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The Calcutta Municipal Bill Controversy

A case for and against the measure.

(CONTAINING THE FULL OFFICIAL VERSION OF THE CASE AND A COMPLETE
REFUTATION THEREOF)

CALCUTTA:

Published by the Committee appointed at the Public Meeting of the Rate-payers of Calcutta, held at the
Town Hall, on the 31st August, 1898.

AD.

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INTRODUCTION.

IN publishing these papers in connection with the Calcutta Municipal Bill, which has now received the assent of His Excellency the Viceroy, it may not be out of place to refer briefly to the circumstances which led to the enactment of a measure which has revolutionized the municipal government of Calcutta and has filled the educated community with apprehension and alarm. These papers begin with a speech by Sir Alexander Mackenzie delivered on the 26th November, 1896, when he laid the foundation-stone of the new drainage works at Entally. Without referring to the singular inappropriateness of a speech which denounced in scathing terms, on what was a ceremonial and festive occasion, the administration of the town by the Commissioners whose guest he was, it may be remarked that the late Lieutenant-Governor did not then even suggest that it was necessary to change the municipal constitution of Calcutta. On the contrary, he disclaimed all intention to introduce "radical changes," and observed that "with most of the evils depicted by the Sanitary Commissioners your existing Act gives ample power to deal." Within three months, however, of this declaration, in March 1897, Sir Alexander Mackenzie made a reference to the Government of India, proposing radical changes in the Municipal law of Calcutta. One is naturally tempted to ask what had happened in the meanwhile, and within so short a space of time, to account for this change of front on the part of the Head of the Local Government? The explanation is to be found in these papers. It was impossible for the Commissioners to ignore the severe censure which the Lieutenant-Governor had passed on them. A critical and thorough examination of His Honor's remarks was alike necessary for the vindication of their own administration and the good of the town. On the 28th January, 1897, the Commissioners held a meeting, at which they recorded certain resolutions and expressed their regret that they should have been condemned upon statements which involved a grave misapprehension of the facts of the case, and without an opportunity of explanation or defence. They submitted to the Government a Statement in vindication of their administration. It was then, and not till then, that the proposal to the Government of India was made by Sir Alexander Mackenzie for the introduction of an amending Bill which, in the words of the Government of India, involved "wide and far-reaching changes." It was then for the first time that the speech delivered at Entally "was brought on the official records." If this is a correct statement of the genesis of the Bill—and its accuracy cannot be called in question—then we are driven to the conclusion that this fundamental change in the law, which involves the extinction of Local Self-Government in the capital of the Indian Empire, was conceived in a fit of temper, upon the basis of unexplained facts, the accuracy of which has again and again been challenged, and without any enquiry by a competent tribunal.

The proposal for a modification of the law was thus made in March 1897; the Bill containing the changes was introduced into the Bengal Legislative Council in March 1898. Thus nearly twelve months elapsed between the proposal for a change and the introduction of the Bill making the change; and in the meantime a Commission might have been appointed to make an enquiry into the municipal administration of the town with special reference to the various allegations made against the Corporation. A year's time would have been amply sufficient for the purpose. Several years ago, when a complaint was made against the municipal administration of Calcutta, a Commission was appointed in August 1884, with Mr. Beverley as President. It submitted its Report (and it was an exhaustive Report) in January of the following year, that is to say, in less than six months' time.

In England changes of the Municipal law have been preceded by exhaustive and open enquiries by competent commissions. The need for such an enquiry in the present case was all the more pressing when the allegations upon which the proposed changes were based had repeatedly been challenged.

It would seem that even Lord George Hamilton was forced in a manner to admit the justice and necessity for a public enquiry when the demand for such an enquiry was made in the House of Commons, and he could only persuade the House to reject the demand by authoritatively stating that such an enquiry was being conducted by the Select Committee of the Bengal Legislative Council, which was described by him as a self-governing body. There could be no greater mistake, for an enquiry into the municipal administration of Calcutta was altogether beyond the competence of the Select Committee, to which only the details of the Bill, the principle having been accepted by the Council, had been referred. In this connection, it may not be out of place to quote an extract from the Note of Dissent of the Hon'ble Norendra Nath Sen and the Hon'ble Surendra Nath Banerjee—

And here we must take note of the statement which has been made that the motion made in Parliament for a Commission of Enquiry involved a blow at the root of Local Self-Government in India, "because it must stop the investigation now being carried on by a Special Committee (meaning this Select Committee) of the Bengal Council." No investigation into the merits of the measure has been made by the Select Committee. We had to carry out a mandate which we received from the Council, namely, to consider the details of the Bill, the principle having already been accepted by the Council, when the Bill was read the second time, and was referred to the Select Committee. No enquiry was made by us as to the necessity of such a measure. Such an enquiry, however useful in itself, would have been obviously beyond the scope of our reference. We cannot indeed but regret that an exhaustive enquiry has not been held by a duly-qualified Commission, preparatory to the introduction in Council of a measure of this magnitude and importance. In England municipal legislation, between 1835 and 1882, is contained in no less than 55 Acts of Parliament, which were consolidated in 1882 and 1892, and most of these Acts were framed after a laborious Parliamentary enquiry. Nobody is under the delusion that the Municipal Act of Calcutta is perfect; and a Bill, framed after an exhaustive enquiry, with a view to remove the wants and needs which are actually felt as the result of practical experience, would have commanded the assent of all sections of the community, and would certainly not have given rise to the alarm and anxiety which the present measure has caused.

A Commission of Enquiry was again and again prayed for, and again and again refused. It was urged by the Hon'ble Surendra Nath Banerjee from his place in the Council; it formed part of the amendment to the Address, which was moved by Mr. Herbert Roberts when Parliament re-assembled in February, 1899. It was in reply to the observations of Mr. Herbert Roberts that Lord George Hamilton spoke of the enquiry by the Select Committee to which reference has already been made.

The changes effected in the new Municipal law of Calcutta are, as we have remarked, of a revolutionary character. Ever since 1876, when the boon of Local Self-Government was first conferred by Government on the residents of Calcutta, the municipal administration of the city has been entrusted to a Corporation, consisting of two-thirds elected by the rate-payers and one-third nominated by the Local Government. All rights, privileges and powers under the law have hitherto been vested in such a Corporation, or in other words the Corporation has always been the one supreme central authority for the purposes of the Act. The Chairman, the head of the Executive, has been one of the members of the Corporation—its President—and has hitherto exercised all executive functions, subject to the control and direction of the Corporation. The Corporation also has had the power of appointing committees and the proceedings of such committees have been subject to confirmation by the Corporation. Under the new law, instead of one authority there will be three separate authorities—the Corporation, the General Committee and the Chairman, and by far the greater part of the authority hitherto vested in the Corporation has been withdrawn and distributed between the General Committee and the Chairman, who will now exercise these powers quite independently of the Corporation. These fundamental changes were introduced in the original Bill and were accepted by the Bengal Legislative Council as the main principles of the Bill, which the Select Committee were not allowed to discuss, much less to modify. As to the constitution of the Corporation, it was left intact in the original Bill—two-thirds of the members were to be elected by the rate-payers as before, and one-third were to be nominated by the Government, and the number of the Commissioners continued to be 75, as under the old law. In March 1898, Mr. Risley, the member in charge of the original Bill, distinctly stated in the Bengal Council:—

"He (Sir Alexander Mackenzie) would leave untouched the number of the Commissioners and the method of electing and appointing them; he does not propose to alter the franchise or to reconstruct the present

arrangement of wards. For the last twenty years, Calcutta has had an elective municipality, and there are obvious objections to restricting the operation of the elective principle so far, at any rate, as the main body of the Corporation is concerned."

"Sir John Woodburn, speaking from his place in the Bengal Council on the 12th November last, spoke to the same effect—

"And, speaking for myself, I endorse with the heartiest pleasure and satisfaction the decision that the constitution of the Corporation shall remain as it is. I look upon it as of the greatest value to the administration of the City that there should be numerous wards and numerous delegates. The information and advice about local needs, which these delegates bring, will be of most important service * * * I welcome, therefore, personally the arrangements which retain a large number of local Councillors. * * *"

On the completion of the labors of the Select Committee in April 1899 it became necessary to obtain the sanction of the Government of India to the penal clauses in the Bill, as revised by the Select Committee. The Bill was accordingly forwarded to the Government of India, who recommended that the Corporation should consist of only 50 Commissioners—25 elected and 25 nominated; the 25 elected to be representatives of the 25 wards into which the town is divided. And this recommendation has now been adopted by the Bengal Government and embodied in the finally revised Bill. It may here be added that this fundamental change, introduced into the Bill under a mandate from the Government of India, has rendered the Bill less acceptable and more retrograde than was the original Bill or the Bill as revised by the Select Committee; for, under both these Bills, there was at least a portion of the administration (though very much restricted in its sphere) over which the representatives of the rate-payers, forming the majority, exercised effective control; but the amendments proposed by the Government of India have resulted in curtailing even that limited measure of authority. Sir Alexander Mackenzie confined their sphere of action and influence to within very narrow limits, but Lord Curzon would not tolerate the preponderance of the elected representatives and would not allow them any influence in any sphere of municipal administration in Calcutta.

Such are the important changes which the new law makes. No measure within the life-time of this generation has evoked more wide-spread dissatisfaction; and if the success of any project of municipal reform depends upon the sympathy and co-operation of the people concerned, it needs no special gift of foresight to say that the Calcutta Municipal Bill is doomed to failure. Lord Curzon recognizes the necessity of the patriotic co-operation of all sections of the community to ensure the success of the new law. The co-operation of the Indian section of the community, who constitute the great bulk of the population, is, however, out of the question; for ever since the introduction of the Bill into the Local Council early in 1898, there have been no less than nineteen meetings held in all quarters of the town to protest against the Bill, two of them being held in the Town Hall. The influential character of these demonstrations, their numerical strength, the presence at these public meetings of men who had never before taken part in any public demonstration or had uttered the whisper of a complaint against any proceeding on the part of the Government, all afforded striking evidence of the strength and unanimity of public sentiment against the measure, and if anything further was needed to emphasize this unique demonstration of public feeling, it was afforded by the resignation in a body of twenty-eight elected Commissioners, among whom were the ablest, the most trusted and the most experienced members of the Corporation. Some of these Commissioners had given the best part of their life-time to the service of the Corporation. The work of the Corporation was the pride and privilege of their lives. For them to have severed a life-connection, consecrated by the consciousness of having faithfully served their fellow-citizens, was a personal sacrifice to which they could only submit under the sense of a grave public duty. They felt it was impossible, consistently with their self-respect and the duty which they owed to their fellow-citizens, to be associated with a system in which their power for good would be gone, in which they must submit to proceedings which will be determined by an official majority, and in which, whatever might be the specious plausibilities that might be urged in defence of the measure, the last vestiges of Local Self-Government would disappear.

Nothing is more remarkable than the defence of Local Self-Government officially put forward. Such a defence could only have been made in India, and even in India it needed all the support of the highest official authority to make it pass muster. The Bill we are told, does not involve the extinction, but only a re-adjustment of the system of Local Self-Government in Calcutta. If Local Self-Government means the control of local affairs by the representatives of the local public, that control is at an end, when under the Bill, their representatives in the Municipal Corporation are reduced to a minority, and all authority and power is transferred from them to the officials of the Government and the representatives of the European mercantile community. It is indeed one of the professed objects of the measure, which has been repeated with much insistence, to cut down the predominance of the Hindoos in the Corporation. The Hindoos, however, own the bulk of the assessable property in the town, and they constitute the bulk of the population. The elementary principles of Local Self-Government, as they are understood by minds not perverted by bias, demand that under the conditions referred to above, the majority of the representatives of the rate-payers in the Calcutta Corporation should be drawn from the Hindoo population. England is engaged in a great war to enforce the rights of the Uitlanders. But the British Government in India, by a stroke of the pen, has converted the Hindoos of Calcutta into Uitlanders in their own city, in which they are born, and live, and have an abiding interest, and have deprived them of that system of Self-Government which has not only contributed to the improvement of the sanitary condition of Calcutta, but has stimulated the public life of the people; and this last has always been a cherished object with the Government of India.

The Calcutta Municipal Bill.

