioners returned by the mercantile and trading communities with the fifty Commissioners elected by the rate-payers. Under the law these ten representatives of the mercantile and trading communities and the fifteen appointed by Government come within the category of

Criticism of the three Statements A, B and C.

“nominated” Commissioners, as distinguished from “elected” Commissioners. In the statement a correct classification however has been made only in respect of the General Committee of 1895, but not in respect of the Corporation of 1895.

Taking the average of the results of all the general elections under the two Acts, the percentage of Mahomedans on the Corporation has risen from 10·76 to 16·7. Mr. Risley attributes the increase in the number of Mahomedans largely to the Government having appointed five (not six) Mahomedans in 1895 against three in 1882; but in point of fact it was due much more to the rate-payers having elected eight Mahomedans in 1895 against five in 1882. Mr. Risley says that the increase in the number of Mahomedans is “in itself by no means a matter for regret”, but what he is evidently sorry for is that there was no corresponding rise in the percentage of Europeans and Eurasians on the Corporation. In this connection it is noteworthy how in one place Mr. Risley in giving the percentage of Europeans and Eurasians excludes the other nationalities, such as Armenians, Jews, Parsees, &c., who have always been linked together with the “Europeans” under one common heading “Europeans and other nationalities”. Possibly the object of this exclusion is to make the percentage of Europeans appear smaller in contrast with the percentage of Hindus, and thus emphasise the defect of the present system.

Referring to Statement B, which shows the composition of the Municipality according to profession or occupation of the Commissioners, it is observed that the number of lawyers has increased from “21 in 1882 to 27 in 1895, Hindu lawyers having gained 6 seats.” In point of fact Hindu lawyers gained only 5 and European and others 1; this being due to Government having appointed 4 lawyers as Commissioners in 1895 against 3 in 1882. If Government really believed the number of lawyers on the Corporation, elected by the rate-payers, to be too large, certainly they should not have appointed any lawyers. And then, amongst the elected Commissioners, there were 23 lawyers (17 Hindus, 2 Mahomedans and 4 Europeans and other nationalities) in 1895; against 18 (11 Hindus, 3 Mahomedans and 4 Europeans and other nationalities) in 1882. Now, if the proportion of lawyers of one nationality to the rest of the Commissioners of the same nationality be taken into consideration, it will be found that there is nothing very striking in the number of Hindu lawyers, it being borne in mind that amongst Hindus, the lawyers are the best educated and enlightened, and therefore the most qualified to take an intelligent interest in civic duties. The comparative figures are as follows:—

	1882.	1895.
Hindu lawyers	12 out of 38	17 out of 39
Mahomedan lawyers	4 „ 8	4 „ 13
European & other lawyers	5 „ 26	6 „ 23
	<hr/>	<hr/>
Total	21 out of 72	27 out of 75

Mr. Risley evidently deplors the decrease in the number of land and house-owners from 17 to 12, but he does not appear to know that many of these 17 Hindu lawyers are also large owners of land and house-property in Calcutta.

With regard to Statement C, observations are made on the proportion of registered electors to the population; but such a comparison should not have been made; at any rate, it should have been pointed out, for the information of those who do not know it, that the population has nothing to do with the number of registered electors. The franchise has been given not to the whole population, but only to those residents of Calcutta who pay rates and taxes to the Corporation to the extent of at least Rs. 24 per annum. The law thus excludes the vast body of the poorer people, labourers and others, from taking any part in the elections.

Mr. Risley has remarked that “the elective principle has failed to fulfil the expectations held out by Babu Kristo Das Pal, that the Hindu rate-payers would often choose European (or Mahomedan) Commissioners”; but Statement C contradicts that observation; for in the words of Mr. Risley “a comparison of Statements A and C brings out that in 1895 the Hindus with 69·5 per cent. of the voting power secured only 61·6 per cent. of the seats, while Europeans with 19·5 per cent. of the voting power got 23·3 per cent., and the Mahomedans with only 9 per cent. of the aggregate voting power succeeded in electing 13·4 per cent. of the ward members.” This clearly shews that the Hindus preferred to use a portion of their voting power (7·9) for securing seats to Mahomedans and Europeans (4·4 and 3·5 respectively). And if a larger number of eligible Europeans had only cared

to stand for election, they would surely have been returned, perhaps uncontested; and the percentage of Europeans would have considerably increased and that of Hindus proportionately decreased. This aspect of the question is fully discussed later on

It is further observed that the figures in these Statements show that, under the system introduced in 1876, not only do Hindus and Mahomedans command an overwhelming majority, but that Hindus alone out-number all other nationalities on the Corporation, and out-number them much more decisively on the General Committee. But if the preponderance of Hindus and Mahomedans on the Corporation and the General Committee was objectionable, why did Government, may we ask, appoint more Mahomedans in 1895? And again in regard to this fact Mr. Risley has observed that the increase in the number of Mahomedans on the Corporation is "in itself by no means a matter for regret."

Although so much is said of the preponderance of Hindus and the "overwhelming majority" of Hindus and Mahomedans, has any full and honest enquiry been ever made as to how this majority has practically worked and what has been its actual effect on the practical working of municipal affairs? It is notorious that Hindus have never in a body voted either for or against any proposition; they have always divided; there are some amongst them who are Government servants and they always vote with the Chairman; so do the Mahomedans, almost to a man. Thus the "educated Hindus," into whose hands it is alleged the municipal government of Calcutta has passed, do not after all really command any majority or any great preponderance, as has been sought to be established with the help of the Statements referred to above. The proceedings of the Commissioners, whether in general or in committee meetings, will amply bear out the truth of this remark. The preponderance of the Hindus is in fact more nominal than real. But who after all is responsible for this preponderance even in mere number? Certainly not the poor educated Hindu, nor the present municipal law, as will be clearly demonstrated later on.

History of the question of adequate representation of Europeans—particularly the European men of business—on the Corporation, since 1876.

Sir Alexander Mackenzie has claimed for his new Bill one great advantage, *viz.*, that under the altered constitution of the Municipality as provided for in the Bill, the European community will no longer stand aloof from the Corporation, but will take their fair share in municipal work and responsibilities. Sir Alexander Mackenzie has no doubt shewn considerable anxiety to ensure the co-operation of Europeans in the administration of the Municipality. But this is not the first time that such anxiety has been manifested by a Lieutenant-Governor. Whenever in the past the municipal law of Calcutta was amended, the question of the adequate representation of the European community on the Municipal Board received the most careful consideration at the hands of the Government.

In November 1875 (27th), at the Bengal Legislative Council, His Honor the President (Sir Richard Temple), while expounding his own ideas as to what changes in the constitution of the Municipality should take place, made the following observation in regard to this question :

Discussion in the Bengal Council in 1875-76.

"The next point should be what should be the number of Municipal Commissioners. Before I enter upon that point, there is one matter which I should like to notice. It is this. It will be undesirable to impose any restriction on the electors as to whom they should elect. They may simply choose whom they like, but to that general principle there may just be one exception. If Hon'ble Members will consider the point exactly, they will see that there are certain "thanas" in this town in which the property and intelligence belong mainly to Europeans, and there are certain thanas, most of them, in which these appertain to the natives; the natives are the persons who own property in these latter, and they represent the intelligence of that portion of the town. But there are certain thanas in which the Europeans chiefly reside. Now, unless some provision were made, it may happen that although all the residents of importance are Europeans, the numerical majority are natives, and it is possible that in every thana where Europeans congregate, native representatives may come to be elected. I think, therefore, it will be but fair to the peculiar position of European residents in this place that in such particular thanas where they reside, it should be laid down that one or both the representatives must be Europeans. There would be, as I believe, a certain limited number of thanas so situated. But with this exception, and in all the other thanas, I would be for leaving the choice of the electors as free as air.

Thus I come to the possible number of Municipal Commissioners. Well, after much reflection, it appears to me that the best number I can suggest is sixty. Out of these at least forty, or two-thirds, should in my opinion be elected and the remaining one-third be appointed by Government. But whether the proportion should be one-third or some less proportion than that, say, one-fourth, would depend on the decision that is arrived at as to whether certain thanas should be obliged to return European representatives. If that exception were not allowed, and if it were

possible that all the representatives elected would be natives, then I think it would be necessary to give Government the power of appointing such European (official or non-official) gentlemen as it may see fit. In that case the number should be at least one-third to be appointed by the Government. But if, on the other hand, that exception were allowed, and a positive chance be given to the Europeans in the European quarter to be elected representatives, then I think it will be sufficient for the Government to have the power of appointing only one-fourth of the whole number. If Government have the power of appointing either one-third or one-fourth, then it would be able to select perhaps certain officials who, from their position in the town, are peculiarly qualified to be Commissioners, or certain European non-official gentlemen, or also certain native gentlemen of rank and position.

Such, then, is the statement I have to submit to the Council. I will end, as I began, by begging it may be understood that I do not bring these proposals before the Council at all in a dogmatic manner.

I shall be quite willing, if the Council approves, to place these propositions in a definite shape; and if the Council will permit me, I will refer them to the Select Committee for consideration."

The Select Committee having, in due course, submitted their report on the constitution of the Municipality, the Hon'ble Sir Stuart Hogg moved, on 29th January, 1876, that the report be taken into consideration by the Council, and among other things he explained that:—

"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."

Against this proposal the Hon'ble Mr. Brookes (the representative of the Trades Association in the Council) remarked:—

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.

There was another point in the section, and that was the qualification of members, namely, the paying of rates. He thought that would exclude many Europeans, that is, many of those who were included in the 18 of other nationalities, inasmuch as many of them lived in Clubs, Chummeries and Boarding Houses; and simply because they did not pay rates, they would be disqualified from being members of the Corporation. He would therefore suggest that the words "or taxes" be added, which would bring these gentlemen within the number of those qualified to represent various communities. He suggested that the number of 25 would not be out of proportion for persons representing those interests; that would leave 29 members out of 54 to represent Hindus and Mahomedans, which, in the same proportion as that given in the section, would give 22 Hindus and 7 Mahomedans. He thought that that proportion would meet the case.

Then followed the Hon'ble Babu K. D. Pal, who opposed the proposal of the Select Committee on principle, because "it was not in consonance with the spirit in which the measure had been conceived"; because he considered "this was not election, but dictation." He said:—

The principle on which these sections were based, he might say, affected the success of the whole scheme, and he was of opinion that it was a principle which had the character of dictating to the electors whom they should elect, and would not leave them freedom of choice. He quite appreciated the liberality of the Government in conceding to the rate-payers the right of election. But if he understood the wishes of the Government rightly, it was this, that the electors should have a full and unrestricted liberty of electing whomsoever they chose, and not that the Government should tell them that in particular wards they should elect particular men to represent their interests. It was true that at the outset the Government should reserve to themselves some power of nominating members of the Corporation, and for that reason one-fourth of the members was left to the nomination of the Government. But with regard to the three-fourths, he humbly thought that full liberty should be given to the rate-payers to elect those in whom they might have the greatest confidence, be they Hindus, Mahomedans, Europeans, Jews, or Parsees. He would ask the Council to consider what would be the position of a ward for which the Government should declare that the electors should elect a Hindu if they did not find a competent Hindu to fill the office. They might have greater confidence in some European or Mahomedan, but under the law, they would be driven to elect some Hindu, or should forego the right of election altogether. This, he considered, was not election, but dictation. The Government dictated that they should elect a man of this nationality or that, or should go without the right of election. That was not in consonance with the spirit in which this measure had been conceived. He therefore held that the proportion of nationalities provided in the section was not quite in accordance with the principle of the Bill. He

admitted that the circumstances of Calcutta were peculiar; that there existed in this city a varied community with conflicting interests, but not always he hoped so. The working of the existing Municipality had shewn that the interests of all classes of rate payers were identical, and that they had one common object in view, *viz.*, the good of the town. If, then, it were left to the good sense and judgment of the electors to elect representatives according to their own knowledge of persons competent to discharge the duties of Municipal Commissioner, it would accomplish the object aimed at. Entertaining that opinion, he would submit that the clause relating to proportion be omitted altogether, and that the electors be left entirely free to elect whomsoever they might think fit. * * *

Then, again, he fully subscribed to the remarks which were made by his hon'ble friend opposite (Mr. Brookes) as to the desirability of raising the number of those persons who should not be Hindus or Mahomedans. But there ought to be some principle on which the proportion should be regulated. If, as he understood, the object of the principle on which this clause was based was that there should be representatives who had a stake in the city, and that therefore persons paying rates only should be considered eligible for election, if that was to be the real principle upon which election was to be based, then the Council should consider which portion of the community had the greatest stake in the town. He was sorry that this question was raised, but it could not be avoided if the rule of proportion were laid down. It was an invidious question, but he could not help alluding to it. If it were left entirely to the judgment of the rate-payers to elect whomsoever they thought fit, that question would not arise. Considering then, the comparative stake which the several sections of the community had in the town, he thought the Council ought to regulate the rule of proportion accordingly. * * *

His Honor the President enquired, if the Hon'ble Member voted for the omission of the first part of section 5, what would he say to section 3, which provided that out of 18 members appointed by the Government, not less than one-half should be Hindus or Mahomedans; he presumed that in that case the Hon'ble Member would leave the choice of the Government unrestricted.