*Sir Alexander Mackenzie's) Speech at Entally on the occasion of laying
foundation-stone of the new drainage works,
on the 26th November 1896.*

MR. CHAIRMAN AND GENTLEMEN,—

I had pleasure in complying with your request to lay this stone, not only because of the importance of the work of which it is the commencement, but in recognition of the position which the Commissioners occupy as the local representatives of the Provincial and Imperial capital. You have, in the address that has been presented, given a brief history of the inception, objects, and development of this project, and of its connection with the general scheme of Calcutta drainage. That subject was at one time very familiar to me, and there are in the Bengal Office, if I mistake not, lengthy notes of mine, written years ago, dealing, as Secretary to Government, with not a few phases of the question. It has always been surrounded with difficulties, and the complexity of the problems involved has certainly not diminished with time. I hope, however, you are now fairly on the way to a solution of the most pressing of these. I have elsewhere sought to vindicate the Commissioners from the charge of having dealt inadequately and perfunctorily with this drainage question. There has been delay, no doubt, in prosecuting these extensions of the system, but the delays have not, as was thought, been inordinate, and the wisdom of caution in undertaking such costly and gigantic operations is vindicated by a comparison between the original estimates and those of the scheme as now sanctioned. The Municipality has, I am afraid, many shortcomings to answer for. But I must say this, that I have never been able to agree that it has shown niggardliness, or been backward in sanctioning money for either water-supply or drainage.

You have, gentlemen, no doubt been hampered in the task of improving Calcutta by many things, and perhaps by nothing so much as by your own constitution. The marvel is that with such an impracticable organization so much good work should have been done. You have a constitution borrowed *en bloc* from the most advanced models in England and without any reference to the utterly-different circumstances of an oriental city and a very mixed community. It seems to have been supposed that because Birmingham, for instance (which I know well), is admirably managed by an elected Council of 72, Calcutta could be equally well managed by a Council of 75, of whom 60 are elected. But in Birmingham, to begin with, the population is homogeneous and accustomed for generations to manage its own affairs on lines as to which all parties are agreed. The Council there is composed entirely of shrewd, capable men of business—manufacturers, merchants, tradesmen, and the like—whose one object is to treat every question before them not as an opportunity for speech-making, but as a matter to be settled as promptly as may be in the most practical way. They work, no doubt, as you do, through Committees; but the endeavour is to place on each Committee only the men who know most of the particular subject entrusted to it, and to have in the chair of each Committee a man who has for years been administering that special branch. This done, the Town Council does not waste its time in doing over again the work of its Committees. It criticises when necessary, and can on occasions condemn, but its general object is to strengthen and support the executive and to have the work of the town done, and not merely talked about. There is (according to the November number of the *Century Magazine*) only one lawyer and newspaper man on the whole Council. Now, I think everybody in Calcutta outside the Corporation, and a good many people inside it, will admit that there is here far too much speaking for the sake of speech; that your executive is not nearly strong enough for action, and is far too readily upset and interfered with; that work is often done twice or thrice over, and is often spoiled by the multitude of counsellors or cooks; and that far too much deference is paid at times to the wishes and objections of special interests. This is inevitable, I fear, in a corporation constituted as yours is, having many mem-

bers whose individual stake in the town is small; who are not all practical men of business; and who represent themselves in the first place, and a variety of heterogeneous interests in the second. But if you are wise, you will seriously set yourselves to reduce the evil of desultory discussion to a minimum. I know that much of this is due to the laudable feeling that each Commissioner is individually responsible for the good working of the whole; but this interest can often be as well shown by a silent, sensible vote as by a long speech or an acrimonious debate. You cannot all be experts, even in such simple subjects as bacteriology and quantitative analysis. It is to be regretted that Calcutta was too proud to borrow its constitution from Bombay, which, to my mind, has an admirable system, combining all that is required of popular representation with a strong executive. But do try to make the best of the system you have: and trust the actual work of the town more fully to your executive officers and to those members of your body who have most experience of its needs.

You must indeed understand, gentlemen, that the Municipality stands at present, or will certainly very shortly stand, at the bar of public opinion in the matter of its general conservancy. Many of you have, I see, made up your minds that, however Bombay may suffer, no plague shall come nigh your dwellings. You want now to crucify those who originally startled you, and as for your Health Officer, crucifixion itself is not good enough for him. *He* is to be immolated by a Special Committee. Now, gentlemen, it is an old saying that it is best not to shout till you are out of the wood and safe from all the dangers of the jungle. I hope with you that the plague may not invade us, and the town is certainly at present, as regards its human population, quite remarkably healthy, even though dead rats have been found in some of the drains; but I must tell you frankly that the marvel is that we are ever without plague and every other disease that comes from neglected filth. I hold in my hand the report of the five Sanitary Commissioners deputed by the Special Medical Board to examine and report upon the state of Calcutta conservancy, and a more appalling document it was never my misfortune to peruse. I positively dare not read out to this assembly its revelations of the abominations in which this city abounds. It will be for the Medical Board to say, in the first instance, where the responsibility lies for this, and to indicate what form in their opinion, the remedies should take. But it is clear to me that the excessive tenderness which the Commissioners have hitherto shown in dealing with the so-called rights of private ownership will have to be given up. Private owners cannot be permitted to maintain death-traps, cholera and plague nurseries, for the destruction of their fellow citizens. The city must have Building Regulations of the most stringent description for preventing the creation of such dreadful places as the Sanitary Officers have discovered. I believe, as a matter of fact, you could do nearly all that is wanted for the future under your existing law, but that law is not put into operation. Private interests, as I have hinted, are too strongly defended to the detriment of the public weal. The operation of the law must henceforth be practically automatic and beyond the influence of party or personal votes. But the chief problem is how to clear out the pestilential quarters that already exist. Something may be done, as I have said, by insisting on private improvements, but many of these places are too bad for any improvement. They cannot be mended and must be ended. The remedy is to drive broad roads through these quarters, and to replace these horrid pigsties (where indeed no normally constituted pig could live) by respectable well-sanitated dwellings. This operation, properly conducted, ought not to involve the town in much permanent expense; but whatever it costs, it must be done if Calcutta is to cease to be a disgrace to the Empire and the nineteenth century. The Government must, for its own credit and for the sake of the commerce of Bengal, see that these reforms are carried out. I have already invited the Commissioners to concur in the appointment of a Commission to consider this question of Building Regulations. I trust shortly to hear that they are prepared to work with me in the matter. I shall not then have to consider the disagreeable alternative of proceeding without them and in supersession of their authority. You must also, to raise the necessary funds, make the most of your existing sources of income. Your Warrant Department, in spite of all special pleading, is a standing scandal. I believe that your Loan Department would be all the better of a thorough overhauling. And when all this is done, if more money is required, you must consider the question of special cesses on specially bad areas and specially neglectful owners, and such other measures of raising revenue as may suggest themselves to you. You will receive all the support and assistance that I and the Bengal Council can afford you.

Gentlemen, I am well aware that you have spent much on the conservancy of Calcutta, and I believe that the state of those streets and lanes which can be easily reached by your sweepers and

carts is by no means bad. But these sanitary reports show that there is behind these streets and lanes a festering area that it is at present almost impossible for your agency to scavenge effectually, and *that* must be opened up. I believe the description given of this area will take many of you by surprise. Whether it ought not to have been discovered and attacked before is a question for discussion. That it must be effectively dealt with now is what I am trying to impress upon you. Then the *bustee* question must in future be disposed of and not played with. The condition of the cowsheds and *tucca ghari* stables is another grave blot on the town and a standing peril to the population. I believe you could not do better than remove all the cowsheds outside the urban area, as the Sanitary Commissioners suggest. With most of the evils depicted by the Sanitary Commissioners your existing Act gives ample power to deal. I trust that, when once the requirements of the case are laid before you, you will, with a minimum of discussion and controversy, set yourselves to remedy those evils and earn for yourselves a reputation for business-like courage and capacity in dealing with what is undoubtedly a very difficult situation. That the Commissioners can rise to the height of great enterprise has been shown by their treatment of the water-supply and drainage questions. I am not without hope that, when they find what is before them in this matter of conservancy, they will sink all differences of opinion and unite to initiate and carry through a scheme of general reform worthy of the first city in India and of their own responsibilities.

Some one has said that Councils are on ordinary occasions more courageous than most individuals, because they can bear odium better. I trust that the Calcutta Corporation will show its courage in accepting any burden of unmerited odium that may come from doing its duty, and defeat the odium that some seek to attach to it as a sample of the failure of Local Self-Government in India. You would (I repeat again as a friend what I have already suggested as Lieutenant-Governor) do well to improve your methods of working. "There be," says Bacon, "three parts of business—the preparation; the debate or examination; and the perfection; whereof, if you look for despatch, let the middle only be the work of many, and the first and last the work of few." Give your executive full powers in "preparation" and "perfection," *i.e.*, in the preparation of projects and the carrying of them out. And "the surest way to make the agents do their duty" (says Phelps) "is to show them that their efforts are appreciated with nicety. In your daily dealings with them, you should beware of making slight or haphazard criticisms on any of their proceedings. Your inclination should be to treat them with hearty confidence." In that way only will you get satisfactory work done: and the state of Calcutta is such that unless the Government, the Corporation, and the Executive of the town all work together heartily and with a single mind, there must come a general catechism in your municipal affairs, and radical changes such as I, last of all men, desire to bring about.

I thank you, gentlemen, for the patience with which you have listened to me, for your address, and for the casket in which it is enclosed.

The Resolutions passed and Statement adopted by the Commissioners-in-meeting on the 28th January, 1897.

I.

That the Commissioners-in-meeting hereby record their respectful, but emphatic protest against the condemnation passed upon them by His Honor the Lieutenant-Governor of Bengal on the occasion of his laying the foundation-stone of the new drainage works as being unmerited and inappropriate to the occasion, as involving a grave misapprehension of the facts of the case, and as amounting to a severe censure of the municipal administration of the town without the Commissioners being allowed the opportunity of explanation or defence.

II.

That the introduction of the elective system into the municipal administration, apart from the stimulus which it has given to the public spirit of the citizens of Calcutta and the wider public interest it has created in the municipal affairs of the city, has been attended with great sanitary reforms, and that the improvements effected since the introduction of the system would bear favourable comparison with similar improvements made during a corresponding period in the past history of the Municipality when it was under Government control, or under the control of the Justices entirely appointed by the Government.

III.

That the Commissioners desire to call attention to the following points, with regard to which there appears to have been a misapprehension of facts, in the Speech of His Honor the Lieutenant-Governor:—

(a) That the Loan Department is one of the best-regulated departments of the Corporation, regarding which there has been no complaint of any kind, and that no overhauling thereof is necessary :

(b) That the occasional relaxation of the Building Regulations in some of the minor details in special cases, as warranted by the bye-laws, has not tended to the uncleanness of the town nor interfered with the sanitary arrangements :

(c) That the Commissioners are not satisfied with the working of the Conservancy Department, due to the want of proper supervision on the part of the Health Officer, who is of opinion that it is not his duty to look after the scavenging of the town, and that, with a view to the more efficient working of the department, a Committee was appointed to consider the feasibility of amalgamating it with the Road Department and placing it under the control of the Engineer, but that, in consequence of the inaction of the Executive, the labours of that Committee have been rendered infructuous :

(d) That the Commissioners have, on an average, spent, year by year, more than Rs. 4,35,000 on drainage and *bustee* improvements, which sum is more than double the minimum amount fixed by law.

IV.

That the statement laid on the table, dealing with the various points raised in the Speech of His Honor the Lieutenant-Governor, be adopted.

V.

That the statement just adopted and the foregoing resolutions be forwarded by the Chairman for the consideration of His Honor the Lieutenant-Governor.

Statement adopted by the Commissioner-in-meeting on the 28th February, 1997.

HIS HONOR the Lieutenant-Governor of Bengal, on the occasion of laying the foundation-stone of the new drainage works on the 26th of November last, was pleased to make a Speech, in which, after referring to the subject immediately before him, condemned the Commissioners in emphatic terms. The accusation laid against them may be summed up under the following heads:—

- (a) Far too much speaking for the sake of speech.
- (b) Needless interference with the Executive.
- (c) The vicious constitution of the Corporation.
- (d) Animus against the Health Officer.
- (e) Defective conservancy and filthy and insanitary condition of the town.
- (f) Violation of the Building Regulations.
- (g) The Warrant Department a public scandal.
- (h) The Loan Department in need of thorough overhauling.
- (i) The *bustee* question only played with.

The Commissioners have felt themselves much aggrieved and humiliated at this sudden and unmerited condemnation, and they desire to place before His Honor certain facts and considerations on which they rely in their own defence.

INTRODUCTORY.

2. The Commissioners cannot but express their regret that His Honor should have chosen the occasion of laying the foundation-stone of the new drainage works as the proper time and place for making the attack. They had rather expected to hear from their distinguished guest a few words of encouragement on the occasion of his presiding at the inauguration of a large and expensive system of sanitary works. It has now been authoritatively stated that His Honor did not mean to attack the Commissioners, but that his object simply was to stir them up to action. The Commissioners feel, however, that there can be no more effective stimulus than appreciation, and they would certainly have been glad to have given His Honor a full account of their work and any explanation or information that he might have been pleased to ask for in any private interview to which he might have invited them, or in any report which he might have called for.

3. The Commissioners feel it their duty to show that the condemnation is wholly undeserved. His Honor has condemned, without hearing them, a body of men who have rendered gratuitous services at considerable loss and inconvenience to themselves, and some of whom have spent the best period of their lives in furthering the cause of Local Self-Government in Calcutta.

4. The Commissioners cannot but be surprised at their having been made an object of indignant censure at a time when the town was exceptionally healthy and when its death-rate would compare favourably with that of most of the cities of Europe. They are not aware if any complaint has been made against them, and in the absence of any complaint, they are unable to realise the situation in which they had been placed. On a previous occasion, when a complaint was made to the Government of Bengal against the municipal administration of Calcutta, the Commissioners were informed of the character and source of the accusation. On the 18th of December, 1883, there was a memorial presented against the Commissioners to the Lieutenant-Governor of the period, who caused a copy of it to be forwarded to the Commissioners, and on receipt of their explanation, His Honor wrote to the memorialists as follows :—

“ Mr. Rivers Thompson has no doubt that the memorialists will recognise that the object with which they addressed Government has been substantially secured, and that if further improvement for the future is assured, there is nothing to be gained by further controversy regarding responsibility in the past. The memorialists will observe that measures have now been taken to provide effectually for the sanitation of the *bustees* and also to provide gradually for their structural improvement. Steps have also been taken to secure more expeditious and complete cleansing of the public streets, and the extension of the filtered and unfiltered supply of water will admit of more copious flushing of the sewers in the dry season. It will be the special care of the Lieutenant-Governor to urge the Commissioners not to relax the efforts which they are now making. Under these circumstances, Mr. Rivers Thompson does not consider it necessary to take any further formal action upon the memorial.”

The Commissioners consider it very unfortunate that in the present instance they have no knowledge of the quarter from which the complaint has emanated, or the character and grounds of that complaint.

THE COMMISSIONERS, THEIR MODE OF TRANSACTING BUSINESS, AND THEIR RELATION TO THE EXECUTIVE.

5. The Commissioners have noticed from time to time complaints in some Anglo-Indian journals to the effect that a great deal of their time is wasted in talk. If His Honor has formed any opinion from such writings, the Commissioners cannot help feeling that His Honor has been entirely misled. It is part of the politics of some writers to indulge in such accusations. It will be conceded that in order to arrive at sound conclusions on any important and intricate subject, it is essentially necessary that there should be interchange of ideas on it. Business of an important and difficult kind gains rather than loses by discussion, specially where a question may be looked at from various points of view and affects many interests, and it is only such business that elicits “talk” from the Commissioners. If the municipal proceedings in the time of the Justices are referred to, it will certainly appear that the talk now is very much less than in their days, though municipal interests and municipal business have grown very largely since. The most important and, in fact, the chief Executive Committee of the Commissioners is the General Committee, which meets once a week, and a reference to its proceedings would show that at every sitting, which does not ordinarily last for more than an hour and-a-half, more than thirty items of business are generally disposed of. On some rare occasions, however, such expedition is not secured, owing to the importance of some items of business which cannot be disposed of without very careful consideration, and in such cases there is invariably some practical benefit which results from the discussion.

On this subject the Commissioners beg to offer in Appendix A figures showing the amount of business which they have at particular periods transacted in their meetings in spite of speeches. They also think fit to quote in this connection the opinion of Mr. Harry Lee, some time Chairman of the Corporation, who said on the 23rd March, 1893 :—

Less frequently now than of old, because the outside public is better acquainted with the facts, but still occasionally we hear insinuations that much time is wasted in this hall by long speeches from the Municipal Commissioners. No charge could be further from the mark. In all my experience—and that has covered full three years—I have seldom listened to a speech that has not been useful and to the point. I can hardly recall a single instance in which I have made the reflection that the speaker was throwing no new light on his subject, and was simply speaking to make a speech. The facts, indeed, are conclusive. In the course of the year you hold*

some thirty general meetings. All the proceedings of every Committee meeting, of which some 250 are held in the course of the year, come before you in this hall for review. A single Committee will frequently deal with two 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 40, items of a business at a sitting. How long do you take over it? As a rule between one and two hours! How could you say with fairness that is excessive? How many similar deliberative bodies in the world are there that would dispose of the work in less time? The general rule that we endeavour to observe is not to speak without special knowledge and clear opinion, and then to express our thoughts in language as brief as we can make it.

6. Since the introduction of the elective system, men like the late Mr. William Souttar, the late Sir Henry Harrison, the Hon'ble Mr. Beverley, the Hon'ble Mr. Cotton, and the late Mr. Harry Lee have been Chairmen of the Corporation of Calcutta. Their ability and capacity for work could not be questioned. But they never complained of obstructiveness on the part of the Commissioners or of any waste of time which prejudiced real business. Their relations with the Commissioners of their respective times were of the most cordial character, and business proceeded without any acrimony; they met with opposition at times, but they never resented it. During the same period there were four Health Officers before Dr. Simpson, namely, Dr. Payne, Dr. McLeod, Dr. O'Brien, and Dr. Sanders. The relations between Dr. Payne and the Commissioners no doubt were not very satisfactory, but that was owing to his being too prone to insist on unattainable ideals. He wanted, besides, to carry everything with a high hand, and, when a vigorous complaint made by him reached Sir Ashley Eden, that ruler was wise enough to remark as follows:—

“Mr. Eden would have wished that the tone (of the Health Officer's report) were more moderate and conciliatory, for he is persuaded that to make sanitation efficient in Calcutta, the people of the city must be led, and not driven, into co-operation with the Sanitary Department. Dr. Payne should bear in mind that one case in which the native society is induced by conviction to adopt a sanitary theory is worth hundreds of cases in which they are pressed into submitting to reforms, of the benefits of which they are not satisfied. The Sanitary Officer must remember that the principles and theories, which to him seem so obvious and so indisputable, have not even yet received practical acceptance in many countries in a much more advanced condition of social progress than India, and that more is to be gained by patiently and gently endeavouring to establish the soundness of these theories by practical results than by hard language in respect of those who are not prepared to accept at once the conclusions at which he may have arrived after many years of hard study of the whole subject.”

Dr. Payne's successor had no complaints to make of the Commissioners; they found them always reasonable.

Dr. O'Brien, who was examined by the Commission of 1884, said:—

“During these six months I have been, I consider, very actively engaged in sanitary work, and of my own knowledge I may say we have—all the entire municipal establishment I mean—been exceedingly active in cleaning *bustees*, removing nuisances, and generally in all sanitary work.

“The past six months have been characterised by what I term a strenuous effort towards sanitary reform.”

And again he said:—

“Dr. McLeod says that in his experience the action of the Corporation was marked by progress; in my experience, carrying it to a further period of six months, there has been a steady flow towards improvement.”

So far as Dr. Sanders is concerned, his views in agreement with those of the Commissioners are well known and need not be formally stated.

7. The relations of the Commissioners with Dr. Simpson, unfortunately, are sometimes strained, for he dotes on ideals, is not a sufficiently practical man of business or a good executive officer, and refuses to accept his own proper responsibilities. During the bubonic plague scare if the Commissioners had followed all his advice, the Corporation would have been put to endless and useless expense, and so far as trade was concerned, the result would have been disastrous. One instance of executive recklessness will, in this place, be apposite. The Commissioners, at the instance of Dr. Simpson, sanctioned the erection of two sheds for a plague hospital. The Acting Chairman invited some members of the General Committee to see these sheds; they accordingly went to the place, and great was their astonishment when they reached the place to find that instead of

two sheds some ten had already been erected, and three more elaborate ones were in course of erection. They asked the Acting Chairman under whose authority all that had been done. He said he had communicated the resolution of the General Committee to the Health Officer, and he had not given any authority for the erection of any additional sheds; then an enquiry was made from the Engineer, who stated that the whole thing had been done under the orders of the Health Officer. But when that officer was asked, he said he had never given any such orders. When enquiry was further pressed, the Health Officer admitted that the whole thing had been constructed owing to a mistake on the part of the Assistant Health Officer. The members of the General Committee, with the sanction of the Acting Chairman, stopped all further work, and they made a rough calculation as to the amount of cost already incurred. The Commissioners are informed that the contractor who erected these sheds made out a bill amounting to more than Rs. 33,000, and presented the same to the Engineer for payment, who forwarded it to the Vice-Chairman for his consideration. When the bill came before the Vice-Chairman, he was struck by the enormity of the demand, and he referred it back to the Engineer's department for correction; the bill came back reduced to Rs. 12,000, and with the signature of the officer who was superintending the work, to which exception was again taken, and the bill was ultimately reduced to Rs. 11,000. But the members of the General Committee, who saw the sheds, believe that the bill should not have exceeded Rs. 2,000 or Rs. 3,000, and the Chairman and the Vice-Chairman are also of the same opinion.

8. The Lieutenant-Governor will be pleased to consider whether proceedings of this kind are likely to beget the confidence of the Commissioners in their executive officers. During the greater part of the period under consideration, Mr. Kimber was the Engineer of the Corporation, and it is a well-known fact that his relations with the Commissioners were harmonious. Mr. Buckley officiated for him for some time, and the same relations continued during that period. In fact, it may be safely asserted that but for the financial control of the Commissioners, the Corporation would have been insolvent many years ago. They would in this place notice some instances of interference with the executive, which experience proved to be salutary.

In 1888, the subject of burning the refuse of the town was brought up before the Commissioners by the Health Officer. Mr. Harrington, an Engineer-Contractor, offered to erect, on places to be appointed by the Corporation, three furnace destructors to destroy by fire a given quantity of refuse and sweepings. The Health Officer strongly recommended the acceptance of the offer, and one of the three places named by him for the erection of the incinerator was Burra Bazar. He wrote :—

“Considering these advantages and provided the Commissioners consider the price at which Mr. Harrington offers to destroy the refuse, a reasonable price, namely, Rs. 2,000 per month for each destructor capable of burning 20 railway waggon loads of refuse, I have no hesitation in recommending the Commissioners to accept Mr. Harrington's offer conditionally to a test being applied of at least one month's dry weather and three months' wet weather working to the first destructor before sanctioning the three, and, if this view is accepted by the Corporation, that the necessary land for the erection of one destructor about 16,000 square feet be immediately taken up in the vicinity of Burra Bazar, where the largest amount of sweepings and refuse is usually collected.”

The Health Officer's note, from which the above is an extract, was thoroughly discussed, and the Commissioners, in deference to the strongly expressed wishes of the executive, sanctioned the erection of only one incinerator, that at Entally, as a trial. This experimental incinerator being too close to the town proved a great nuisance, and had to be closed after working for only a few months. The whole venture cost the Corporation over half a lakh.

Here is another instance. In July 1895 serious difficulties arose in trenching night-soil during the rains in Goragatcha. The old trenching-ground had to be given up, and the Port Commissioners allowed the Corporation to carry on trenching operations on the Dock land on the distinct understanding that the latter would erect a discharging depot at Watgunge. This scheme had once before been brought forward before the Commissioners, but was rejected as impracticable. At this time, as Mr. Silk was officiating, he, in consultation with the Health Officer, undertook to finish the work in six months. Accordingly, the scheme was sanctioned after much discussion. Subsequently, however, some of the Commissioners raised a strong opposition to the scheme being carried into effect, and it had to be given up. If the proposal of the executive had been actually carried out, there would have been loss to the extent of nearly a lakh of rupees.

Such instances might be multiplied; but as His Honor the Lieutenant-Governor has not been pleased to give any-specific instances of interference that have led to untoward results, it is needless to be more elaborate. It is the firm conviction of the Commissioners that it is not possible for any useful measure to fail for want of a majority of votes, unless the executive fail to put it properly before them. And they cannot remember any suggestion of the executive which they have rejected otherwise than on the most cogent grounds which they are fully prepared to defend.