The Hon'ble Babu Kristo Das Pal said he would leave it entirely to the discretion of the Government to appoint Hindus, Mahomedans, or Europeans, as it might think fit.

The Hon'ble Sir Stuart Hogg, the member in charge of the Bill, in replying, explained how the proportion of nationalities was determined by the Select Committee, and pointed out the practical difficulties in the way of accepting Mr. Brookes' amendment. He said:—

He was quite prepared to admit that it was a very difficult task to lay down in the way the Committee had done the proportion of the members of the different nationalities to represent the rate-payers. However, he might say that it was absolutely necessary to do so, otherwise the inevitable result would be that nearly all the members of the Corporation would be Hindus, and the Mahomedans, Europeans and other nationalities would not be fairly represented. He agreed with the Hon'ble Member opposite (Mr. Brookes) that objection might perhaps be taken to the small number of 18 being allotted to nationalities other than Hindus and Mahomedans. Of course it might be that many of these 18 would be Armenians, Jews and persons other than Europeans. But it must be borne in mind that the population of Calcutta consisted of communities and persons of all nationalities. The foreign community of Calcutta consisted of only about 24,000 or 25,000 souls; consequently, taking the whole population at 450,000, it struck him in drafting the sections that the number he gave (18) was very fair, having regard to the very small number of persons other than Hindus or Mahomedans residing in Calcutta. If the proportion of 18 was raised to 25, and we adhered to the principle that the Government was to dictate to the wards the number of each nationality which was to be elected by that particular ward, then we had to face this difficulty, that we should be calling upon natives, Mahomedans and Hindus, to return European members. It might be said, generally, that in all Calcutta there were only four wards where Europeans resided, — the wards south of Dhurruntollah Street, and perhaps a portion in Old Court House Street. The idea of the Select Committee was that these four wards should each be called upon to return four members of nationalities other than Hindus or Mahomedans, leaving it to one of the other wards to return two members of this class. The remaining 12 wards would return entirely Hindus or Mahomedans, as it was supposed they would be able to select from amongst the native community persons who were in every way qualified to represent their interest. If, however, we increased that number to 25, Government would be compelled to call upon the wards occupied exclusively by natives to return Europeans, which was a somewhat anomalous position to assign to them. He would here remark that from the census of Calcutta, the number of Hindus appeared to be about 290,000 or 300,000; the Mahomedan population about 133,000. But although the Mahomedan population was a little less than one-half of the Hindu population, yet the intelligent portion of the community was chiefly found amongst the Hindus and not the Mahomedans. And although we had a large number of Mahomedans, they were mostly composed of the poorer classes, and probably very few of them would be entitled to vote for men to represent them in the Corporation. Consequently we might assume that nearly all of the rate-payers who would return members would be Hindus. For that reason the proportion of 9 Mahomedans to 27 Hindus had been given. * * *

The Hon'ble Sir Stuart Hogg would suggest that if the Council were very strongly opposed to any proportion of nationalities, the number of members to be appointed by the Government should be increased to 24, leaving 48 to be elected.

His Honor the President thus summed up the debate:—

The alternative put forward by the Hon'ble Mover of the Bill was that which His Honor suggested on the 27th November last. He would call the recollection of the Council to what he said then:—

In reference to what had fallen from Hon'ble Members, the first point on which he should ask the provisional decision of the Council was whether there should be a proportion of nationalities laid down by the law or not. If the Council decided that there should not be any proportion of nationalities, then the question would arise as to whether

the proportion of members to be appointed by the Government should not be increased. He might say that in so far as he could perceive, it was not a matter which very much concerned the Government; either plan was quite feasible; that was to say, you might have a section as now drafted, prescribing the proportion of nationalities by law, or you might omit any such dictation by law, and then increase the proportion of members to be appointed by the Government, and leave a discretion to the Government to appoint whom they thought fit. This was exactly one of those provisions on which it appeared to His Honor that the Council should be able to give their decision. He thought it would be admitted by the majority at least of the Council that if you did not lay down any proportion of nationalities, then you must give to Government such a proportion of appointed members as would give Government the means of rectifying the balance if necessary; and the question would be whether the proportion of appointed members should be one-fourth or one-third. Honorable Members would see that if you only allowed one-fourth to be appointed by Government, and the remaining three-fourths to be elected without restriction of choice, then it would leave a very narrow margin to rectify the balance. But if you allowed one-third to be appointed, there was no doubt that that proportion would give the opportunity of rectifying the balance, supposing any rectification were necessary.

The Hon'ble Babu Kristo Das Pal thought that the proportion of one-fourth would leave a sufficient margin; but if the Government thought one-fourth not a sufficient proportion, he would leave it to the discretion of the Government to appoint one-third.

After some further conversation, the question that the first six lines of section 5 (declaring the proportion of nationalities) be omitted, was put and agreed to, and the motion to increase the number of nominated members from 18 to 24, or from one-fourth to one-third, was also carried.

It will appear from the above that the Select Committee's scheme, determining the proportion of nationalities, was rejected not "in deference to the views of Babu Kristo Das Pal," as Mr. Risley has thought fit to represent, but after a full and exhaustive discussion of the whole question from all points of view; and was rejected unanimously by the Council. Mr. Risley is not quite correct in saying that Babu Kristo Das Pal "urged that the system of proportional representation would be inelastic and *would prevent Hindus from electing Europeans* as their representatives." What Babu K. D. Pal really said was, as will be seen from the extract from his speech given above, "that full liberty should be given to the rate-payers to elect those in whom they might have the greatest confidence, *be they Hindus, Mahomedans, Europeans, Jews or Parsees*. He would ask the Council to consider what would be the position of a ward for which the Government should declare that the electors should elect a Hindu if they did not find a competent Hindu to fill the office. They might have greater confidence in some *European or Mahomedan*, but under the law they would be driven to elect some Hindu or should forego the right of election altogether."

It must not however be overlooked in this connection that although the proposal for proportional representation by nationalities was rejected as objectionable on principle, the number of nominated Commissioners was raised from 18 to 24, that is to say, from one-fourth to one-third of the total number of Commissioners; because it was considered that this increased proportion would be amply sufficient to enable Government, in an unobjectionable manner, to adjust the balance amongst the different communities, especially in regard to the European element.

The same question arose again in 1887, when the present Act was before the Legislative Council in the form of a Bill. Sir Henry Harrison was then the member in charge of that Bill, and at a meeting of the Council held on the 3rd December, 1887, in moving that the Bill be referred to the Select Committee, he observed:—

As he had on many occasions stated, the greatest defect in the present constitution of the Municipality was the impossibility of securing the co-operation of the commercial element in Calcutta, especially of experienced men of business at the head of large mercantile firms. It was no secret that every Lieutenant-Governor had tried to obtain the co-operation of some of the leading members of the mercantile community, and it was equally no secret that they had almost invariably replied that they had not the time to spare. The difficulty was not solely that they were afraid of being out-numbered. The real difficulty was that, whereas native gentlemen who served on the Corporation could devote a large amount of their leisure to familiarising themselves with the details of municipal work, obviously the leading men amongst the mercantile community had not the same leisure at their disposal, and it was difficult to get men without leisure to participate in work with men who had leisure.

The Hon'ble Babu Kally Nath Mitter remarked:—

The Hon. Mover of the Bill had pointed out the difficulty of getting gentlemen belonging to the mercantile community to serve on the Municipal Commission. That was a difficulty which, to the speaker's mind, was insurmountable, unless merchants themselves would come forward to offer their services. It was quite possible that by means of election, pure and simple, several members of that community might be elected if any interest was taken in returning members from it. He thought it was a mistake to ground a complaint on the fact that commercial interests were not represented; because we know that as a matter of fact persons representing those interests did

not take such an amount of interest in the affairs of the Municipality as would induce them to offer themselves for election. If the election returns were examined, it would be seen that hardly any eminent persons belonging to the mercantile community ever came forward to be elected, and very few of them registered themselves as voters. The consequence was that other communities were able to return a large number of representatives.

Again, on the 28th January, 1888, when the Hon'ble Babu Kally Nath Mitter moved an amendment for increasing the total number of Commissioners from 75 to 80, and for raising the proportion of elected Commissioners in respect of nominated Commissioners from 2: 1 to 3: 1, he said among other things:—

There was also a representation from the Calcutta Trades' Association, and in the 7th and 8th paragraphs of their letter they discuss this question. They say:—"In thus advocating the due recognition of the claims of the European community, the Committee of the Association are actuated by a desire to secure for the future Municipality of Calcutta the services of a number of men eminently qualified to take part in the municipal government of the city. It has hitherto been found impossible, for reasons which are only too well known, to induce a sufficient number of such men to come forward." What those obvious reasons are perhaps we shall be favored by the Hon. Member on my left (Mr. Irving), but the reasons are not obvious to me. On the contrary, I shall be able to show that there has been little or no interest taken by this body in returning members to the Corporation. They go on to say:—"But it now behoves the Government, in view of the strong conviction which exists in the minds of the European community that their interests should be effectually safeguarded, to enact a municipal law that shall make it possible to introduce into the *personnel* of the new Corporation a fair proportion of European Commissioners. The numerical strength of the Corporation, as laid down by the Bill, is the next point to which the Committee desire to invite the attention of His Honor the Lieutenant-Governor. They are still of opinion that a body of seventy-five Commissioners will be unnecessarily large, and would therefore suggest that the number be limited to sixty." I would also point to the letter of the Secretary to the European and Anglo-Indian Defence Association. They complain of there being no adequate European representation, and they give a schedule showing how they would like to see the Commissioners elected. They say that Wards 17 and 18, with a population of 11,000, should be amalgamated and should return 2 Commissioners, and that Wards 1 and 3 with a population of 51,000 should have 2 members; that Wards 15 and 16 with a population of 16,000 should have 2 members, and that Wards 2 and 5 with a population of 62,000 should have only one member. If this is adequate representation, the number of Commissioners can no doubt be reduced, but to my mind it is anything but adequate representation. My proposal is that, with the number of 80, the nominated Commissioners be fixed at 20, and that 60 be distributed amongst the wards. Wards Nos. 1 and 3, 5, 7, and 9, 12, 13, 15, 16 and 17 should return 3 Commissioners each, and the remaining wards 2 Commissioners each. There would be this advantage that Wards 12, 13, 15, 16 and 17 having 3 Commissioners each, would each be able to return one member of other nationalities, and you would thus have 5 more members of other nationalities elected, and as the Government instead of nominating 15 Commissioners would nominate 20, there might be 5 more Commissioners who would be Europeans, and therefore these ten Commissioners would not be either Hindus or Mahomedans. That it would be so there could be no doubt. At the last election in Ward No. 12 the last member elected was Mr. Hallett, and if instead of 2 Commissioners in this ward, we had 3, one European Commissioner would certainly come in. The last member elected in Ward No. 13 was Dr. Chambers, and again in Ward No. 15 Mr. Chick had come in; in Ward No. 16 Mr. Doucett, and in Ward No. 17 Mr. Gore Brown. So that in these five wards you would be able to elect one of the other nationalities to make up the number. The objection which might possibly be taken is that, in some of the wards, such as 1, 3, 5, 7 and 9, Hindus would come in. But in the other wards, 12, 13, 15, 16 and 17, other nationalities would come in. So that my proposal does not in the least affect the interests of the other nationalities. The number of nominated Commissioners should be fixed at 20, that is to say, one-fourth of the whole number. I know that the Hon. Member in charge of the Bill is very much opposed to this reduction. He thinks that the interests of minorities would be very much affected if there was a reduction of five in the number of nominated Commissioners. On the contrary, I shall show that it will do nothing of the sort. If the Council would look at the returns of the four elections which have taken place, the fact will be as clear as possible. When the elective system was first introduced, the number of Hindu voters was 4,556, the number of Mahomedan voters 289, and of other nationalities 199. That showed that the other nationalities took no interest in the elections. The Hindus in the first election returned 41 members, the Mahomedans returned 3 members, and the other nationalities 4. In the next election in 1879 the Hindu voters numbered 6,025, and yet the number of Hindu Commissioners returned was reduced to 39, the Mahomedan voters increased to 604, and kept the same number of Commissioners, the other nationalities advanced to 377, and returned 6 members. Did that show that the other nationalities took any interest in the elections of 1879? Then in 1882 the Hindu voters numbered 9,194, but returned only 32 members; the Mahomedan voters were 850 and returned 5 members; other nationalities had 1,363 voters, and returned 11 members. In 1885 the Hindu voters were 7,827, and returned 27 members; the Mahomedans were 1,064, and elected 8 Commissioners; and the other nationalities mustered 1,105, and returned 13 Commissioners. Does not this show conclusively that in proportion as particular communities took interest in the elections, they were able to return a larger number of Commissioners? I do not think that 1,105 voters is anything like the largest number which these other nationalities can muster. I believe that number could be multiplied many fold. It seems to me that the system of elections should not be condemned by those who do not try to work it out properly. Until they really take an interest in the elections, they cannot expect to be elected. At the last elections, to the credit of the Health Society it should be said that they were able to

persuade 1,100 persons to register themselves as voters, and the inevitable result was that the number of Commissioners of other nationalities rose from 11 to 13.

On the 4th February, 1888, the Hon'ble Mr. Irving, on the other hand, in moving amendments with a view to reduce the total number of members of the Corporation as well as the number of elected Commissioners, said :—

The proposal to give the Government 20 instead of 15 appointments, or one-third as is now done, is one which commends itself to the European community generally, and in as much as it would enable Government to redress more effectually the inequalities of representation among the various classes, it is a very desirable provision. Sir Henry Harrison, in his able note on the constitution of the future Metropolitan Corporation, is very decided in his views as to the necessity of retaining in the hands of Government the power of nominating one-third of the Commissioners, in order to enable it to adjust representation between the various classes. The additional special constituencies referred to in section 8 would only give the European and Eurasian communities that assurance of getting their own representatives returned to which they are fully entitled. The Mahomedan population is also seriously under-represented, and the Government nominations, if adequate, would do much to remove this cause of complaint. It is undoubtedly a great injustice, in a community like that of Calcutta, that any one race or class should practically rule all the others, and neither the Europeans nor the Mahomedans are satisfied with the present arrangement. Europeans in India should remember that superior numbers do not constitute a dominant race, and that mere weight of numbers ought not to entitle one class to override all others. This is strongly urged by the European community which I represent, feeling as they do that they are now shut out from their fair share in the control of city affairs. Instead, therefore, of increasing the number to be elected by the general community and thus enlarging the power already held by the practically governing race, it is on every ground desirable that Government should have, as hitherto, the nomination of at least one-third of the Commissioners, and that in addition to the ten Commissioners to be elected by special constituencies. This arrangement would go far towards securing a fair balance of representation, and would give satisfaction to the most intelligent classes of the community. In Calcutta, where the natives, as pointed out by Sir Henry Harrison, are to the Europeans and Eurasians as 16 to 1, it is a certainty that the great majority of elected Commissioners will belong to the more numerous class. In the report of the Amalgamation Committee at page 9, the following statement occurs: "Taking two important classes, the commercial class and the Mahomedan population, no one can fail to be struck with the very small proportion of the elected Commissioners which these return." Without some such safeguards as are proposed, the European, Mahomedan, and other interests will be overborne to a degree which I think would be prejudicial to the interest of the whole city. Therefore if 30 Commissioners are elected in the ordinary way, that will amply provide for the great Hindu section of the community, and will give them their fair proportion of members in the Corporation, and their proper and legitimate influence therein. More than this should not be granted, for any further concession would only be to the prejudice of the other important sections of the community.

At the same meeting Sir Henry Harrison remarked :—

In the work of legislation, gradual construction on existing foundation is the safest. We have existing lines to work upon, and unless we are prepared to say that the Corporation will not work on these lines, it is undesirable to change them. I am not prepared to say that the proposed constitution is unworkable. Firstly, I think that there are two or three details in this Bill which will a little strengthen the party of progress if adopted, such as not allowing Ward No. 12 to lose its second member, and the plural system of voting. And then as regards the power of nomination, this gives a power which the Government has never used to the fullest extent. It has never so used the power of nomination exclusively to strengthen the motive power in the Corporation, and this ought to be tried before the fundamental proportions are changed. Even using the power of nomination as hitherto exercised, I am bound to say that if all the members nominated would attend the General Meetings, there would be sufficient motive power to enable the Corporation to get along. Again, if I had any hope that the European members would take the same interest as the native members, I should be more disposed to yield to the Hon. Mr. Irving's argument, but I am afraid we must put this aside as really out of the question. I believe that to some extent they have been kept away from the meetings by finding that they are in the minority, but at the same time they have also found that it was quite impossible for them to give the same attention to the work of the Municipality as those who have ample leisure, and to whom it is almost a pleasure. There are a certain number of leisured gentlemen amongst the native Commissioners who have often come two, three or four times a week to committee meetings to do work which is certainly not of transcendental interest, but the ordinary humdrum work of the Municipality. Now is it possible to hope that we can get European gentlemen, who have their business to attend to, and to whom time is money, to attend and take part in work of this nature? If we cannot hope for that, we must fall back upon the present lines. The Chairman must as heretofore do the work with six or eight Commissioners willing to meet him two or three times a week, and carry on business with pain on a system of reasonable compromise. The Chairman has at times to give way, and the Commissioners at times give way, and provided there is an appeal to General Meeting, with fair prospects of success, the Chairman may expect to get sufficient concessions made to enable him to carry on the work of the Corporation at marching speed if not at express speed. It is my belief that, even if we were to go so far as to have a majority of Europeans in the Corporation, we should still find that in committee meetings the majority would be Native Commissioners. For these reasons, although there is great force in the arguments used by the Hon'ble Mr. Irving, I think we ought to follow the old lines as laid down in the Bill, which allow two-thirds of the Commissioners to be elected by the wards; and I therefore trust the Council will, on the fullest consideration, adhere to the proposals before them in the Bill.

The Hon'ble Dr. Gooroodas Banerjee observed :—

With the most earnest desire to make concessions to the European community to secure their co-operation in the municipal affairs of the town, I cannot support the amendment of the Hon. Mr. Irving. It has been urged that the fact of the number of Commissioners being large, causes a long time to be consumed in discussions in the Municipal Board, and that this prevents able commercial men from taking part in the administration of the affairs of the Municipality. But it should be borne in mind that the duties of the Municipal Commissioners are not merely of a deliberative character sitting at meetings of the Board, but their duties should also be of an inspectional nature. A Municipal Commissioner should inspect the ward he represents, so that he may be able to ascertain its wants and requirements, and for the due discharge of duties of this class the number of Commissioners necessary to represent a ward efficiently must be a matter of consideration; and seeing that the dimensions of these wards are by no means small, I submit that one Commissioner for each ward will hardly be adequate representation. I see no force in vague, undefined, speculative reasons, but I think it a most practical reason that it would not give the Commissioner sufficient time to inspect his ward efficiently. Therefore, though on the whole a larger number of Commissioners might entail greater sacrifice in time, on the other hand we have, to compensate for it, greater efficiency secured in one respect; and if the members of the European community are pleased to bear this in mind, I hope they will not grudge any additional sacrifice of time that the number of Commissioners proposed in the Bill might entail. I may also add that if the charge on the score of loss of time is well founded, the members of the European community taking part in the administration of the Municipality may, by the moral force of their opinion and example, help in removing that ground of objection.

Babu Kally Nath Mitter said :—

Then again the Hon. Member in charge of the Bill did not understand why I put forward the results of the last two elections. How he could have misunderstood my intention, it is impossible for me to say. It is as clear as anything can be. The point I wanted to establish is this, that the greater the interest taken by the several nationalities the greater the number of Commissioners returned by them; that in the first election, as the Hindus took the most prominent interest, they were able to return the largest number of representatives. Then at the subsequent elections, as other constituencies took larger interest, they were able to return a larger number of members, and consequently Hindus suffered, and the use which I wish to make of these facts is, that we should leave the returns to be regulated by the result of the elections. If all the constituencies in the Municipality took the interest in the elections which they ought to take, they should be able to return a due proportion of members, and then particular interests would not suffer.

Sir Henry Harrison again observed :—

The object of leaving to the Government the nomination of one-third of the Commissioners is admitted on all sides to be mainly to secure better representation, that the Government may reduce inequalities as far as they are produced by the elections. In this case the Government would have greater power of doing so if all the nominations were left in their hands than if 10 nominations were taken away. On the other hand, I most distinctly say that if the representatives of these bodies can be induced to work, they are just the persons we want. As far as the Port Commissioners are concerned, they are entitled to have their own representatives on the Corporation if only by reason of the large amount of rates they pay. As far as the Chamber of Commerce is concerned, the endeavour has hitherto been to try to induce the leading members of that body to sit on the Corporation, but unfortunately nearly always the endeavour has been unsuccessful. As far as the members of the Calcutta Trades' Association are concerned, there is greater willingness to work, I supposed, because the affairs of the town more intimately concern them; whereas the Chamber of Commerce feel their interest greater in the work of the Port Commissioners. We have had many members of the Calcutta Trades' Association who were willing to take as much part in Municipal affairs as is necessary for the well-being of the Corporation; some of them indeed have done very good service. Of Members of the Chamber of Commerce we have hitherto had few, for the reason that gentlemen engaged in business cannot afford the time. We have only had one member of the mercantile community who has really been able to be on the Municipal Corporation and to work successfully, and that was Mr. George Yule, and probably he was one of the best members we have ever had on the Corporation. If other members of the Chamber will pay the same amount of attention to the affairs of the Municipality as Mr. Yule did, it would be an enormous advantage to the Corporation. The Port Commissioners would probably elect commercial members of their body to represent them on the Corporation, and the Chamber would naturally feel bound to do the same. But there is considerable fear that two or three valuable votes might be lost, because if it turns out that out of the whole body not more than one or two can afford the time necessary to sit out meetings and give their votes on critical occasions, then the other seats will be wasted, or we should practically have the 25 nominated Commissioners reduced to 20. This is one practical difficulty which will in all probability arise. It has often happened that some one who seems likely to make a good Commissioner if he could only give the time necessary, is at first willing to do so, but when the time comes he finds that he has something more important to do. I have in my mind two or three instances of gentlemen who would have made most valuable members if they would only have attended, but experience proved that they would not. For that reason I would prefer that the Government should have the whole of the nominations, and I am quite certain that if only 4 or 6 gentlemen connected with the Chamber of Commerce could be induced to come forward, there would be no doubt of their being welcomed.