The Commissioners deny that in the consideration of public questions they are influenced by private interests. If by private interests are meant the interests of the constituents of any particular Commissioner, it is obvious that, having regard to his representative character, it is his duty to seek redress of the grievances of his constituents, and unless the cause he advocates were just, it would certainly not meet with the approval of the Commissioners-in-meeting, who are not influenced by any such considerations as the mover. If in any Committee a jobbery is perpetrated at the instance of any particular Commissioner, there is nothing to prevent the executive from having the matter discussed before the Commissioners-in-meeting and set aside by them. The executive has rarely, if ever, brought up any such matter, though individual Commissioners have not been slow to interfere. It may be admitted, however, that in some instances, a rate-payer by hard canvassing has succeeded in achieving certain ends which are undesirable, but such cases are rare, and they probably exist in all communities and in every place.

THE COMMISSIONERS: THEIR REPRESENTATIVE CHARACTER.

9. The law provides that no person can claim to be elected as a Commissioner unless he is a resident of Calcutta, and pays rates or taxes on his own account to the extent of Rs. 25. At the last election the Commissioners who were elected may be classified as follows:—

Lawyers	...	..	...	22	Engineers	...	...	...	2
Merchants	...	...	...	5	Newspaper Editors	...	...	...	3
Zamindar	...	..	...	1	Government servants	...	...	...	2
House-holders	...	...	...	10	Captain	.	...	...	1
Doctors	...	...	...	5	Contractor	...	...	...	1

Of these, the largest number are lawyers, two of whom are also editors of newspapers. Though, according to His Honor, it is objectionable to have so many lawyers, yet out of the 15 Commissioners that the Government had to appoint under the law, it was pleased to appoint four lawyers, and it may be pointed out that two journalists were elected by the European constituencies recognised by the Act. The Commissioners cannot admit that "manufacturers, merchants, tradesmen and the like" have a monopoly of practical wisdom, or are more fitted to guide municipal deliberations than lawyers, doctors, engineers, journalists and zamindars. These latter class, indeed, if the Commissioners are not greatly mistaken, are invariably taken to represent the highest stratum of cultivated intelligence in every country in which they exist. They are the classes from which, in England for instance, Members of Parliament and ultimately Cabinet Ministers, rulers of colonies and dependencies and ambassadors to courts, are drawn. Possibly for that very reason the ambition of those classes is not directed to seats in Town Councils. The elected Commissioners of Calcutta have included men who have been Presidency Magistrates, Fellows of the University, Members of the Bengal Legislative Council, Members of the Legislative Council of India, Directors of Companies. Surely they ought to understand municipal business at least as well as tradesmen and manufacturers. It may be noted that there is nothing in the law to prevent manufacturers, merchants and tradesmen from being Commissioners; and if more members of those classes are not in the Corporation, it is not the fault of the Commissioners.

The Commissioners are fortunately in a position to be able to quote high official testimony to the success of the elective system. The following is stated by the Hon'ble Mr. Cotton, in paragraph 26 of his note of dissent, dated the 9th day of November, 1884, from the Report of the Commission that was appointed by Sir Rivers Thompson in 1884 under section 28 of Act IV (B.C.) of 1876:—

"The Municipality of Calcutta does very fairly represent the rate-payers of the metropolis. That representative body which constitutes the Corporation is in a position to weigh the requirements of efficiency and those of economy, and to temper the occasionally extravagant demands of its executive subordinates by the check which the rate-payers impose on excessive expenditure and unnecessary taxation. But if it is necessary for the Government of India to take a firm stand on economical

grounds in measures of Imperial importance, in order to watch the interests of the great mass of tax-payers who are unrepresented in its Council, it is surely no less incumbent on Government to firmly support a representative Corporation when it is discharging, in the invaluable exercise of its representative functions, the same duty of economical control."

And again, in the year 1886, when the present Municipal Act was before the Council for consideration, the late Mr. Colman Macaulay, Chief Secretary of the Government of Bengal, declared in the most unmistakeable terms that Local Self-Government in Calcutta had proved a success. He said:—

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

Sir Henry Harrison from his place in the Bengal Council spoke as follows in February 1888:—

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

THE CONSTITUTION OF THE CORPORATION.

10. The Commissioners beg to point out that they are in no way responsible for the passing of Act II of 1888. They made various suggestions, but none of them were adopted by the Legislature. Whether the constitution is what it ought to be is a matter about which there is some difference of opinion. There are various defects in the Act which certainly should be removed, but as regards principles, the Commissioners have no reason to complain. The Commissioners believe that, in respect of the constitution of the Corporation, reform would consist in a larger recognition of the principle of election and an enlargement of the powers

of the Commissioners, having regard to the success which has attended the working of the present system. They deny altogether that their constitution has been "borrowed *en bloc* from the most advanced models in England, and without any reference to the utterly different circumstances of an Oriental city and a very mixed community." They venture to state that their constitution has not been borrowed *en bloc* from any model, advanced or backward, in England or anywhere else. It is something peculiar, special, *sui generis*. So far from being an embodiment of mere abstract principles, it has been framed with too close an eye to the special circumstances of this town and in disregard of doctrinaire considerations. In no other system, so far as the Commissioners are aware, have the interests of minorities been so jealously guarded. The power of nomination vested in the Local Government and the special franchise given to the Bengal Chamber of Commerce and the Trades Association are conspicuous deviations from the principle of popular election, but they were held to be necessary to suit the special circumstances of the town. The provisions with regard to the qualification of voters, individual and collective, and with regard to the number of votes which electors may claim to exercise, show no leaning to the democratic "one man one vote" principle or to any other speculative principle, and at the same time they prevent the possible swamping of the poorer classes of electors by the unlimited accumulation of votes in the hands of the wealthy. This is not the place for a discussion of details, and it is possible that the existing system may be improved as regards details, but the Commissioners beg to observe emphatically that the system as a whole is not a mechanical imitation of any other; that it does not rest on a merely theoretical basis; and that its chief merit lies in its relative practical character. Sir Henry Harrison could not be charged with any bias against the executive, and the law which he drafted gives powers quite large enough to the executive. The control of the finances must, in any system of self-government, be left in the hands of the Commissioners, who must also constitute the Court of Appeal to which any person complaining of executive injustice may resort. It must not be forgotten that the subordinate municipal executive command no more confidence than the police in this country.

THE HEALTH OFFICER, THE PLAGUE, AND THE SANITATION OF THE TOWN.

11. On the question of the plague it is now abundantly clear that though the Commissioners are laymen, their foresight has proved to be correct. If the Commissioners had followed the advice of the Health Officer in all particulars, an enormous sum of money would have been spent, as already observed, to no purpose. It is perfectly true the Commissioners do not understand bacteriology, nor have they pretended to its knowledge. But they know that when the plague breaks out, people die by hundreds, and in Calcutta, notwithstanding the scare of a plague, there was not a single case of the bubonic plague, and in every instance the Health Officer was found mistaken. For their foresight and sagacity the Commissioners venture to think that they deserved thanks rather than ridicule. As to the Sub-Committee that was sitting on the case in Raja Rajbullub's Street, the object of its appointment has been wholly misunderstood, and it is extremely unfortunate that His Honor should have spoken of immolation of the Health Officer before the Sub-Committee had expressed any opinion. The Sub-Committee sat on the evening of the 25th November for the first time, when statements of certain medical men and eye-witnesses were taken down, and the very next day His Honor appeared to have been misinformed by some one as to the motive with which the enquiry was being held. The Sub-Committee, which was fully representative in character, has, after enquiry, come to a unanimous conclusion, and the Commissioners trust that when that conclusion is made public or is specially communicated to His Honor, he will realise that the Commissioners were fully justified in the step they took. It has now been authoritatively stated that none of the cases reported by the Health Officer as of plague were really cases of plague at all. In this connection it may be stated, for the information of His Honor, that a lad of about twelve, named Tincowry Pal, was forcibly removed to the plague hospital at midnight by the Health Officer without having obtained any orders of the Chairman to that effect, or even mentioned to him anything about the matter, and the Health Officer further caused the bedding and other things belonging to him to be burnt. Section 324 of the Municipal Act, which relates to the removal of patients, is as follows:—

"When any hospital or place for the reception of persons suffering from any dangerous epidemic, endemic, or infectious disease has been provided, the Commissioners may, on a certificate countersigned by the Health Officer, and with the consent of the Superintendent of such hospital or place, direct the removal thereto of any such person suffering from any such dangerous disease, who is, in the opinion of such Health Officer, without proper lodging or accommodation."

From this it is clear that, in order that a patient may be removed from his dwelling, certain conditions are necessary, namely, that there must be a suitable hospital ready to receive a patient, there must be a certificate countersigned by the Health Officer, and the patient must be without proper lodging or accommodation. Having regard to the terms of the section, it will be apparent that in this case there was a flagrant abuse of power. It has now been declared by the Medical Board that Tincowry Pal was not suffering from an attack of plague at all.

A BRIEF HISTORY OF MUNICIPAL ADMINISTRATION.

12. For about a century the Municipal Government of Calcutta remained in the hands of Government itself, and then in the year 1863 it was made over to the Justices of the Peace who were appointed by Government. It will be useful to find out what Government did to improve sanitation of the town, and what its condition was when the administration was made over to the Justices. There is an official document in existence which has vividly described the condition of Calcutta before the time of the Justices, and it will not be amiss to quote a paragraph from it. As His Honor the Lieutenant-Governor considered the reports by certain Medical Officers so appalling that he dared not read them out, the Commissioners do not know what His Honor would say to the description here quoted. The document in question bears the signature of Mr. John Strachey, afterwards Sir John Strachey, as President of the Sanitary Commission of Bengal:—

“For many years past the sanitary condition of Calcutta has been a constant subject of complaint, and this condition has probably never been much worse than it is at the present time. The state even of the southern division of the town, which contains the fine houses of the principal European inhabitants, is often most offensive and objectionable, while with regard to the northern or native division of Calcutta, which contains some hundred thousand people, it is no figure of speech, but the simple truth, to say that no language can adequately describe its abominations. In the filthiest quarters of the filthiest towns that I have seen in other parts of India or in other countries, I have never seen anything which can be for a moment compared with the filthiness of Calcutta. This is true, not merely of the inferior portions of the town or of the bye-ways and places inhabited by the poor classes, but it is true of the principal thoroughfares and of the quarters filled with the houses of the richest and most influential portion of the native community. If a plain unvarnished description of the streets of the northern division of Calcutta, bordered by their horrible open drains in which all the filth of the city stagnates and putrefies, were given to the people of England, I believe that they would consider the account altogether incredible.”

And again—

“It is not my wish to attempt to describe in detail the condition of Calcutta. To all who are here upon the spot the facts are notorious. The state of the capital of British India, one of the greatest and wealthiest cities in the world, is a scandal and disgrace to a civilised Government.”

13. The government of the Municipality remained in the hands of the Justices down to the year 1876, and during this time various improvements, costing large sums of money, were effected by them. They opened out Canning Street, Grey Street and Beadon Street, introduced the filtered water-supply and the underground drainage; but such improvements could not remedy the evils brought about by the neglect of a century. When they laid down the reins of office, so far as finance was concerned, there was a deficit of Rs. 60,000, and as for the city itself, it was replete with abominations of every sort and kind. In the Administration Report of the year 1876, the last year of the reign of the Justices, Dr. Payne, then the Health Officer of Calcutta, described the condition of the town in the following terms:—

“On the evidence of its mortuary record the town is surpassed in fatality by many eastern towns and by some in the west, and yet it is impossible to conceive a more perfect combination of all the evils of crowded city life in the primitive filthiness and disorder than is presented in the native portion of Calcutta. Dirt in the most intense and noxious forms that a dense population can produce covers the ground, saturates the water, infects the air, and finds in the habits and incidents of the people’s lives every possible facility for re-entering their bodies: while ventilation could not be more shunned in their houses than if the climate were arctic instead of tropical. If, then, Calcutta be not a deadly place, filth in its utmost intensity must be innocuous and sanitation a pretentious sham.”