His Honor the President (Sir Steuart Bayley) thus expressed himself on this subject :—

The only purpose to which nomination could be properly put was to redress anything like a monopoly of representation. For that purpose I hold it to be a very valuable power in the hands of the Government. I cannot but f the

force of what the Chairman of the Corporation has said that the tendency will probably be for the majority of the elected Municipal Commissioners to become more and more the representatives of a single class. By "class" I do not mean either Hindu, Mahomedan or European, but people of one way of thinking and of one set of habits, and it is in that point that the danger of a tyranny of the majority is always more likely to lie. I should be anxious, in regard to Municipal representation, as in political representation, to provide in a fair way for minorities, to introduce diversity of thought, in any bodies of this kind. If the elective representatives are all professional men, I should like to bring in representatives of the wealthier classes who are not willing to stand for election. If the whole were of one religion, I should like to bring in men of another religion. And the same as to particular interests. If the elected Commissioners represented one special interest, I should consider it my duty to nominate persons of another interest. But I quite agree with my hon. friend, Sir Alfred Croft, that the question ought not to be considered as a question of Europeans qua Europeans, or Mahomedans qua Mahomedans, or Hindus qua Hindus. It is not from the point of religion, but from the point of view of earnestness of direction towards progress or towards reform which they would be likely to bring into the body of the Corporation that the question of what class a candidate belongs to has to be considered, and I think that is what my hon. friend, Sir Alfred Croft, meant, and that Sir Henry Harrison has a little misunderstood him. I should have thought that had it been possible to have the heads of the great European firms as representatives of trade and commerce, it would be a help, a strength and an honor to the Corporation. *My own fear is just the contrary, that you will never be able to get the representatives of commerce to go out of their way to bring their knowledge and practical ability to bear on the affairs of the town.* I wish it could be otherwise.

Such then is the summary of the discussion on this important question that took place during

The above summary shews how anxious Government was in the past to secure the active co-operation of the Europeans — particularly the European men of business.

Also how disappointed Government was at the indifference exhibited by the commercial community in the matter.

to see that the European and other nationalities were fairly represented on the Corporation, but

In 1876 and 1888 Government took care to guard against the possibility of undue preponderance of the Hindus in the Corporation.

Special "checks were designedly chosen" and provided for in the law.

These checks or safeguards have not worked properly owing to the negligence of those entrusted with the working thereof.

follows:—

As regards the results of the elections, disappointment has been expressed in some quarters at the number of

Sir Henry Harrison's views on the small number of Europeans returned at the general election of 1889, under Act II of 1888.

any increase in the proportion elected by the wards. But I asserted in the clearest possible terms that this would

the two previous occasions when the Municipal Law of Calcutta was being materially amended. It will clearly show how greatly anxious Government always has been to secure the active co-operation of Europeans, particularly European men of business, in the administration of the affairs of this city. It will also show how equally disappointed Government was at the attitude, in the past, of the commercial community. Strangely enough, Sir Alexander Mackenzie does not blame the merchants and tradesmen of Calcutta for the indifference they have shewn. On the contrary, fault is found with the Act and the working thereof. But, so far as the law is concerned, one important fact has evidently been ignored by both Sir Alexander Mackenzie and Mr. Risley, *viz.*, that in framing Acts IV of 1876 and II of 1888, the Legislature was not only anxious to guard against the possibility of undue preponderance of the Hindus on that body. Thus in 1876 "three checks were designedly chosen—*first*, there was the check of one-third nominated Commissioners; *secondly*, the check that in the European wards a larger measure of representation was conceded than in the Indian wards, especially in the wards in the north of the town. Though the European wards were smaller in population than the Indian wards of the town, they were given proportionately a larger number of representatives, which were allowed three members; *thirdly* there was the check in all the wards of the cumulative vote." In 1888, the first check (*viz.*, one-third of the Commissioners for nomination or election by special constituencies) was retained and two new checks were added, *viz.*, "(1) to have the list of voters drawn up in the office according to qualifications instead of only on application, and (2) to allow plural votes by which wealthy European voters would get the same weight which wealthy Hindu voters already got by the indirect method of partnership and joint families." Such being the facts, it is unfair now to find fault with the Act. If the safeguards or checks have not worked properly, then those who were entrusted with their working should be blamed. In April 1889, Sir Henry Harrison submitted a report on the result of the general elections held in that year under Act II (B.C.) 1888, and in paragraphs 23, 24, 25, and 26, under the heading—"Result of Elections—Small number of Europeans," he wrote as

still leave the Hindu predominance as it was. The argument which I used throughout was this, that as many native gentlemen had abundant leisure which they were only too glad to devote to Municipal work, while most qualified Europeans had no leisure and grudged the time which they regarded as wasted over Municipal discussions, it was inevitable that the leisured Commissioners must have a large majority, at least on Committees, as compared with the busy Commissioners, and that it was best to recognise this and make them feel a sense of responsibility. But a majority would often work very well if it had a substantial minority to face, but badly if that minority was too weak. Therefore care ought to be taken to maintain a substantial European minority.

This would be endangered partly by the loss of the third member in the European wards, partly by the addition of the suburban wards which were electing almost a solid phalanx of Hindus, and the checks introduced into the new Act, besides retaining one-third of the Commissioners for nomination or election by the special constituencies, were— (1) to have the list of voters drawn up in the office according to qualifications instead of only on applications and (2) to allow plural votes by which wealthy European voters would get the same weight which the wealthy Hindu voters already got by the indirect method of partnerships and joint families. Have these checks failed? A reference to Annexure D. will shew that they most certainly have not. The following is a statement of the voters in the town arranged according to nationalities at the four elections under the old Act and at the recent election:—

Years.	Hindus.	Mahomedans.	Europeans.	Chinese.	Jews.	Parsees.	Total.
1876	4,556	239	187	3	3	6	4,994
1879	6,025	604	352	2	16	5	7,004
1882 (10,587)	7,314	797	1,017	5	33	14	9,180
1885 (9,548)	7,051	1,005	855	12	35	17	8,975
1889	7,964	1,286	2,340	9	36	29	11,664

It will be seen that while the new system gives the Hindu voters including the suburban wards an increase of only 8 per cent. on the largest number previously obtained and the Mahomedans an increase of 28 per cent., it gives the Europeans, &c., an increase of 230 per cent.

This is as regards the number of voters, but if the voting power due to the plural system is also taken into consideration, the same tabular statement will show that the Europeans, who had never before exceeded 11 per cent. of the voters in the town, and who on this occasion were just over 20 per cent., had the power of exercising 11,034 votes out of 46,402 or 24 per cent. Again, if the voters in each ward are examined, it will be seen that the Europeans had voting strength sufficient to return—

Number of Commissioner	1	1	1	1	1	2	2	2	1	1	1	1	1
for Ward No.	10	12	13	14	15	16	17	18	19	20	21	24	25

16 Commissioners in all, whereas, as a fact, they only returned 9. These figures I think shew conclusively that had the Europeans organized, the new Act would have fully done all that was expected of it. The fact that several of the European voters were dead in no way affects the result, because at least as large a proportion of native voters were dead, and the dead voters almost in every instance represent a living voter, who could have obtained a vote had he cared to apply for it. It is only where native owners or occupiers of houses have been succeeded by European owners or occupiers, or the reverse, that the obsolete character of the list makes any difference, and this would not practically affect the result.

Nothing is further from my intention than to find fault with the European community for its inertia. It is obvious that it does not want the elective system. It would much rather have the number of members which are to be regarded as its share of the Corporation fixed by law as was at first proposed, and then have those members nominated by Government and the leading European Associations. It cannot be expected that busy men will trouble themselves with looking after their votes at a Municipal election, but I do think, that as the electoral system has been introduced and is part of the law of Calcutta, the leading Associations might have combined together to see that the Act was worked properly, that votes were claimed, circulars under Section 24 answered, candidates brought forward suitable to the wards for which they stood, and the other measures taken, without which no elective machinery can be expected to work. In 1875, when it was at first proposed to fix by law the numbers of each community, the proposal was to constitute the Corporation of—

33 Hindus.
12 Mahomedans.
27 Europeans and others.

—
72

Had the European vote been made the most of, there would on the present occasion have been

16 Elected for wards
10 Elected for Special Constituencies
6 Nominated

—
32 out of 75, or rather more than was originally looked upon as the ideal proportion.

It will appear from the above that for the small number of Europeans returned as Commissioners in that year, the Europeans themselves were responsible. If they do not choose to come forward and stand for election, how can they expect to be returned? If the European community do not bestir themselves in the matter and see that proper candidates from amongst their own body are returned, then they have to thank themselves for the result. It was clearly demonstrated by Sir Henry Harrison in respect of the 1889 election that if the Europeans had only cared for it, they could have easily returned 16 Commissioners. The same remark applies to subsequent elections. At the last general elections (1898) only 8 European and other nationalities (6 Europeans and Eurasians, 1 Armenian and 1 Parsi) were elected, but if the European community, including their commercial men, had really desired more Europeans to be returned, they could have easily and almost automatically secured at least 15 Commissioners, in consequence of the operation of some of the checks mentioned above.

Then, the check of nomination of one-third of the Corporation does not appear to have been properly worked. Government should have appointed more Europeans and a smaller number of Natives of India, and indeed might have excluded the Hindus altogether, if they really believed that the Hindus returned by the wards were already too many. On this matter Sir Henry Harrison himself observed in the Bengal Council on the 4th February, 1888 :—

Government has never used its power of nomination to the fullest extent, so as to have a larger number of Europeans on the Corporation.

“And then as regards the power of nomination, this gives a power which the Government has never used to the fullest extent. It has never so used the power of nomination exclusively to strengthen the motive power in the Corporation, and this ought to be tried before the fundamental proportions are changed.”

Further, the European men of business have not properly exercised the privilege conferred on them by the Legislature. In spite of every effort on the part of the Government to enlist their active co-operation in the administration of the Municipality, they have continued to be as apathetic and indifferent as ever. Under Act IV of 1876 Government retained the power of nominating 24 Commissioners (one-third of the entire body), but the European Merchants, appointed Commissioners by the Government, were found unwilling to take any active part in the affairs of the Corporation. On this point the Hon'ble Mr. Macaulay remarked at a meeting of the Council on the 4th February, 1888, as follows:—

* * *

Sir Henry Harrison argued that because hitherto, with distinguished exceptions, members of the Chamber of Commerce have not regularly attended meetings, therefore there is a danger that those now to be elected by them will not, and that thus valuable votes will be lost. But would not the Chamber be more likely to find men among the commercial community willing to take a part in the management of the town than the Government! The objection to the present system is that Government has difficulty in finding men willing to be nominated, and that those nominated are unwilling to take a share in the work. I can say from my own experience that I have had, on the occasion of one vacancy, to write to four gentlemen in succession on behalf of Government before one could be found to fill it. I maintain that the Chamber will be better able than Government to find commercial men with a taste for Municipal work and a willingness to serve, and that those elected would feel a sense of responsibility which would impel them to discharge duly the functions entrusted to them. I therefore ask the Council to accept the clause as sound in principle and convenient in practice.

Accordingly provision was made in Act II of 1888 for the nomination of only 15 Commissioners by Government, leaving 10 to be nominated by the Bengal Chamber of Commerce, the Trades' Association and the Calcutta Port Trust. But even this has failed to bring about the desired result. In 1892 the Bengal Chamber of Commerce returned 2 Hindus; in 1895 3 Hindus; and in 1898 1 Hindu; as their representatives, out of the 4 members allotted to it.