And again—

“Whatever may have been the language of description used before, it is certain that with regard to the tanks no power of rhetoric could force conviction further than words of simplicity and

truth. No superlatives can enhance the meaning of such terms as midway between urine and effluent sewage, strong sewage, stronger than London sewage, which make up the dispassionate report of the analyst on the tank waters of Calcutta, and certainly no word-painting could darken the coloring of a picture which presents itself as one of many in Nundoram Sen's Street to the eyes of any one who cares to see it. A filthy drain, passing between the high masonry walls of houses, receives the contents of their privies, which are freely discharged into it through apertures in the walls. To the foot of each wall whitening the margin of the black mass of filth which fills the drain, there cling myriads of maggots. They are heaped along the line and fall in matted clusters into a slender stream which courses slowly down the surface of the foetid mass, and with it they are drifted along to a hollow close at hand known in local parlance as a tank. The liquid which partly fills the hollow owns no source of supply but this foul stream and such casual addition as rare shower of rain may make, falling on its area. The banks are composed of house filth and refuse of every kind, and a few yards from the entrance of the drain, there is the bathing ghât, where daily a human crowd resort to share with the maggots, their sewage bath and rinse their mouths and cooking pots in concentrated filth; and the margins of this pool and the adjoining land are covered with huts so closely set together that a single file passage can scarcely be had between them."

14. It will thus be seen what sort of a legacy the Justices left to their successors, and what gigantic works they had before them. The question now is, if they realised their position and made strenuous efforts to cope with the evils above depicted and effected adequate improvements during the following twenty years, having regard to the means at their disposal. If this question could be answered in the affirmative, every commendation would be due to the Commissioners. It will be remembered that soon after the answer given by Sir Rivers Thompson and referred to in the 4th paragraph of this statement, another memorial was presented to His Honor, and the final result of that memorial was the appointment of a Commission in the month of August 1884 in the teeth of strong opposition on the part of the Commissioners. The members of the Commission recognised in the clearest terms the various improvements made during the eight years after the Justices had made over the town to the Commissioners, as will be seen from the 8th to the 17th paragraphs of their report, which for easy reference are set out in Exhibit B. One of the members of the Commission, the representative named by the Municipality, the Hon'ble Mr. Cotton, not being satisfied with the recognition therein made, recorded a dissent, in which, amongst other things, he stated:—

"But I have shown and my colleagues have shown that there has been no failure. The Corporation of Calcutta as a representative body commands the confidence of the vast majority of the rate-payers: it has already done very much in the direction of sanitary reform; it has not retrograded in giving effect to a single sanitary improvement; stimulated by the healthy action of public opinion and profiting by the greater experience gained year by year, it has afforded, by the systematic enterprise of the past three years, the most solid guarantee that it will continue to advance on the path of progress."

And again—

"I cannot pass this occasion by without asserting in the clearest manner that on the general question of financial control over expenditure the Commissioners have, in my opinion, exercised a wise and salutary supervision."

And again—

"The statistics annexed to the report of our Commission conclusively show that the exercise of these functions has not been abused. As I have already stated, establishments have not been reduced, reforms have not been suspended, and there is an admitted tendency towards increase of expenditure in all departments. The population of the town has remained stationary, the increase in expenditure is steady and progressive. The considerable increases which have been sanctioned in the departments of cleaning and conservancy during the past three years are detailed by the Chairman of the Corporation in his evidence. It would be a most ungracious proceeding and inconsistent, I will venture to say, with the policy which the Government has already preferred and acted on, to ignore the increases already sanctioned, to denounce them as insufficient, because they do not reach the standard of expenditure which the Engineer recommends and which the majority of the members of our Commission desire to see the Corporation compelled to adopt."

And again—

"Under such circumstances, I say to compel the Corporation to allot funds for expenditure which it is unwilling to incur, to direct the Commissioners to increase their outlay on objects on

which a large increase has already been bestowed, to insist on a greater liberality in the disposal of rates and taxes with which the Government has no direct concern, will be to court responsibility which it is difficult, if not impossible, to justify."

In the course of the enquiry Babus Jagodish Nath Roy and Rajender Dutt, two well-known residents of Calcutta, were examined, and it will not be out of place to quote passages from their evidence.

Babu Jagodish Nath Roy, the late District Superintendent of Police, said :—" The scavenging, watering and sweeping are such as we have never seen before ; it is new to us, and is greatly appreciated. This work is most regularly attended to. If complaints are made, they are promptly redressed. There is a decided improvement in these clean, garnished lanes as compared with the foul, fermenting ditches which previously existed in their places.

" I have never heard of any complaints from the native or poorer members of the town against the cleansing or the conservancy of the town. In fact, we have no right to complain. It is a fact, too, that the poor rate-payers do not accept the Government as their champion against the Corporation, and that they are opposed to the enquiries on which you are engaged."

Babu Rajender Dutt said :—" Still, if I am asked my opinion on the subject and to compare the present with the past, I would say that the condition of things now compared with what it was in the past is the difference between heaven and hell."

It is necessary to note that at this time the conservancy was in the charge of the Engineer to the Corporation. The members of the Commission suggested in the 136th paragraph of their report that the surface conservancy should be transferred to the Health Officer ; that he should be assisted by two Superintendents, one for the north and the other for the south of the town, and that these Superintendents should have under them ward-overseers with small defined circles. In the northern division each single ward, they said, ought to have its separate overseer. In the southern division an overseer might be appointed to the charge of two wards, and they further suggested that wards 7 and 12 might be placed under the same overseer, and so might wards 13 and 14, wards 15 and 16, and possibly 17 and 18. In this way 14 overseers would probably suffice, and then there would be a responsible well-paid officer in each ward. In accordance with this suggestion, the Conservancy and Surface Cleaning Department was made over to the present Health Officer.

15. The table hereto annexed as an exhibit, and marked with the letter C, gives the sum spent by the Commissioners, year by year, from 1886-87 to the current year, out of their revenue on the conservancy of the town, and for years together the supervising establishment under the Health Officer has consisted of three Superintendents and one Assistant Superintendent and 24 Inspectors and one Assistant Inspector, each Inspector having charge of one ward, who has the services of clerks, peons, orderlies, and a suitable menial staff. So that the supervising staff allowed by the Commissioners has been more than what was recommended by the members of the Commission. The very fact that the Government was pleased to add to the Calcutta municipal area in 1888 a tract of land about 12 miles in area, is proof positive that the Government was satisfied with the work of the Commissioners.

16. It will not be out of place to compare the Calcutta of 1876 with the Calcutta of 1888 as the year immediately preceding the amalgamation with the suburbs. This can be done by reference to the following table :—

	Calcutta of 1876	Calcutta of 1888
Brick sewers in miles ..	39.21	42.57
Pipe sewers in miles	47.34	144.50
Amount spent in drainage	Rs. 69,10,972	Rs. 96,97,724
Average quantity of water supplied to the town ...	6,541,154 gallons per day.	16,000,000 gallons with 4,000,000 gallons for the suburbs.
Total number of houses connected ..	9,675	17,580
Amount spent in filtered water-supply ...	Rs. 71,56,998	Rs. 1,22,96,485 including unfiltered supply.
Unfiltered supply was ...	721,875 gallons per day.	2,501,830
Length of roads was	132 miles.	147 miles, besides 34½ miles of public lanes over sewer ditches.

	Calcutta of 1876.	Calcutta of 1888
Watering of street	12,237,941 feet.	16,173,033 feet
Gas lamps	2,718	4,488
Oil lamps ..	700	303
Tanks which remained to be filled up ...	331	240 tanks which were filled up.
Bustee improvement ...	Nil	Works stated in para.
Conservancy	Rs 1,55,100	Rs. 3 lakhs.
Bustee conservancy ..	Nil	Refuse is removed and the roads and drains swept in the interior of bustees just as well as anywhere else.
		All the open ditches sewerred, every-thing is swept once a day.
		The refuse is all removed once a day.
		The greasy slime of the ditches gone.
All refuse was thrown into open ditches filled with putrefying matters and a black greasy slime often several feet in depth.		
Bathing platforms		Nil 86
Public squares		14 19

17. The foregoing synopsis shows the vast improvements the Commissioners effected up to 1888, and since the amalgamation further improvements have been effected which are enumerated below :—

	Rs.
Drainage and miscellaneous	7,86,686
Suburban improvement	13,97,087
Bustee and town improvement	8,98,785
Net cost till 31st March 1896 of Harrison Road	27,46,346
Water-supply extension	34,10,071
	<hr/>
	92,38,975
	<hr/>

18. The Commissioners do not certainly imply that Calcutta has become a model city, or that there are no plague spots or slums yet to be improved: far from it. But they claim that a much longer time should be allowed before this can be done, for the neglect of ages cannot be remedied in 20 years with such means as are placed at their disposal. The great city of wealth and perfection, London, has an income of about five times that of Calcutta, and yet what was its condition in the year 1883 after ages of Local Government? The late Sir Henry Harrison, on the 21st August, 1884, quoted a description of London from a pamphlet written in 1883, called the "Bitter cry of outcast London," which it would be apposite to reproduce here, not by way of comparison, but to emphasise the necessity of allowing much more time to the Commissioners to carry out the needed reforms than has elapsed:—

"We do not say the condition of their homes, for how can those places be called homes, compared with which the lair of a wild beast would be a comfortable and healthy spot?"

"Few who will read these pages have any conception of what pestilential human rookeries are, where tens of thousands are crowded together amidst horrors which called to mind what we have heard of the middle passage of the slave-ship. To get into them you have to penetrate courts reeking with poisonous and malodorous gases arising from accumulations of sewage and refuse scattered in all directions and often flowing beneath your feet; courts, many of which the sun never penetrates, which are never visited by a breath of fresh air, and which rarely know the virtue of a drop of cleansing water. You have to ascend rotten staircases which threaten to give way beneath every step, and which in some places have already broken down, leaving gaps that imperil the limbs and lives of the unwary. You have to grope your way along dark and filthy passages swarming with vermin. Then, if you are not driven back by the intolerable stench, you may gain admittance to the dens in which these thousands of beings, who belong as much as you to the race for whom Christ died, here live together. Have you pitied the poor creatures who sleep under railway arches, in carts or casks or under any shelter which they can find in the open air? You will see that they are to be envied in comparison with those whose lot it is to seek refuge here. Eight feet square, that is about the average size of very many of these rooms—walls and ceiling are black with the accretions of filth which have gathered upon them through long years of neglect. It is ascending through cracks in the boards overhead, it is running down the walls; it is everywhere; and what goes by the name of a window, is half of it stuffed with rags or covered by boards to keep out wind and rain; the rest is so begrimed and obscured, that scarcely can light enter or anything be seen outside. Should you have ascended to the attic,

where at least some approach to fresh air might be expected to enter from open or broken windows, you look out upon roofs and ledges of lower tenements, and discover that the sickly air which finds its way in the room has to pass over the putrefying carcasses of dead cats or birds or viler abomination still."

19. For some time past there have been complaints by the public and by individual Commissioners about defective conservancy; but, as the executive could not devise a sufficient remedy for the unsatisfactory state of things, as the Health Officer invariably maintained that the complaints were exaggerated, and as he required a further establishment to make the conservancy more perfect, the Commissioners on the 16th day of July, 1894, appointed a representative Committee for the purpose of considering the propriety of amalgamating the Conservancy with the Road Department. The Committee examined several persons, amongst others Drs. Sanders and O'Brien, who both recommended the taking away of the Conservancy Department from the Health Officer. But the Health Officer strongly opposed the scheme. In consequence of this the Chairman, Mr. Ritchie, was not able to give his concurrence to the scheme suggested by the Committee in a draft report prepared at the instance of some members of the Committee. Later on, the report came up before Mr. Williams for his consideration, but since then nothing further has been done, and the report has not seen the light of day. The Commissioners have been informed that Mr. Williams is anxiously considering the report, and that he has not been able finally to make up his mind in the absence of a report from Mr. Hughes. They have also had the satisfaction of learning that Mr. Hughes is about to submit his report, accepting in effect the recommendations contained in it. The Commissioners affirm that the establishment and appliances furnished to the Health Department are sufficient for the effectual conservancy of the town, and, if the conservancy has failed in any respect, it is entirely owing to the want of supervision on the part of the Health Officer and his subordinates, and they further believe that the department would work satisfactorily if placed under a proper head.

20. All improvements of a permanent nature have been effected out of borrowed capital and other improvements from revenue. In order to effect the permanent improvements, the Commissioners have had during the last 20 years to borrow Rs. 1,72,01,900, or, on an average, more than Rs. 8½ lakhs per annum. It will be admitted on all hands that it would be a great mistake to exhaust the borrowing power of the Corporation, and therefore it seems to the Commissioners that they have not been wanting in a full grasp of their situation.

BUILDING REGULATIONS.