The great indifference of the commercial community is attributed to the alleged waste of time in fruitless discussions and to the prevalence of talk in the Corporation.

It is alleged now, as it was alleged before, that as European Merchants would not waste their time in fruitless discussions, they could not be induced to accept a seat on the Corporation. But this excuse on the part of the European merchants is no new thing. Exactly the same explanation was put forward in the Bengal Council in 1875-76; but it was most effectively replied to by the Hon'ble K. D. Pal on the 13th November, 1875. The pregnant words of the Hon'ble Member, full of sound sense, uttered on this occasion, are well worth reproduction here. He said:—

Reference had been made to the waste of time at the meetings of the Corporation, which had kept away European gentlemen of position and influence, whose presence would be most desirable. He had closely watched the working of the Municipality for the last twelve years, and he was sorry to say that the European residents of the town as a body at the best took very little interest in the business of the Corporation. He generally found the meetings of the Municipality, when personal questions came to the fore, better attended than when lakhs and lakhs of rupees were voted away, on which occasions many of the European Justices were conspicuous by their absence. And he could well understand the reason. The Europeans came to this country as birds of passage, and, as his hon'ble friend expressed it, they had no abiding interest in the land; and so long as they saw that their own wants and comforts were attended to, Babu Kristo Das Pal was not surprised to find that they could not afford time to busy themselves with matters which did not immediately interest them. The Europeans in this country were quite willing to give their time to the promotion of public business, if it did not lead to much self-sacrifice; but, as had been pointed out, the municipal debates occupied much time, and as their time was valuable, they could not attend those meetings. But what would you have? *Would you have a close borough system, with a view to promote the convenience of a few members of the European community, or would you have the widest publicity for the sake of the hundreds of thousands who were interested in the business of the Municipality?* He fully subscribed to every word which fell from his hon'ble friend in charge of the Bill on this part of the subject. He had taken a broad and liberal view of the question, and it was gratifying to Babu Kristo Das Pal that his hon'ble friend, as the head of the Corporation, should advocate the widest publicity. If anything was criticised in these debates, it was his own proceedings; and Babu Kristo Das Pal fully appreciated the feeling that had prompted his hon'ble friend to advocate the freest publicity. *If the municipal debates unfortunately led distinguished members of the European community to avoid the Corporation, he confessed that that was a matter of deep regret; but in no civilized country was public business of that kind conducted without debates; and the debating of questions meant the employment of a certain quantity of time for their discussion from all points of view.*

Then, in 1887-88, when the (Calcutta Municipal) Act IV of 1876 came to be thoroughly overhauled by the Legislature, the spectre of "wasted hours in fruitless discussions" again haunted the Council Chamber; and the important question was fully dealt with by Sir Henry Harrison. He, in his usual lucid style, explained how the European merchants, from the nature of things, were unable to take any active part in the work of the Corporation. He said:—

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.

Sir Henry Harrison's views on this important question. 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. It might appear, therefore, at first sight, as if a man without leisure might participate in this work of an appellate tribunal, where of course he would have the opportunity of practically directing the whole policy of the Municipality in that way. Here again, however, a fresh difficulty arose. 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. It seemed therefore, impossible to expect that men to whom time was of the utmost value could sit out such discussions.* It was not, he thought, so much a question of numbers. He did not think that was the real difficulty. The difficulty was that the business of the Corporation must be managed in a way which involved the possession of a certain amount of leisure; and as regards the element most needed, broad views of important questions affecting the commercial welfare of the town, the men who would be of the greatest service to the Corporation could not afford the time required. That was the problem which, so far as he could see, it was necessary to solve. He did suggest at one time paying the members of the Town Council, because then it might be hoped that though such men would not care for the fee itself, they would see that there was an obligation upon them to go through with a sitting; men who were paid for their attendance would feel that they were bound not to be impatient. But that proposal, although approved in some quarters, did not meet with strong approval, and the suggestion was not adopted. As far as he could see, whatever the number might be, the difficulty would be this, that the only Europeans who could be got to assist in the affairs of the Municipality were a few men who were either retired Government pensioners or others who, for some particular reason, happened to have the necessary amount of leisure. Consequently, he was bound to say that he had little doubt that in the new Corporation, as in the old, those gentlemen who could afford the time would be those who would most generally settle its affairs.

Mr. Risley says, "The Calcutta merchants, who serve readily and do excellent work on the Port Trust, have always held aloof from municipal affairs." But this is no new thing.

Fallacy of Mr. Risley's argument that "the Calcutta merchants who serve readily and do excellent work on the Port Trust have always held aloof from Municipal 'affairs', discussed.

So said the Hon'ble Mr. Moore in 1888.—"They (the European merchants) are not backward when representatives are required to act upon the Committee of the Chamber, upon the Port Trust and other commercial associations." But in putting forth this specious argument one important fact is entirely overlooked, namely, that at the meetings of these bodies—the Port Trust, the Committee of the Chamber and similar other associations—the questions brought up and discussed are questions in which, as men connected with business, they are vitally interested; where-

as, most of the many items of business (and they are in the nature of things much larger in number), which come up before the Corporation in the course of the administration of the affairs of the city, are so purely local or parochial that it is impossible for a mere sojourner,—whose sole aim and object is to acquire money in his business and retire from the country for good,—to take any active interest in them.

Thus it is clearly shown that if the European community, the Government, and the European men of business had only exercised their respective functions under the Act properly and as intended by the Legislature, the number of Hindu Commissioners would have been much less. For instance, the Corporation as formed this year (1898) consists of—

If the Europeans, the Government and the Commercial community had exercised their respective functions to the fullest extent, the number of Hindus on the Corporation would have been much less.

			Hindus.	Mahomedans.	Europeans and other nationalities.
Elected	...	...	36	6	8
Nominated	...	{ Government	2	5	8
		{ Commercial	1	...	9
			39	11	25
			75		

If however all the "checks" provided for by law had been loyally put into operation, the result would have been as follows:—

			Hindus.	Mahomedans.	Europeans and other nationalities.
Elected	...	...	29	6	15
Nominated	...	{ Government	...	7	8
		{ Commercial	...	...	10
			29	13	33
			75		

This would no doubt have been a decided advance upon even the "ideal representation" proposed by the Select Committee of the Bengal Council in 1876. According to the proportion then laid down the 75 Commissioners should have consisted of 34 Hindus, 13 Mahomedans and 28 Europeans and of other nationalities; whereas in consequence of the 'checks', instead of 28, the Europeans and others would have got 33 seats and the number of Hindus would have proportionately fallen off, say from 34 to 29—this is very nearly what Mr. Brookes, the representative of the Trading community, wanted in 1876. Mr. Irving, the representative of the same community, in 1888, however, was willing to concede even 30 out of 60 seats to the Hindus (50% of the total number), that is, 37 out of 75.

The contention of the Government to amend the present law on the ground of undue preponderance of Hindus, is, therefore, wholly untenable.

SUMMARY: the results of the working of the present Municipal Law of Calcutta summed up and charges formulated under five heads.

Brief summary of refutation of same.

In paragraph 25 of the letter to the Government of India the results of the working of the present Municipal Law of Calcutta, as discussed in the letter itself, have been summed up and charges have been formulated under five distinct heads:—

First.—The somewhat broad statement “that the conservancy of the town has been shewn to have broken down in material points,” is evidently desired to be taken as the summing up of paragraphs 3, 4 and 5 of the letter. Paragraphs 3 and 4 however comprise a brief summary of the Sanitary Officers’ reports, of the evidence of Dr. Banks, before the Medical Board, together with some of that officer’s report to the Chairman of the Corporation, during his incumbency as Chief Superintendent of Conservancy; but, as pointed out in this paper, all this refers only to existing deficiencies and to matters in which, in their view, there is room for improvement. Nothing is said as to the previous sanitary condition of the town, and certainly it is nowhere stated, nor can it be maintained, that the present state of things is worse than what had gone before. How then can it be said, if words have any meaning at all, that the conservancy had “broken down”? For a system of things to have “broken down” necessarily implies a worse condition than before it had “broken down”; but, as we have seen, the conservancy of the town, although it has not attained perfection, is beyond question much better than what it was at any previous time.

It may be sought to find a justification of the “broken down” theory in the opening sentence of para. 5 of the letter which alleges that “these evils” are no new things in Calcutta; that they had for the most part been discovered, although not so fully set forth by Mr. Beverley’s Commission in 1883; and the fact that they still prevail to the extent described, &c., &c.” But as has been demonstrated already, and as will be found from the administration reports of the Corporation, so far as the conservancy of the town is concerned, there has been steady progress made from year to year.

In 1884-85 the total quantity of refuse removed was 11,511 waggon-loads†; in 1896-97 it was 30,347 waggon-loads; and in 1897-98 it was 31,725—all from the town proper, exclusive of the added area. Thus there has been a marked and steady improvement in the matter of conservancy from the year 1884 up to now, while the population of the town proper during all these years has remained almost stationary, as we know from the censuses of 1881 and 1891. It may be urged that in 1884-85 tanks used to be filled up with street refuse, hence the smaller quantity of refuse removed to the Salt Lakes; but the filling up of tanks with street refuse was stopped in 1888; and the total quantity of refuse removed from the town in 1889-90 was 20,991 waggon-loads; thus the quantity removed in 1896-97 was 38 per cent. more than what was removed in 1889-90. There is, therefore, no doubt whatever that far from there being any “break down,” there has been a steadily progressive improvement in the matter of conservancy.

Looking at the question from the standpoint of expenditure, one is forced to the same conclusion. The expenditure on conservancy, which includes not only cleaning of roads and *bustees*, but also cleaning of privies and sewers, &c., in the town proper, was Rs. 4,02,233 in 1884-85; while it was Rs. 5,13,056 in 1896-97; besides nearly three and a half lakhs in the Suburban area, amalgamated with the Town in 1889.

Secondly.—It is alleged that “(a) the collection of the rates has for a long time been defective, and (b) about two lakhs of revenue have yearly been written off as irrecoverable.”

The collection of rates has not been defective; two lakhs of actual revenue have not been written off as irrecoverable.

(a) There are two methods of collection of rates extant in the Corporation—(i) One by the Collector on voluntary payment by the rate-payers; and (ii) the other by the Warrant Department with the aid of coercive measures.

(i) The system of collection on voluntary payment covers by far the largest portion of the total realizations. Before the amalgamation, from 1883-84 to 1888-89, the average percentage was 90; while from 1889-90 to 1894-95 it was 85; this reduction being due mostly to the falling off in the realization of *bustee* rates, caused by a change of system in the issue and collection of *bustee* bills under Act II of 1888, as fully explained by the Commissioners in their letter No. 4030, to the Government of Bengal, dated 25th September, 1896. It was there shewn by reference to actual figures that the average percentages of collection of owners’ and occupiers’ share bills, from 1889-90 to

† Each waggon-load is estimated to weigh from about 8 tons, during the dry season, to over 11 tons, during the rains.

1895-96, was 90.45 and 87.8 respectively, while that of *bustee* bills was 76.93. Thus, the system of collection by Collectors on voluntary payment has never been defective; it has worked satisfactorily with the approbation of Government for a long time past.

(ii) The system of realization by the Warrant Department has, however, proved inefficient, resulting in heavy outstanding balances. This question was fully dealt with in paragraphs 11, 12 and 13 of the Commissioners' letter to Government, referred to above. So far as the defective organisation of the Warrant Department itself is concerned, all that need be said here is that if the proceedings of the Corporation were referred to, it would be found how, on the two occasions that the Department was re-organised, *viz.*, in 1880 and again in 1896-97, the Commissioners, at the instance of the Chairman, had willingly and cheerfully helped him to reform and reorganise the Department, and to frame salutary regulations for its efficient working; but these were permitted through the remissness of the executive to become a dead letter.