21. The Commissioners beg leave to point out that prior to Act II of 1888, the Commissioners had no power to make any regulations as to the internal arrangements of any building to be newly erected or to be rebuilt or materially altered. The only powers the Commissioners had under Act IV of 1876 are those detailed in sections 268, 269 and 270, the first of which imposed an obligation on the person wishing to build a house, of sending in a plan showing the levels and width at which the foundation and lowest floor of the proposed building were intended to be laid by reference to some level ascertained under the direction of the Commissioners. The next section authorised the Commissioners to fix other levels and width of foundation in lieu of those shown in the plan, and the last section authorised the Commissioners to demolish the building if erected contrary to the provisions of the last two sections. It is, therefore, clear that there could be no proper building regulations until the present Act was passed, which gives large powers. Soon after the passing of the present Act, bye-laws were framed with the approval of the Local Government, which are still in force. Experience, however, having shown that the terms of some of the present bye-laws, so far as building regulations are concerned, are ambiguous and inapplicable to all cases, the Commissioners in the year 1895 appointed an influential Committee to report on the difficulties that had arisen in the interpretation and working of the building regulations contained in the Municipal Act and of the bye-laws passed by the Commissioners. The Committee held several meetings, and the late Chairman, Mr. Ritchie, suggested that members of the Committee should report in writing what bye-laws they considered to be necessary. Though some of them sent in their written suggestions, nothing further was done. A very large number of the Commissioners, as stated in the Administration Report of the year 1894-95, consider that under the present law there is ample power to secure the erection of proper buildings, and they therefore consider that there is no necessity for legislation on new lines. The statement that the houses which are sometimes built on *bustee* land are worse than the old *bustees* (which have been condemned by the Health Officer so frequently) is one that the Commissioners are not prepared to accept. It is, indeed, impossible to hold that the

houses which have been built upon the site of *bustees* are more insanitary than the *bustees* were. The brick-built houses are constructed according to sanctioned plans, and inhabited by a more respectable class of the people. Their habits are more cleanly, and they are accustomed to a better mode of living. These things in themselves make a vast difference between the *bustees*, such as they were, and the brick-built houses by which they have been replaced. The Health Officer's complaint is not so much directed against the lax enforcement of the existing regulations, as against their substance, as will appear from the following passage of his report in 1895-96:—

“The present laws and bye-laws only accentuated the evil, and I do not think Calcutta could be worse off if there were no regulations. It is impossible for a city to grow up in a healthy state in a haphazard manner, such as is permitted in Calcutta, where areas have sprung up and are springing up all over the town in defiance of every canon of sanitary law. If ten years ago the law had been amended on sound principles, Calcutta would have been a very different place from what it is now, notwithstanding the improvements which have been effected by the construction of Harrison Road at a great cost. I have no hesitation in saying that as regards crowding and unhealthy areas generally, the town is in a worse condition in 1896 than it was in 1886, and must continue to retrograde in this respect until active and effective measures are taken to prevent the creation and perpetuation of insanitary location.”

22. While the Health Officer insists that the present laws and bye-laws are worse than useless, His Honor the Lieutenant-Governor desires to appoint a Commission on the ground that the bye-laws are not strictly enforced. The so-called violations of the regulations may be summed up as follows:—A cook-room on the top of a house contrary to the rules has been sanctioned; a privy has been allowed to be erected on a site not approved of by the Health Officer; a verandah has been sanctioned in a street less than 40 feet wide; a building constructed contrary to sanction has not been pulled down when good cause has been shown against such an extreme step. It is difficult to understand how violations such as these can in an appreciable way interfere with the conservancy or the sanitation of the town. Though there have been some such violations, the Commissioners venture to assert that the houses erected since the present law came into force are decidedly better than those previously erected, so far as sanitary arrangements are concerned. The Commissioners submit that nine years is not a long time to convince people of the utility of sanitary arrangements, and that people are gradually coming to appreciate them. The Commissioners have not themselves opened out narrow roads, and those that exist owe their origin to the government of the Justices, and not to them. They have done a great deal towards widening streets, and if Government were in a position to find them four crores of rupees without interest, re-payable in 50 years or thereabouts, it would be possible soon to widen the remaining narrow streets to a large extent. In England, where building regulations have existed for many more years than in Calcutta, buildings exist in several cities which defy all sanitary principles, as will appear from a few passages quoted below from a work called “London Rookeries” by Robert Williams, published in 1893:—

“If any doubt, let him if he possesses a healthy sense of smell, go into some of the newest of the fully-inhabited dwellings, and he shall find that the carbonic acid far exceeds the amount, namely, .6 per thousand, which Willoughby considers the ‘permissible impunity,’ and who says that when this is exceeded, the accompanying foetid matters become perceptible. .4 is disagreeable, .6 offensive, .8 sickening, and the nose is not capable of distinguishing further addition. By a person accustomed to breathe fairly pure air, the comparative adjective offensive may at least be applied to the odour of these crowded dwellings, and it cannot be otherwise, seeing that the carbonic acid given off by a man in 24 hours is from 14 to 16 cubic feet, and that a man seated in a room with two lighted candles or an equivalent of gas would require the use of 6,000 cubic feet of air in an hour in order to keep the atmosphere from becoming uncomfortably vitiated.”

And again—

“The overcrowding is not, however, confined to large towns; it is found in small towns and in the country. There are slums of the worst order in most towns, especially those near manufactories and mines, and these belong very often to small owners, men who as often as not have been themselves working men.”

THE WARRANT DEPARTMENT.

23. The failure of the Warrant Department cannot in any way be attributed to the Commissioners, who have made all suitable arrangements for its proper working. The department has failed because of the loose supervision exercised, and as soon as the present Chairman brought the

shortcomings of the department to the notice of the General Committee, they lost no time in appointing a Sub-Committee to thoroughly enquire into the matter. The Sub-Committee held several meetings, and but for the plague scare, would have finished their labours some time ago. The Commissioners have always exhibited an earnest desire to see that all the departments do their work satisfactorily, though in this they have not always met with the support of the executive. Soon after the elective system came into operation, the Commissioners heard various complaints about the management of the municipal market, and expressed a wish to have the matter investigated; but in this they met with every opposition from the Chairman of those days. In spite, however, of such opposition, they succeeded in getting a Committee appointed, which, after a great deal of trouble, reorganized the market department. The immediate result of the appointment of the Committee was that the Superintendent of the market absconded. Again, later on, they heard complaints about the Collector's department, and on their expressing a desire to have a Committee of Enquiry, they were again opposed by the Chairman; but in spite of such opposition, they succeeded in having a Committee of Enquiry appointed, which in the course of the investigation, found grave irregularities, so much so that the two Collectors and other employés had to be dismissed, and on their recommendation the Collector's Department was reorganized. It is hardly necessary to observe that the work of the Committee led to satisfactory results. In course of time it became necessary to have an enquiry into the Road Department, and the Commissioners are happy to acknowledge that on this occasion they had the support of the Chairman, the Hon'ble Mr. Beverley, and further on serious complaints were heard against the License Department, and with the fullest co-operation and sympathy of the Chairman, the late Sir Henry Harrison, they succeeded in putting that department on a satisfactory basis. These matters are referred to with a view to showing that the Commissioners, whenever they heard complaints, were not slow to make enquiries and introduce reforms.

THE LOAN DEPARTMENT.

24. The Loan Department is one of the best regulated departments, and the Commissioners do not understand why it should be overhauled. Both the Chairman and the Vice-Chairman have testified to the efficiency of the department. The Chairman suggested that it would be safer to make over the department to the Bank of Bengal, but as that would entail additional expenditure, the General Committee refused to sanction it; but their decision has not yet been placed before the Commissioners-in-meeting, and it is impossible now to foresee how they would decide the matter. The Chairman's proposal was based only on the ground that the Corporation ran a great risk in managing the department themselves, and not on the ground that the existing system of management was inefficient or had otherwise proved a failure.

IMPROVEMENT OF *Bustees*.

25. The expenditure incurred by the Commissioners in improving *bustees* and making town improvements, petty and large, both in the town and added areas, and the expenditure incurred in carrying out drainage work from the year 1885-86 up to the end of the year 1895-96, are hereunder set out:—

	<i>Bustee</i> improvement of the town area out of Capital.	<i>Bustee</i> conservancy out of Revenue.	Petty town improvement out of Revenue.	Drainage expenditure out of Capital.	Expenditure of the statutory 3 lakhs.	TOTAL.
1	2	3	4	5	6	7
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1885-86	1,17,693	..	24,035	1,86,343		3,28,071
1886-87	1,53,974	26,791	43,063	1,48,342		3,72,170
1887-88	3,33,416	67,753	55,848	2,14,843		6,71,860
1888-89	2,95,847	95,950	24,553	4,61,053		8,77,383
1889-90	1,01,437	90,802	29,302	2,72,256	28,853	5,22,700
1890-91	69,317	86,386	40,017	89,842	89,104	3,74,666
1891-92	1,24,000	1,07,235	36,102	2,02,816	3,08,690	7,78,843
1892-93	1,24,403	1,07,816	34,576	1,14,137	1,71,437	5,52,369
1893-94	38,061	1,02,430	54,041	1,08,295	1,68,767	4,71,594
1894-95	27,497	97,977	43,345	1,41,982	1,92,863	5,03,664
1895-96	5,601	98,261	53,041	3,90,409	1,70,237	7,17,549
	13,91,296	9,81,401	4,87,903	23,30,318	11,29,951	61,70,869

Clause 3 of section 37 of Act 11 of 1888 renders it obligatory on the part of the Commissioners to spend not less than 2 lakhs of rupees on drainage works and for opening out *bustees*. During the years noted above the Commissioners have spent on the improvement of *bustees*, out of capital, Rs. 13,81,296; on *bustee* conservancy Rs. 9,81,401; and on drainage Rs. 23,30,318, making a

total of Rs. 47,93,015, which is on an average Rs. 4,35,728 per year, that is, a hundred per cent. more than the law requires. Besides, the sum of Rs. 4,37,903 has been spent on petty town improvements.

The steps which were taken by the Municipal Commissioners to improve *bustees* down to the year 1884 have been set out in the 16th paragraph of the report of the members of the Commission already quoted, and it is unnecessary to repeat the same here.

It remains to show the condition of the *bustees* at the time when the elective system came into operation. The following passage from the Health Officer's report of 1876 gives the required information :—

“The *bustees* of Calcutta have become notorious to all who have given attention to the state of the city. Their condition has already been the subject of a communication from the Secretary of State, and the new municipal law has enlarged the powers of the Corporation in dealing with them. It remains to be seen how far these powers will be used. I propose to say no more at present by way of description of the *bustees* than is necessary to convey an idea of the state of the so-called tanks, which, as far as I can yet see, are the means by which the worst mischief of the *bustees* is done. Although the language in which the latter have been described by others has been characterised as over-coloured and sensational, I have yet read no description which has produced in my mind a sensation approaching that which results from the view of the places. Although the water of Goa Bagan is chemically interposed between urine and effluent sewage, there are many tanks in town applied to domestic use which contain focal infusions of greater strength. The cowherds' *bustees* show larger areas of soil infiltrated with the dung of men and beasts, and into one of Calcutta's widest streets I have found opening a chamber eight or nine feet long, and wide and deep, filled with fermenting night-soil, the accumulation of years. There are places, too, where the crowd is far denser than here; so that, though Goa Bagan may be used as an example of a Calcutta *bustee*, it is in respect of each of its deadly capabilities surpassed in many other places.”

26. The *bustee* procedure is somewhat dilatory. There are good reasons why it must be somewhat slow. Under that procedure lands are taken from their owners without the payment of compensation, and it is only fair that the owners should have some time given to them for making improvements on their own account, for making objections, and generally for the purpose of being heard. The land acquisition proceedings take some time. Owners of huts have to be given reasonable time to remove. Some time is also taken in framing a proper plan of a remodelled *bustee*. The Commissioners cannot persuade themselves to destroy huts and run roads through other people's lands in a summary way. They are fully alive to the work that lies before them in the way of *bustee* reform, but they cannot help paying due regard to ways and means and the legal rights of proprietors. The circumstances of the hour have made sanitation a supreme and overruling necessity, but the Commissioners have reasons to apprehend that if there had been no plague in Bombay, and if, in their zeal for sanitation and improvement, they had outrun their resources, they would not have escaped denunciation for financial incapacity. The Commissioners are free to admit, however, that unnecessary delay in carrying out *bustee* reform often arises through the laches of the executive; and the last word they can say is that their business would be better managed than at present if they were armed with more effective sanctions for enforcement of their directions to the executive in every department.

EXHIBIT A.

(SEE SECTION 7 OF STATEMENT.)

Analysis of Proceedings of the General Committee Meetings of the Commissioners.
1894-95.

	Total number of meetings.	Total number of items of Business	Total number of items disposed of.	Total number of items postponed for 1st time	Total number of items postponed for 2nd time.	Total number of items postponed for 3rd time.	Total number of items postponed for 4th time.
1	2	3	4	5	6	7	8
General meeting	22	302	223	73	6	—	4
General Committee	48	1,079	672	287	91	25	—
Water-Supply Committee	5	31	27	4	—	—	—
Suburban Improvement	15	238	212	27	—	—	—
Roads, Buildings, &c.	14	216	136	61	12	6	1
Complaints	6	34	31	3	—	—	—
<i>Bustees</i> and Town Improvement Committee	3	34	28	6	—	—	—

1895-96.

	Total number of meetings.	Total number of items of business.	Total number of items disposed of.	Total number of items postponed for 1st time.	Total number of items postponed for 2nd time.	Total number of items postponed for 3rd time.	Total number of items postponed for 4th time.
1	2	3	4	5	6	7	8
General meeting	38	464	313	151			.....
General Committee	48	1,318	932	290	64	23	..... 9
Water-supply Committee	7	44	32	12			..
Suburban Improvement	20	327	240	87			..
Roads, buildings, &c	15	304	167	137			..
Complaints	10	89	42	47			..
Burtee and Town Improvement Committee.	9	100	62	37	1		..

Table showing the number of items brought up for disposal by the Commissioners-in-meeting during 1894-96, and the number of items disposed of without, with short, or with long debate.

YEAR	Total number of items of business brought up.	Total number of items disposed of without discussion.	Total number of items on which short debates took place.	Total number of items on which long debates took place.	Average attendance at each meeting.	Average number of Commissioners speaking to each item	Average number of Commissioners who gave silent votes.
1	2	3	4	5	6	7	8
1894-95	239	191	38	10	40	6	34
1895-96	328	249	54	25	47	7	40

EXHIBIT B.

(SEE SECTION 17 OF STATEMENT.)

Acknowledgment of work done.—Before proceeding, however, to detail the results of our enquiries into these matters, and to set forth the conclusions at which we have arrived, we think it right that we should in this place acknowledge and place prominently on record the improvements that have been carried out in the town during the past few years. If much still remains to be done,—if the sanitary condition of the town is not yet such as we should like to see it,—it is, on the other hand, a mistake to suppose that the Commissioners have been idle during the past few years, and that they have altogether neglected the trust that has been reposed in them by the Legislature. On the contrary, our inspections have satisfied us that real and solid progress has been made in the path of sanitary improvement, and it is, as we conceive, our duty to report this fact to the head of the Government from whom we derive our Commission. One of our body, Mr. Beverley, can speak from personal experience on this matter. In 1876, shortly before the present municipal constitution came into being, Mr. Beverley was charged with the duty of taking a census of the town, and in the course of those operations there was almost no part of the town that he did not visit. In 1880, again, he acted as Chairman of the Corporation for upwards of seven months; and in the following year he was again employed to take a census of the town. Mr. Beverley is thus in a position to compare the state of the town at the present day with what it was eight and four years ago respectively, and it gives him great pleasure to be able to place on record his personal testimony as to the great improvements that have been made, more especially within the latter period. That these improvements have benefited the town from a sanitary point of view cannot, we think, admit of doubt, though the fact may not be capable of easy demonstration from the mortuary returns. Whether the sanitary improvement has been as great and as rapid as it might have been—whether the Corporation have done all that they might have done with the means at their disposal, and whether they have carried out their improvements as expeditiously as possible—are of course large questions upon which room may exist for a difference of opinion. We think it sufficient to say that we are agreed that there has been great and solid improvement.

Detail of improvements effected.—Holding this opinion as we do, it may not unfairly be expected that we should set out in some detail the particular improvements to which we refer; and we venture to think that this course will be attended with considerable advantage. Calcutta covers an area of about eight square miles, and few of its European residents at any rate are intimately acquainted

with the northern portion of the town. Still fewer perhaps are acquainted with the history of the town and of its sanitary condition in the past. Persons read a description of some noxious *buster* or tank in the Health Officer's reports, and are amazed to find that the entire city is not like Chowringhee and Dalhousie Square. Ignorant or forgetful of what Calcutta was no longer than twenty or thirty years ago, they perhaps jump to the conclusion that the insanitary conditions brought to notice are due to laxity of administration on the part of the present Corporation, instead of being to a great extent the legacy of past neglect. For the information of such persons, then, we think it will be useful to indicate in some detail, without going into minute particulars, some of the principal improvements that have been effected within the last few years.

In doing this, we have another object, besides that of supplying information and re-assurance to the public in respect of the sanitary state of the town. We think it right to show the members of the Corporation that if there are matters with which it is our duty to find fault, we do so not in a carping spirit for the mere sake of fault-finding, but with a full and just appreciation of the difficulties which they have to overcome and of the progress they have already achieved. While not hesitating to point out what we see to be amiss, we are quite ready to record due recognition of what has already been accomplished; and we trust that in like manner the Corporation will be ready to receive our criticisms and suggestions in the spirit in which they are offered, and to give them that fair and careful consideration to which they may be entitled.

It will probably be convenient if we take as the period of our survey the eight years that have elapsed since 1876, when the municipal administration of the town was first vested in a body of Commissioners under Act IV (B.C.) of that year, of whom two-thirds are elected. And we shall deal briefly with each main head of conservancy, endeavouring to indicate the principal improvements under each head effected within the last eight years.

Drainage.—The present drainage work were commenced by Mr. William Clerk in 1859. The following remarks taken from the report for 1876 (paragraphs 75-77) explain the progress that had been made up to that year and the condition of the works at that date:—

“The drainage operations have now arrived at a stage at which there is no dispute as to the necessity of completing them as quickly as possible. It is believed that by proper effort this may be easily effected within three years. The numerous outbreaks of disease, complaints of local unhealthiness, and petitions for drainage from the most appreciative portion of the inhabitants, and the very large increase in the house-drainage connections, all point to the same end, or, roughly speaking, half the total mileage of sewers still remains to be constructed, and it may be presumed that this length will accommodate as many premises as that which has been already constructed. The large receiving sewers with their machinery, which have been constructed at so much cost, are awaiting to perform their proper duty by the supply from their tributaries yet unmade. The presence of the main sewers now renders it possible to drain the more remote localities, where the greatest nuisances exist. * * * *

“Of the total estimated cost of the drainage works, amounting to about Rs. 89 lakhs, about 74 lakhs have been expended. Of the 40·17 miles of brick sewers provided for, 39·21 miles have been completed, and of the 135·17 miles of pipe sewers, 47·34 miles have been completed. There remains, therefore, yet to be constructed 0·96 mile of brick and 87·84 miles of pipe sewers. † * * *

“Two thousand five hundred and three premises were connected within the year. * * * * The total number of premises now in direct connection with the sewers amounts to 7,214. The connections effected up to the end of 1873 were 3,201; during 1874 they were 742; and during 1875, 785. The difficulties, however, of householders in connecting their premises with the sewers are getting more and more serious owing to the want of water for flushing them. This want cannot be supplied without the increase of the water-supply.”

There are some discrepancies in the reports, both as to the mileage of sewers originally projected, and also as to the mileage completed. According to the last annual report (1883-84), the mileage completed appears to be as follows:—

			Miles.
First and second class (brick) sewers	...	...	36·77
Third class (pipe) sewers	...	...	127·79
		Total	164·56

It would seem, therefore, that during the last seven years something like 80 miles of sewers have

*The details are extracted from the Engineer's reports as follows:—

From 1876 to 1878, the length of ditches sewerred and filled up, abutting on or intersecting *bustees* and converted, or intended to be converted into thoroughfares to facilitate conservancy, is stated to be—

	Lineal feet.
In the Northern Division ..	25,986
„ Southern „ ..	13,704
Total ..	39,690
Add ditches sewerred in 1879	12,205
Ditto ditto 1880 ..	8,376
Ditto ditto 1881 ..	27,370
Ditto ditto 1882-83 ..	59,135
Ditto ditto 1883-84..	20,710
Total ..	167,486

equal to 31.7 miles.

N.B.—Only ditches exceeding 3 feet in width are included in the figures for the years 1876 to 1878.

been laid, or nearly half the total mileage. It is true that the sewers laid during that period have been almost exclusively pipe-sewers, the labour and cost of laying which is not to be compared with that of constructing the first and second class (brick) sewers. On the other hand, it is the laying of these pipe-sewers that completes and gives its utility to the entire system. It is the branch sewers that collect the material for the principal sewers by providing facilities for drainage all over the town. They not only carry off house sewage and kitchen slops that would otherwise sink into and pollute the soil, but they also drain off rain water, and so tend to keep the surface of the ground dry and wholesome. In other words, they take the place of the old open public ditches which have to a great extent been obliterated. It would appear that during the last eight years over 31 miles* of these ditches have been sewerred, and we are informed that not more than four or five miles of them now remain to be dealt with.

By section 27 of the Act the Corporation are bound to spend a sum of not less than a lakh and a half of rupees annually towards the completion of the drainage works. The amounts actually expended from the drainage budget during the last eight years are shown in the margin. It can

Rs.	Rs.
1876 .. 4,74,259	1881 .. 1,93,062
1877 .. 2,17,648	1882-83 { 4,19,933
1878 .. 2,14,584	(15 months)
1879 .. 1,21,559	1883-84 .. 1,76,756
1880 .. 1,37,452	Total .. 21,55,253

hardly be said, however, that these amounts have been spent on the drainage works, pure and simple, a considerable portion of the amount, probably not less than six lakhs and a half, having been laid out on the construction of new roads. These roads have in some instances been rendered necessary for drainage purposes, and they are in every case permanent improvements fairly chargeable against Capital.

Water-supply.—The water-supply is the counterpart of the drainage scheme, the efficiency of the drainage system depending on a sufficient water-supply. Moreover, a supply of pure water for domestic purposes is one of the first sanitary needs of any town, especially in a climate like that of India. The present works for the supply of filtered water were completed and made over to the Justices in 1870, being originally designed for the supply of six million gallons of pure water daily, or 13 gallons per head for an estimated population of 450,000 souls. It was soon found, however, that this quantity was insufficient, and already before 1876 steps had been taken to extend the works, and a project was under consideration for doubling the supply. Several causes combined to delay the execution of the project, and it was not till last year that a scheme was finally sanctioned. Looking at the importance of a sufficient supply of pure water, it is, of course, greatly to be regretted that so many years were wasted in discussions on this subject. But the Corporation were not altogether idle in the meantime. In 1881 a new 24-inch main was laid between Tallah and Wellington Square, by means of which the reservoir at the latter place can be filled during the night, thereby adding half a million gallons to the daily supply of filtered water. Moreover, during the last two years the increase of the unfiltered supply, for street watering and other non-domestic purposes, has received attention. The new works at Mullick's Ghât are estimated, when completed, to yield a daily supply of five million gallons of unfiltered water in place of the two million gallons pumped up with difficulty by the engines at Chandpal Ghât. The works for the extension of the filtered supply have also now been taken in hand; the new 48-inch main is being laid along the Barrackpore Road, and arrangements have been made for acquiring the land for the new reservoirs and filters at Pultah. When completed, these works are estimated to yield twelve million gallons daily in addition to the present supply. Of this quantity, eight million gallons are intended for the town and four million gallons for the suburbs. The supply for the town will then be sixteen million gallons, or 40 gallons per head for a population of 400,000 (excluding the Port); and if to this be added the five million gallons of unfiltered water, the total water-supply, filtered and unfiltered, will be 52 gallons per head of population.

New Roads.—It has been stated above that several new roads have been constructed by the Drainage Department during the period under review. A list of no less than 33 such roads, aggregating upwards of five inches in length, will be found in Appendix III. It should be explained that the roads

there mentioned are exclusive of those constructed as *bustee* improvements either by the Corporation out of the grant for the *bustee* improvement, or by the proprietors.