(b) The writing off of two lakhs of revenue yearly, which is put forward as one of the charges against the Corporation, is, as has clearly been shewn before, wholly without foundation; and in common fairness ought to be withdrawn.

Thirdly.—Important branches of the accounts, it is alleged, “have fallen into confusion.” Except the discovery by certain Commissioners of peculations in the Workshop, and the delay in the submission of the accounts of the Store Department, there has been no confusion whatever in any branch of the Accounts. It is interesting to observe that neither the accounts of the Workshop, nor those of the Stores Department, have ever formed part of the general accounts of the Corporation, as laid before the Commissioners-in-meeting and published as an appendix to the Annual Administration Report, from year to year. The Workshop has always been directly under the Engineer and the Stores under the Chairman, the Chief Accountant of the Corporation having had hardly anything to do with the detailed accounts of these two Departments. The accounts of the Workshop, where serious losses have occurred, are audited by the Government auditors, and they have not had a word to say in their Reports about these peculations. As in the case of the Warrant Department, so here, if there had been regular supervision by the Executive (the Superior Officers), much of the defects and irregularities in these two Departments, which are now complained of, would never have arisen.

Fourthly.—“The uncertainty as to the respective functions of the Chairman and the Corporation has paralysed the action of the Executive.” We have already clearly shewn that there is no uncertainty whatever as to the functions of the Chairman and the Corporation. Section 61 of the Act is as clear as the noon-day sun; it vests all powers under the Act in the Commissioners, that is, the Corporation; but authorizes the Chairman (as the Chief Executive Officer) to exercise all such powers, except those specially reserved for the Commissioners-in-meeting; it also distinctly provides that the Chairman “shall not act in opposition to or in contravention of any orders passed by the Commissioners at a meeting.” The Chairman is to act as the Executive of the Corporation and exercise all powers vested in the Commissioners, and so long as his action is in consonance with the views of the majority, it is legitimate and in order; but if otherwise, he cannot be said to be exercising the powers of the Commissioners, and in terms of the section he must modify his order, as far as possible, so as to bring it into conformity with the order (or resolution) of the Commissioners-in-meeting. Thus there can be no mistake about the functions of the Corporation and the Chairman. The Corporation is supreme, while the Chairman is merely the head of the Executive, carrying out, with the help of his subordinates, the provisions of the law in the name of the Commissioners, and under their guidance and control. The Chairman has no separate authority under the Act, but has to loyally carry out any order that the Commissioners-in-meeting may pass. His position is distinctly subordinate to the Corporation. It is idle, therefore, to talk of “uncertainty as to functions,” when in point of fact what is wanted by Government is to upset the state of subordination of the Chairman and to make him a co-ordinate authority, independent of the Corporation, and responsible to none.

And then as to the action of the Executive having been paralysed by the alleged uncertainty as to the respective functions of the Chairman and the Corporation, where is the paralysis of Executive action? What evidence is there for this view of the matter? Nothing has been mentioned in the letter to the Government of India to shew that the action of the Executive was ever paralysed. As we have shewn

The action of the Executive has never been paralysed.

before, only three specific instances of interference are given in the Government letter; in two instances the Chairman agreed in the resolutions of the Committees, which were confirmed by the Commissioners-in-meeting without any opposition whatever on the part of the Executive. It was only in the third instance, in respect of the question of a grant to the Alms House, that there was any difference of opinion between the Chairman and the General Committee; but the Chairman ultimately gained his point in the general meeting of the Commissioners, and got the grant sanctioned. Where then has the action of the Executive been paralysed? Unless, therefore, the Legislature is satisfied on this point upon the testimony of actual facts, it would be wrong to do away with section 61 of the present Act, as proposed in the Bill.

Fifthly.—"The European Commercial community," it is said, "is inadequately represented and does not exercise the influence to which it is entitled." With reference to this

The European representatives of the Commercial community on the Corporation have never taken any interest in the affairs of the Corporation.

charge, the first question is what constitutes "adequate representation" of the Commercial community on the Calcutta Corporation which consists of 75 Commissioners; but this has neither been discussed nor even clearly stated by Government. Under the existing law ten seats are exclusively reserved for the representatives of the European Commercial community, and if this number is considered inadequate, Government has at its disposal fifteen seats, and some or all of these seats could be given to the representatives of the European community, and thus the alleged inadequacy could be remedied without amending the present law. And then about the European Commercial community "exercising the influence to which it is entitled," a reference to the records of the Corporation will shew beyond the shadow of a doubt, that although they had the amplest opportunity for taking an active part in the administration of the city, they remained wholly indifferent and unconcerned throughout. It has already been clearly shewn in this paper that in this matter no one is to blame, except the European Commercial community itself. If they really desire to take an active interest in the affairs of the city, they are always welcome; and if they heartily join in the work, they will find for themselves how easily they can make their influence felt and have their reasonable and practical proposals adopted by the Corporation.

This is eminently a case for a Commission of Enquiry.

From all that has now been said and urged in this paper, it is abundantly clear that if the Government of Bengal has made out an apparently strong case against the existing system of municipal government in this city, there is an equally strong, if not a much stronger case (based upon actual facts and figures shewn by official records) against any radical and revolutionary changes such as are proposed in the Bill now before the Bengal Legislative Council. "Here are," said the Hon'ble Mr. Surendranath Banerjee, "statements and counter-statements—statements made by high authority and counter-statements made by authority equally high and equally entitled to weight." Under the circumstances, to quote the Hon'ble Member again, "the natural, the normal procedure which the Government should have adopted in a case of this kind was to have appointed a Commission which would have sifted the matter, taken evidence and submitted a report." Surely, "that would have been in accordance with precedent."

Whenever it has been thought necessary to make any radical change in a system of administration, the invariable practice with the Government of this country has been to appoint a Commission, consisting of capable, impartial and influential representative men from amongst the different communities interested in the measure, for the purpose of enquiring into and reporting upon the working in the past of the system in question, by taking evidence of persons both for and against the proposed measure and by sifting the actual facts of the case, as submitted before it. The present system of municipal administration in Calcutta, which recognises the principle of having only one authority, *viz.*, the authority of the corporate body, in which are vested all powers under the Act, has been in existence ever since 1863, when the government of the city was in the hands of the Justices of the Peace, appointed by Government. This principle of vesting authority in one central body was ratified and retained not only in Act IV of 1876, but also in Act II of 1888, after full discussion by the Legislature. Thus the system has been in force in Calcutta continuously for over thirty-five years. Government has now proposed in the Bill before the Legislative Council to alter this long-standing system by setting up, instead of one, as hitherto, three distinct authorities—the Corporation, the General Committee and the Chairman, the

It is the usual practice of the Government of this country to appoint such a Commission whenever a radical change in a system of administration is contemplated.

constitution of the proposed General Committee being exactly the reverse of that of the Corporation.

But no Commission of Enquiry has been appointed in this instance.

This is a fundamental change, and it is extremely surprising that no Commission of Enquiry was appointed by Government before deciding upon the question. Mr. Risley has said, "to say that there must be a change in the constitution of the Municipality does not necessarily imply any reflection on the work done in the past by the Commissioners or their Executive. It means merely this, that the constitution introduced in 1876, and maintained in all essentials in 1888, fails to meet the wants of the present day. Times have changed since then; the municipal constitution must change accordingly." Mr. Risley has formulated certain charges and pointed out some defects, but he has not attempted to shew *how* the existing constitution has "failed to meet the wants of the present day," and in what respect the "times have changed" and *why* "the municipal constitution must change accordingly."

The action of the Government in this matter therefore seems arbitrary, unprecedented and inexplicable. Suggestions were made in the Council, on the occasion of the second reading of the Bill, for the appointment of a Committee of Enquiry; Government has also been memorialized by a large and important section of the community praying for such a Commission, but the suggestion and prayer have so far been wholly disregarded. In reply to the Hon'ble Mr. Surendranath Banerjee's pointed observation in the Bengal Council on the question of appointment of a Commission, Mr. Risley said:—"My friend asks for a Commission now. He might have had a Commission then, but he would not." Evidently Mr. Risley referred to the direction given by the Local Government, about the close of 1896, to the Medical Board that it should "make a full and searching enquiry into the causes of the lamentable failure on the part of those responsible for the town conservancy." But this was not the sort of enquiry which either Mr. S. N. Banerjee or the rate-payers of Calcutta, in meeting assembled, asked for. The suggested enquiry by the Medical Board was limited only to the question of failure of town conservancy; while what is wanted and prayed for is a comprehensive enquiry, by a competent and impartial body, into the practical working of the system of municipal government, which has been in force in Calcutta for such a length of time.

The prayer of the Hindu rate-payers for such a Commission has been wholly disregarded.

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The proposed changes in the constitution of the Municipality, for the removal of the defects complained of by Government.

After attempting to make out an apparently strong case for the amendment of the present law, Mr. Risley has proceeded in paragraph 27 of the letter to the Government of India, as well as in his introductory speech, to explain the various changes proposed in the constitution of the Calcutta Corporation. It is said that "although the Lieutenant-Governor (Sir Alexander Mackenzie) is clearly

of opinion that radical remedies are called for, His Honor does not propose to make any large changes in the actual constitution of the Municipality." The number of the Commissioners and the methods of electing and appointing them will be left untouched; neither will the franchise be altered, nor will the present arrangement of wards be re-constituted. But all the powers which have hitherto been vested in the Corporation will be almost wholly withdrawn from it and distributed between the Chairman and the General Committee, which will be set up as two additional municipal authorities with independent and co-ordinate jurisdiction. The Corporation will thus be practically made a nonentity; or in other words, the representatives of the rate-payers, who form two-thirds of the Corporation, will be deprived of the authority they have hitherto exercised as members of the Corporation. Is not this a very "large change"? Is it not completely revolutionary, subversive

of what may be regarded as a fundamental principle of Local Self-Government, namely, the principle that the corporate body should in all respects have powers of general control? If the present number—75—is considered too large, it may be reduced; if the proportion between the elected and the nominated is considered unfair and impracticable, it may be readjusted; but there does not appear to be any valid reason for taking away from the central corporate body its legitimate function of general control and supervision, not only over its executive, but also its committees. In civilized countries all powers are vested in the Municipal Corporation. Dr. Albert Shaw, speaking of municipalities in Europe, has remarked that "the representative Common Council (*i. e.*, the Municipal Corporation) has in its hands for exercise directly or indirectly the whole authority that exists in the Municipality." In India the municipalities all over the country enjoy this privilege;

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Calcutta has enjoyed it ever since 1863, when the administration of its affairs was entrusted in the hands of the Justices. In the Calcutta Port Trust, which is often pointed out as a model institution of business men, all powers are vested in the Trust, composed of 15 members, including the Chairman and the Vice-Chairman. If, therefore, the Calcutta Corporation cannot be trusted with the plenary powers—powers of general control, direction and supervision—it has exercised for so many years, then why keep up this show and farce of a Corporation? It would be far more honest and straightforward to do away with the Corporation altogether than to retain it, shorn of its powers and its usefulness. It is much better and more humane to kill a person outright than to cause him to be maimed, and let him live in that pitiable condition. As in the case of individuals, so in the case of institutions, composed of reasonable beings, existence under such conditions would be intolerable.

It is stated that “if the Corporation is to be retained on its present lines, it is essential that it should be provided with an efficient executive, and that a small working Committee should be interposed between the Chairman and the main body of Commissioners.” But surely providing the Corporation with (1) an efficient executive, and (2) a small working Committee, is not the same as making the Chairman and the General Committee independent of the Corporation. If the executive is in reality to be the *executive of the Corporation*, and the General Committee its small working Committee, then, in the nature of things, neither the Chairman nor the General Committee can act independently of the Corporation; they must act under its general control and direction. Examples of business men and of institutions conducted by them are often put forward as models for imitation and guidance, but is there any Joint Stock Company in the world where the Managing Director or the Board of Directors act independently of the shareholders of the Company, without being responsible to them for such action, or in contravention of any resolution that the shareholders in general meeting may have passed in regard to any matter connected with the management of the affairs of the Company?

“The Bill provides for three municipal authorities—the Corporation, the General Committee and the Chairman. All powers conferred by the Bill are distributed among these authorities.” Such distribution of powers means division of responsibility; and divided responsibility is always attended with inefficient management and consequent failure. Moreover, it is practically impossible so to distribute the powers among three independent authorities, that they may not come in conflict with one another; no one can lay down clear and distinct lines distinguishing the functions of one authority from those of another, in regard to the administration of *one and the same* institution. There are a thousand ways by which directly or indirectly the thin theoretical lines of demarcation will be obliterated, causing the jurisdiction of one to overlap that of another. Friction will thus inevitably arise, and the authorities will naturally find in this circumstance ample excuse for indifferent management of the affairs of the city committed to their charge.

The idea of having three independent co-ordinate authorities to manage the affairs of a municipality is borrowed from Bombay. It is quite a unique system, and is in vogue nowhere else. On this question of three separate authorities Sir Frank Adams (then the Hon'ble Mr. Adams, the distinguished representative of the Bombay mercantile community) made the following observations at the Bombay Legislative Council in 1887:—

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 authorities 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.

It is said that the distribution of powers among the three authorities has been made “with reference to their fitness to exercise them”, as specified in detail in Statement D, annexed to the letter to the Government of India. I will take up here only one example to shew

how thoughtlessly this division of power has been made. The power of appointing the superior officers such as Vice-Chairman, Secretary, Engineer, Surveyor, Health Officer, Collector and Assessor, and of fixing their respective salary is, under the present law, vested in the Corporation, but in the Bill it is proposed to leave that power with the Corporation, so far as the Secretary and the Controller of Accounts (corresponding to the Vice-Chairman in the present Act) are concerned; but the other officers named are henceforth to be appointed, and their salaries fixed by the General Committee. If the Corporation is fit to appoint and to fix the salary of the Controller of Accounts and the Secretary, why it should be considered unfit in the case of the Engineer, &c., is more than one endowed with ordinary powers of intelligence and common-sense can understand. There are many similar anomalies which cannot be justified by reason or argument, but they will be the subject of detailed criticism when the sections of the Bill are considered and discussed.

Then in the Bill not only is section 61 of the present Act, dealing with the powers of the Corporation, done away with, but section 65, dealing with the appointment of Standing Committees, also does not find any place in it. The Bill provides for only one Standing Committee, and it is raised to the position of a separate municipal authority, vested with almost all the powers which the Corporation has hitherto exercised. Its proceedings will be no longer subject to confirmation by the Corporation; nor will they be even placed before it for information. It will, however, be the working Committee, and all affairs of the city will be managed between it and the Chairman. The Chairman and the General Committee will then do the work of the Corporation, but the Corporation itself will be quite in the dark, even as to what is done; it will not have the power to call for papers appertaining to the innumerable matters connected with the work of the Municipality, which will be taken away from its jurisdiction; still the Corporation will be required to sanction money for expenditure on such matters. Undoubtedly this will be a most unsatisfactory state of things, unreasonable in the extreme, and repugnant to all ideas of responsible administration.

Then, the provision of one single Standing Committee in the Bill betrays absolute ignorance of the practical working of the affairs of the Municipality on the part of the framers of the Bill. If the necessity of a Standing Committee to deal with "matters too important to be left disposed of by the Chairman alone" is once recognised, then it must be admitted that there should be more than one such working or Standing Committee; for, "matters too important to be disposed of by the Chairman alone" are many and varied, embracing the various departments of the Municipality. Already the duties assigned under the Bill to the General Committee are such that if they sit from day to day, and do the work properly and well, they will hardly be able to overtake the whole sphere of their work. But "power is taken for the General Committee to appoint Sub-Committees." The function of a Sub-Committee, however, is quite different from that of a Standing Committee. The former generally deals with any particular matter, and when the work is done, it ceases; while a Standing Committee deals with matters that come up regularly in connection with a particular department, requiring the prosecution of a definite line of action and the maintenance of continuity of policy which has been closely and carefully thought out. Moreover, the proceedings of these Sub-Committees will be subject to confirmation by the General Committee, and will thus be open to the same objection as has now been raised against Standing Committees appointed under section 65, *viz.*, that the same work has to be done over again, thus hampering speedy execution. Instead of having Sub-Committees, it would be much better and far more in consonance with the spirit of the Bill, to have so many different Standing Committees with independent powers and responsible for the administration of some particular part of the work of the Municipality !!

Next to the provision of three separate municipal authorities with co-ordinate jurisdiction and the division of all powers among them, the most important and extraordinary change is the constitution of the General Committee. It is called the working Committee of the Corporation, but strangely enough, in the matter of constitution, it is as different from the Corporation as night is from day. The General Committee will have none of the distinctive features of the Corporation: the proportion of 2:1 between elected and nominated Commissioners, retained in the Corporation, is completely lost sight of

Distribution of powers as to appointment of superior officers of the Corporation discussed.

The power of the Corporation to appoint any other Standing Committee withdrawn; Section 65 of Act II of 1888 repealed.

General Committee will be made independent of the Corporation.

Provision for one single Standing Committee is very inadequate for the vast and varied amount of municipal work to be done.

Change in the constitution of the General Committee—the second municipal authority.

in the constitution of the General Committee; in the Corporation the representatives of Commerce come under the same category as the Government nominees, and the two together form only one-third of the Corporation, it being distinctly understood and openly avowed, from time to time, as occasion required, that these 25 nominated Commissioners, including the men of business, represent one and the same interest, class or party, viz.:—the interest of the party of reform and progress. The General Committee will henceforth, however, consist of 12 Commissioners (instead of 18 as at present), 4 to be elected by the elected Commissioners, 4 by the Commercial community, and 4 by Government. Relatively to the Corporation, the constitution of the proposed General Committee will be as follows:—

4 members out of 50 Commissioners elected by rate-payers.				
4	”	15	”	nominated by Government.
4	”	10	”	nominated by the Commercial and Trading communities.
12		75		

It is observed that “the scheme for the appointment of the General Committee in equal proportions * * * is based on the principle of adequate representation on the governing body of the Municipality to the three chief interests in Calcutta.” It is noticeable, by the way, that the General Committee, which is described in the preceding paragraph 27 as the “small *working Committee*” of the Corporation, is now called (in para. 29) the *governing body* of the Municipality. However, it is assumed, in the first place that there are *three distinct interests*, and that their *adequate representation is in equal proportion*; but no reasons have been given for such bold assumption. These questions however were very fully discussed in all their hearings on previous occasions, and definite conclusions were arrived at. To discard those conclusions, without any justification, is no doubt open to serious objection. But do there really exist three separate interests, quite distinct from one another? On previous occasions, they had talked of the interests of the different nationalities, and the European men of business were naturally included in the category of the Europeans; it having been always considered desirable to associate the representatives of this section of the community in the work of Municipal administration, not that they represented any special or distinct interests apart from those of the Europeans generally, but that as business men their association was calculated to ensure better, speedier and more business-like turn out of work than if the administration were left alone in the hands of the officials, lawyers and other professional men, be they Europeans, Hindus or Mahomedans.

On the present occasion much has been said and written to establish the fact that commerce has made Calcutta, and to it is wholly due all the wealth and prosperity of the town. The interest of commerce therefore is of paramount importance. No body has ever denied the important position commerce holds in this city; it has always been admitted, and admitted most candidly, that the prosperity of Calcutta is largely due to the commerce of this port. But what interest commerce has in the municipal administration of this town? The interest lies wholly in the improved sanitary condition of the city, in its reduced mortality, in its immunity from epidemic diseases—in short, in the better health and better sanitation of the city. In the words of Mr. Risley, “they demand the production of accurate statistics of mortality, and they insist on the effective maintenance of a modern standard of sanitation.”

But what after all is the interest of Government? Is it in any way different from that of Commerce? Are not the two interests absolutely identical? Both Government and Commerce are equally interested in the health and sanitation of the town and in improvements upon existing state of things. To be plain, in the administration of the municipal affairs of a large city there can reasonably be only two interests;—the interest of the party of progress and reform, and the interest of those who are opposed to such reform, on the ground of heavy expenditure and consequent increase of taxation. To talk therefore of three or more interests is merely to mystify the subject, complicate the real issues, and to put difficulties in the way of a clear and just understanding of the question. In 1888 Sir Alfred Croft thus said, and very rightly, from his place in the Bengal Council:—

I am not inclined to attach any great importance to the distinction of Europeans as such, or of Mahomedans and Hindus as such. Distinction of this kind do not seem to me to be relevant to the constitution of the Municipality.

We have been told that there are two elements in the Municipality—the party of progress, constituting a motive power, and the conservative party or party of criticism; and that on the just balance of these two parties the success and strength of the Municipality depend. It is probably by considerations of this kind that the Government would be guided in making its appointments; and if so, the question of Mahomedan, or Hindu, or European would not arise at all in that form.

So said Sir Steuart Bayley (the President in Council):—

I quite agree with my hon'ble friend (Sir Alfred Croft) that the question ought not to be considered as a question of Europeans *qua* Europeans, or Mahomedans *qua* Mahomedans, or Hindus *qua* Hindus. It is not from the point of religion, but from the point of view of earnestness of direction towards progress or towards reform which they would be likely to bring into the body of the Corporation that the question of what class a candidate belongs to has to be considered.

Admitting, however, for argument's sake, the principle that there are *three* distinct interests which should be *equally* represented on the General Committee; does not the provision in the Bill, which makes the Chairman the president of the Corporation and of the General Committee as well, vitiate that principle of the Bill? The Chairman is a Government servant, his appointment and the fixing of his salary are in the hands

of the Government under the Bill; he is, therefore, for all practical purposes a Government man; so the four Government nominees with the Chairman, who by virtue of his position will always be the master of the situation and will be a host in himself, will be much more powerful and effective than

The *equal* representation of the so-called *three* interests is more nominal than real.

Government will practically be more largely and effectively represented than the rate-payers and the European business men.

either the commercial men or the representatives of the rate-payers; Government will always command five votes as against four of the commercial men and four of the elected; and in some cases six votes, the Chairman being as usual vested with the privilege of a casting vote. Where then is the *equal* representation of the three interests? Mr. Risley in his speech has claimed "predominant influence" and "effective voice" for the commercial men, but in reality in the Bill he has reserved it for the Government. Again, viewing the question from the point of nationality, it will be found that overwhelming preponderance is given to the Europeans. The Chairman is a European, so will be the officials and the commercial men, and it is not to be wondered at, if 9 out of the 13 members of the General Committee, including the Chairman, should prove to be Europeans. How scrupulously and loyally has the principle of *equality* of representation been maintained in these provisions of the Bill!!

There is again another aspect of this question which should not be lost sight of in this connection. If commerce is to be recognised as having a distinct and important interest in the administration of the affairs of this City, why should its representation be confined to the European section only? The Europeans are not the only persons engaged in the trade and commerce of Calcutta; there are the multitudinous Marwarees, who have been drawn to this City for no other purpose than to do business, and who are as useful and important adjuncts as the Europeans to the growth and development of the commerce of this City; there are also the Bengali merchants of Hatkhola and Baliaghatta, bringing in seeds, wheat, jute, rice and sundry other articles from different parts of the country, whose co-operation is of no small importance to the business of the City. It is, however, only the Bengal Chamber of Commerce, the Calcutta Trades' Association and the Calcutta Port Trust—all European institutions—which have been recognised as the commercial electorate; why has the Bengal National Chamber of Commerce been left out in the cold? Well might two, or at any rate one out of the four seats allotted to the Bengal Chamber of Commerce go to the National Chamber. What justification is there to exclude representatives of the Marwaree community and of the Hatkhola and Baliaghatta merchants from taking their share of the work in the administration of the affairs of the City?

Another objectionable feature in regard to the proposed General Committee is the manner in which most of the members of the Committee will be elected. There will be two different principles at work. In the case of the elected Commissioners, the elected representatives of the rate-payers in the Corporation will choose four amongst themselves, voting by groups of wards, as members of the General Committee; but in the case of four commercial members of the Committee, they will be chosen *not* by the representatives in the Corporation of the Bengal Chamber of Commerce, the Trades' Association and the Port Trust, but by these bodies themselves; similarly, the four Government members of the General Committee will be chosen *not* by the fifteen Commissioners nominated by

The manner of election of two-thirds of the proposed General Committee is objectionable in principle.

Government, but by Government itself. Thus in the formation of the "working Committee" of the Corporation, only one section of it, 50 elected Commissioners, will have a direct voice; while the 25 nominated Commissioners will have no voice in the matter; it is their respective original constituencies that will appoint their representatives direct to the General Committee. This certainly looks anomalous. Why should not the 25 nominated Commissioners, forming one-third of the Corporation, be entrusted with the task of electing eight members of the General Committee as their representatives? When the present Act was on the Legislative anvil, a provision similar to the one, now under consideration, had been originally included in the Bill. The Hon'ble

This question was discussed in 1888 and disapproved of by the Council.

Dr. Gooroodas Banerjee objected to it and remarked as follows, on the 7th April, 1888 :—

" * * * * * the provision in the Bill leaves to different sections of the Corporation the right to elect their representatives in the executive Committee; and what is worse, in one instance, in the instance of small electoral units, such as the Chamber of Commerce, the Calcutta Trades' Association and the Port Commissioners, it gives the power of electing representatives of representatives, not to those last named representatives, but to the original electors themselves. That I consider is wrong in principle. It is allowing the original electors an interference with the working of the electoral body after that body has been constituted."

Sir Henry Harrison also supported Dr. G. D. Banerjee on this point and said :—

"The representatives of the Chamber of Commerce, the Calcutta Trades' Association and the Port Commissioners are in the same class as the Government nominees, and it would be better if representatives from all these classes were elected by the general body of nominees. On the other hand, it will not be convenient to do otherwise. Take the case of the two members of the Port Commissioners, it is quite possible neither of them may be able to afford the time, when perhaps the second member of the Chamber or of the Trades' would serve the town better. I can assure the Council that they will get better representatives of all the bodies if you allow them to be elected by the 25 Commissioners."

Accordingly the proposal of Sir Henry Harrison was carried by an overwhelming majority. Why then now go back to what was discussed, settled and finally rejected by the Council in 1888?

Besides the General Committee, the Chairman is also made one of the three independent municipal authorities; because the Corporation, as at present constituted, should be

The third municipal authority will be the Chairman.

provided with "an efficient executive," and the Chairman should have "extensive powers of control." But does the Bill really confer on the Chairman any

powers that he does not possess at present? No; a reference to the Statement D, prepared by Mr. Risley, will, on the contrary, shew that in a large number of cases in which the present law empowers

Under the existing law the Chairman can exercise greater and 'more extensive' powers than under the proposed law.

the Chairman to take action, the authority will be transferred to the General Committee, and thus the Chairman's sphere of duties will be more limited. Under section 61 of the present Act the Chairman may exercise all powers vested in the Commissioners, except those specially reserved for exercise by the Commissioners-

in-meeting; while under the proposed law none of the powers exercisable by the Commissioners-in-meeting have been given to the Chairman, but a large number of duties now exercisable by him has been withdrawn from him and given to the General Committee, and these are mostly duties of an executive character. For instance, the powers, exercisable by the General Committee under sections 222, 223, 243, 261, 297, 298, 299, 300, 306, 307, 308 (1), 308 (2), 309, 310, 311, 333, 335, 336 (1), 337, 339, 340, 345, 346, 357, 358, 417, 419, 420, 423, 424, 450, 470, 480 (2), 493, &c., &c., of the new Bill, have hitherto been exercised by the Chairman; in regard to these matters, therefore, the transfer of authority to the General Committee means curtailment of powers of the Chairman.

And then again, the powers which the Chairman will exercise independently of the Corpora-

The delegation of the Chairman's powers to his subordinates, under section 26 of the Bill, will lead to great abuses and work harshly on poor ignorant residents of the city.

tion and the General Committee, are such that most of them cannot in the nature of things be exercised by himself, but must be delegated to his subordinates, as provided for in section 26 of the Bill; and powers exercised by municipal underlings, as past experience abundantly testifies, will lead to many abuses, particularly when exercised in reference to the poor and ignorant residents of the town. And as these powers will be vested absolutely in the Executive (the Chairman) by

law, the poor rate-payers of Calcutta will be deprived of the important and legitimate privilege they have now enjoyed for nearly 36 years, of appealing to the Corporation against the orders of the Executive.

And lastly, with regard to the Chairman, there is one important fact which should be brought out prominently for consideration in this connection. Although the proposed change in the constitution is said to have been cast on the lines of the Bombay system, the position of the Chairman in Calcutta would be quite different from that of the Municipal Commissioner in Bombay (corresponding to our Chairman): in Bombay, the Municipal Commissioner is the Chairman or President neither of the Standing Committee nor of the Corporation; he (though a distinct municipal authority) has no voice or vote in the final decisions of the two other authorities; the Standing Committee and the Corporation have each its own presiding officer, appointed for the year, from amongst its own members.

Under the Bill, the Chairman in Calcutta would continue to be the presiding officer of both the General Committee and the Corporation, and will thus exercise a potent and effective influence on the deliberations of the two other distinct authorities. In Bombay, when this question of the relations between the various municipal authorities was under discussion in the Legislative Council in 1888, the Hon'ble Mr. West pointed out that "he (the Municipal Commissioner) is given independent power within his own strictly limited circle of activity; but he cannot in any way thwart the general policy or desires of the Corporation." This, however, cannot be said of the Chairman in Calcutta; he may, if he is so minded, easily thwart the desires of the General Committee or of the Corporation by virtue of his position as the president of both the General Committee and the Corporation, and also of the fact of his being a Government servant. This being so, the chances of friction between the three authorities would be much greater in Calcutta than in Bombay.

On this aspect of the question about the Chairman's position, the late Babu Kristo Das Pal made the following practical and sensible observations in the Bengal Council in March, 1876 :—

The Hon'ble Kristo Das Pal's views about the two-fold functions of the Chairman in the Calcutta Corporation.

The functions of the Chairman of the Municipal Corporation of Calcutta were two-fold, firstly, deliberative, and secondly, executive. In his capacity as Chairman of the deliberative assembly he presided over the meetings of the Corporation, conducted the proceedings, laid the resolutions before the Commissioners, and did exactly what the Hon'ble the President of this Council did. In his executive capacity, he was the chief executive officer of the Corporation. He carried out the order which he as Chairman of the Municipality embodied in the statute book of the Corporation. Now he appealed to the Council to consider whether the combination of this two-fold function in the same person was consistent with the satisfactory working of the Municipality. He was inclined to think that much of the friction of which they had heard so much now and then was due to this duality of functions vested in the Chairman of the Justices. If the Chairman had been an independent officer and had no connection whatever with the deliberation of the Corporation except in so far that he should provide information and furnish facts, so as to enable the Commissioners to arrive at a sound decision upon matters placed before them, there would not have been that conflict and friction which had sometimes caused considerable dissatisfaction in the town.

It will appear from all that has been stated above that the proposed alterations in the constitution of the Corporation involve very "large changes" of a radical character, in spite of Mr. Risley's protestations to the contrary. In the concluding paragraph of his speech, however, Mr. Risley has admitted that "the introduction in the constitution of the proposed General Committee of the principle of proportionate representation is a new departure." But this is not the only "new departure" in the Bill. To divest the Corporation of almost all important powers and authority under the Act; to set up three separate authorities in respect of one and the same administration; to invest the General Committee and the Chairman with independent powers without any general control and supervision by the Corporation; the constitution of the proposed General Committee, in which the position of elected representatives of the rate-payers will be quite the reverse of what it is in the Corporation; and the manner of appointing the major portion (two-thirds) of the General Committee,—these also are new and material "departures." Indeed, in the words of the Government of India, "the Bill is of a most important character, and introduces wide and far-reaching changes in the law under which the municipal affairs of Calcutta are at present managed."

The rest of Mr. Risley's speech, which is almost the same as the rest of the letter to the Government of India, paragraphs 29 to 54, consists of explanatory notes on the various other important changes embodied in different parts of the Bill

**The 'spirit' in which changes regarding the constitution of the Corporation
have been proposed.**

In concluding his introductory speech, Mr. Risley has appealed to "those who in the Council represent the dominant majority on the Corporation," that is, the Hindus, to accept the proposed amendments in the spirit in which they have been made. But what is this spirit? It is nothing more nor less than an intense antipathy towards educated Hindus. The prevailing idea all through has been to adopt means to check the ascendancy of the educated Hindus (the elected representatives of the rate-payers of Calcutta) and to give to the European Commercial men a preponderating voice in the affairs of the city, in spite of the admittedly great indifference of the latter, for years past. We read in Mr. Risley's speech expressions such as these: "The municipal government of Calcutta has in fact passed into the hands of the educated Hindus. The Europeans, who ought to have a predominant influence in the affairs of the town, cannot be induced to take part in the general meetings of the Commissioners, where they consider, rightly or wrongly, that time is wasted in debate, and where they could not hope to command more than an insignificant minority." Again, in his letter to the Government of India: "Even in the days of the Justices men of business in Calcutta could not find time to take part in the interminable debates of a large talking body, but were content to leave the affairs of the town to be controlled by the Chairman, whose executive power had not then been whittled away by a standing majority of middle class Hindus." Further, in his reply in the Council on the 4th April, 1898: "It (the elective system) gives undue prominence to a section of the community—Young Bengal, New India—whatever you choose to call it, the *soi-disant* democratic section of a society which, from top to bottom, is essentially undemocratic in its character and ways of thought. * * * * * It selects those who rise to the surface—the men who talk and canvas and agitate—but it does not reach the silent depths of the stream. It does not give us as a rule, either here or in the mufassal, the genuine representative Hindus, the men we really want." This is evidently an uncompromising spirit of putting down the educated Hindus, whom the Government of Sir Alexander Mackenzie *did not want* at all. This, however, is far from a commendable spirit, opposed, as it is, to the genius and traditions of the British nation. How vastly different was the attitude of the authorities towards the educated Hindus in 1882!! In that memorable resolution of the Government of India, dated 18th May, 1882, on Local Self-Government, Lord Ripon, then Viceroy and Governor-General of India, thus expressed himself about the educated Indians in regard to administration of local affairs:—"But as education advanced, there is rapidly growing up all over the country an intelligent class of public-spirited men, whom it is not only bad policy, but sheer waste of power, to fail to utilise."

It is worthy of note in this connection that the constitution proposed by the Bill places effective power, or power of control, in the hands of no section of the Indian community—democratic or "undemocratic," Hindu or Mahomedan, the "middle class" or the upper class. "The genuine representative Hindus," whoever they may be, receive no recognition in the Bill, unless that phrase is to be taken as applied to nominees of the Government and the European Commercial bodies. In fact, the whole spirit of the proposed changes breathes intolerant resentment of necessary and wholesome opposition; the remedy suggested being akin to the heroic resource of cutting off a man's head to cure the tooth-ache!

NALIN BIHARI SIRCAR,

Commissioner of Ward No. 4.