Bustee Improvements.—Till within the last four years little or nothing had been done to improve the *bustees* of the town. The condition of these *bustees* at the beginning of the period under review is described in paragraphs 95 and 96 of the report for 1876. In that year the law was amended in order to enable the Corporation to take action in the matter, but as the Chairman notices, "it is a remarkable fact that all outlay on account of the survey of lands to be improved was cut out of the budget for the ensuing year." In 1877 the then Health Officer, Dr. Payne, took advantage of the introduction of the new halalcore or night-soil system to organise an establishment for surface conservancy in *bustees*, and some good work was being done. But the Corporation declined to sanction the proceedings of their executive officers, and the establishment was discharged. From that time nothing further was done towards the improvement of the *bustees* beyond what was being effected by the operations of the Drainage Department, till 1880, when it was first resolved to put in force the special provisions (section 280—283) of the new law. The first *bustees* taken up under those sections were Soortee bagan and Putwar bagan, and since then several other *bustees* in the town have been dealt with under those sections. In order to show the sort of work that is being effected in this direction, the following table has been compiled from information supplied in the annual report for 1883-84 for those *bustees* in which the operations have been completed:—

NAME OF <i>Bustee</i>	Area of <i>bustee</i> in bighas.	Length of new <i>bustee</i> roads made in lineal feet.	Area of such roads in superficial feet.	Length of sewers laid in lineal feet.	Length of surface drains in lineal feet.	Amount expended by the Corporation
1	2	3	4	5	6	7
Soortee bagan	64	5,080	50,375	4,655	2,055	Rs. 28,768
Putwar bagan	40	1,695	13,055	1,885	Not given	728
Jorapooker Goalapara	9	1,397	12,573	1,397	.....	Not given.
Bamun bagan	25	1,380	15,690	1,380	.....	Ditto.
Kola bagan	60	5,000	53,340	4,010	1,800	Ditto.
Total	198	14,552	145,033	13,357	3,855	.....

The roads made through these *bustees* are generally of a width of 9 feet, sufficient to admit conservancy carts for surface-cleansing; the sewers laid under the *bustee* roads provide facilities for efficient drainage when the various groups of huts are properly and fully connected.

Besides the above, the work of reconstruction is also in progress in—

	Area in bighas.
Natherbagan	16
Colvin's <i>bustee</i>	56

and measures have been taken to bring the following eleven *bustees* under the operation of sections 280—283:—

	Area in bighas
Kalakur	5
Phul bagan	7
Pathuriaghatta	9
Lal bagan	17
Shaikpara	4
Kaloo Ghose's bagan	24
Parsee bagan	20
Soorhatta	3
Karani bagan	24
Kristo bagan	45
Ooryapara	25

In order to facilitate the reclamation of *bustees*, the Legislature in 1881 conferred on the Corporation the power of acquiring them for the purpose of improving them, and during the current year, this provision of the law has been acted on in the case of a portion of the Jora bagan *bustee*. That *bustee* is now in process of being entirely remodelled.

In addition to the reclamation of *bustees* under sections 280—283, the Corporation have also recently entertained special establishments for surface-cleansing in the manner attempted by Dr. Payne in 1877. This *bustee* establishment began to be organised from the commencement of the year 1883-84, and the greater portion of the *bustees* have now been taken in hand and are being cleaned by its agency. This subject will be more fully treated when we come to discuss recommendations we have to make.

General Conservancy.—In the matter of general conservancy, the Commissioners have introduced several improvements of greater or less importance. In 1877, the Corporation organised a municipal halacore or latrine service, in place of the *tola-mehtar* system which existed formerly. The matter will be treated at length when we come to discuss the latrine system, but it is perhaps not too much to say in this place that, with the present insufficient water-supply, this reform may be reckoned among the greatest boons ever conferred upon the town. For some time past, again the Corporation have been pursuing, with more or less energy, the policy of filling foul tanks in *bustees*, with the result that in the last eight years no fewer than 178 such tanks have been obliterated. Within the last three years the cleaning of the sewers has received special attention and been placed on a more efficient footing. A system of inspection of house drainage connections has also been organised. The hackney stables have been paved and drained, and determined efforts made, with more or less success, to improve the disgraceful state of the cow-sheds in the *gowalla bustees*. The conservancy arrangements have been further improved by the organization of an experimental service for removing the droppings of horses and cattle from the public streets during the day. And latterly the Commissioners have shown energy in constructing bathing-platforms to provide the means of ablution in place of the large number of tanks which have been filled or the water of which has been condemned. These may not all be great measures of reform, and some of them may perhaps be found not to go far enough, but they have all tended to improve the sanitation of the town, and deserve to be fully taken into account, considering its present condition. They will accordingly be referred to at greater length hereafter, when we come to treat of the recommendations we have to make.

EXHIBIT C.

(SEE SECTION 15 OF STATEMENT.)

	1886-87	1887-88	1888-89	1889-90	1890-91	1891-92	1892-93	1893-94	1894-95	1895-96	TOTAL
1	2	3	4	5	6	7	8	9	10	11	12
	Rs	Rs	Rs	Rs	Rs.	Rs.	Rs	Rs.	Rs	Rs	Rs
Gowkhana	1,16,686	1,11,080	1,31,624	1,69,220	2,07,115	2,06,044	2,06,868	1,78,969	2,10,664	1,93,343	17,31,613
Conservancy	63,138	66,576	1,03,280	1,78,220	1,77,091	1,65,360	1,59,805	1,50,621	1,43,909	1,59,151	13,67,151
<i>Bustee</i> cleaning	26,791	67,753	75,950	90,802	86,386	1,07,235	1,07,816	1,02,430	97,977	98,261	8,61,401
Municipal Railway	48,008	77,918	90,873	46,128	52,163	43,454	43,827	38,572	52,118	45,131	5,38,192
Saltwater Lake	19,833	21,424	21,736	25,197	31,384	34,458	41,539	42,481	41,092	42,914	3,22,058
Sewer cleansing and relaying	49,599	43,390	59,615	71,596	69,175	57,935	70,855	60,967	71,956	97,553	6,52,641
Drainage pumping station	28,945	29,407	28,657	29,280	28,466	32,368	32,243	29,932	27,402	34,194	3,01,894
Stone water-drainage	2,281	2,100	1,914	1,883	1,741	2,577	1,917	1,910	1,844	1,907	20,074
House drainage establishment	9,277	9,451	10,807	15,710	17,323	17,120	18,005	17,744	17,750	17,523	1,50,170
GRAND TOTAL	3,64,558	4,29,099	5,44,456	6,28,036	6,70,844	6,66,551	6,83,875	6,23,626	6,64,712	6,89,977	59,65,734

Letter of the Local Government, dated 9th March, 1897, forwarding the observations of the Lieutenant-Governor (Sir Alexander Mackenzie) on the Resolutions and the Statement of the Commissioners.

No. 1311M., dated Calcutta, the 9th March, 1897.

From—H. H. RISLEY, Esq., C.I.E., Secy. to the Govt. of Bengal, Municipal Dept.,

To—The Chairman of the Corporation for the Town of Calcutta.

I AM directed to acknowledge receipt of your letter No. 7060 of the 25th February, forwarding a copy of resolutions passed by a certain number of the Commissioners-in-meeting with reference to the

Lieutenant-Governor's speech on the occasion of the laying of the foundation-stone of the new drainage works on the 26th November last, and also copy of a "Statement" adopted by the Commissioners-in-meeting, which purports to be a defence of the Commissioners on the points to which His Honor called attention in his address. The Lieutenant-Governor's address had not up to date been brought upon official record. The action taken by the Commissioners makes it necessary that this should now be done. I am also to point out that the "Statement" submitted with your letter is not the "Statement" adopted by the Commissioners-in-meeting, but a revised edition of the latter document prepared by a Committee appointed at the meeting. The resolution passed at the meeting adopted the substance of the statement laid on the table and delegated to the Committee only the duty of revising "facts and figures." They had no authority, it seems to the Lieutenant-Governor, for omitting, as they have done, paragraph 33 of the original statement, which, as is shown by the proceedings at all the meetings held in connection with this subject, really represents the views of the elected Commissioners, and the Lieutenant-Governor must treat that paragraph as part of the Commissioners' case.

2. While the Lieutenant-Governor sees no reason for withdrawing any portion of his address, he is certainly disappointed to find that so many of the Municipal Commissioners of Calcutta have failed to understand the main purport and object of his remarks. He had a right to expect that what he said would be taken in connection with the Resolution of Government on the Commissioners' Annual Report, issued only in the month preceding, and with His Honor's known attitude in relation to the question of Local Self-Government and friendly feelings towards the educated Bengali community. The Commissioners have also seen fit practically to ignore the explanation of His Honor's intention given in my letter to the Medical Board, No. 4526, of the 1st December last. The Lieutenant-Governor declines, however, to treat the matter as a personal question between himself and the Commissioners. He has no personal feeling whatever in the matter. He acted originally from a sense of public duty, and it is solely as a question of public interest that he intends to deal with it now.

3. The Commissioners seem to imagine that the Lieutenant-Governor depends for information regarding their proceedings upon the Anglo-Indian newspapers. They forget that as Lieutenant-Governor, he has at his disposal fuller and better information than any newspaper. In the case of the Calcutta Corporation he has, *inter alia*, the information conveyed to him by their own reports and recorded proceedings, by the resolutions and orders of past Governments, and by the oral statements of very many leading residents, especially of Native gentlemen, many of them members or ex-members of the Corporation, with whom he is in frequent communication. It will be seen presently that His Honor has said nothing regarding the Commissioners half so severe as they have themselves allowed to be said without contradiction at their own meetings. But he must, in the first instance, repudiate absolutely the idea that, when he is invited in his official capacity to preside at a municipal function, he is in the position of an "honoured guest" and at liberty to make only complimentary remarks. Wherever His Honor has received municipal or local addresses elsewhere in Bengal, he has always expressed himself freely on local topics and local shortcomings, and he will certainly continue this practice. He would fail in his duty were he, in response to a municipal address, to refrain from giving to the municipality presenting it any advice or admonition which he thought really called for. It would have been much more pleasant in every way had His Honor seen his way to uttering only a few pleasant platitudes, such as, it is naively admitted, were expected from him.

4. In fact, however, the address, fairly considered, is certainly not what the protesting Commissioners have represented it to be. It is not a "condemnation of the Commissioners in unmeasured* terms." It began by admitting the representative character of their body, the difficulty of the problems in connection with the drainage and water-supply of the city, and their success in dealing with them. It referred to the fact that the Lieutenant-Governor had elsewhere vindicated them from charges of inadequate administration and inordinate delays in dealing with these large matters, and it acquitted them of all suspicion of niggardliness in connection therewith. The bulk of the "Statement" submitted by the Commissioners is altogether irrelevant. 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.

The Commissioners express their surprise at any censure being passed upon their work, and profess entire ignorance of the quarter from which any complaint can have emanated. The

*The revised statement reads "emphatic."

Lieutenant-Governor left them in no doubt upon the point. He held in his hand, when addressing them, a paper received by him only a few hours before, containing a revelation of grave failure and maladministration in connection with the conservancy of the town—a revelation so appalling (to repeat his epithet) that had the plague actually broken out here simultaneously with the publication of those facts, His Honor does not hesitate to say that the Corporation would have been summarily swept away in a storm of public indignation. He knew also 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. The grievously insanitary state of the town had been constantly brought before the Corporation, as is proved by the reports of their own Health Officer year after year, and yet the Commissioners in their address remarked that they had not yet made up their minds whether their Building Regulations—perhaps the chief standing difficulty in the way of good conservancy—wanted looking into or no. It seemed to the Lieutenant-Governor that it was not a time for saying smooth things, and that the Corporation wanted rousing and startling; and if he had succeeded in rousing and startling it into anything like adequate appreciation of the situation, he would be content to put up with the attendant unpopularity and clamour. It is, however, truly distressing to find that throughout the voluminous printed statement which the Commissioners have “adopted” *en bloc* as a reply to His Honor's remarks, the report of the special Sanitary Officers is only once casually referred to, nor is anything definite said of the measures which the Commissioners intend to undertake, or are taking, to remedy the abominable state of things described by those officers. They maintain, indeed, that “the establishment and appliances furnished to the Health Department are sufficient for the effectual conservancy of the town”—a contention which the Lieutenant-Governor believes to be in direct opposition to the conclusions come to by the Medical Board, by their own Engineer, and by other experts. They were at first very indignant, because they imagined that the Lieutenant-Governor had adopted a side in their standing quarrel with their Health Officer, and that he intended to defend Dr. Simpson through thick and thin. They protested loudly against his supposed desire of distinguishing between the Commissioners and their Executive. but in their present “Statement,” they content themselves with saying that if the sanitary state of the town is bad, it is their Health Officer's fault, and not theirs. The Lieutenant-Governor thinks that the Health Department of the Corporation has been without doubt very badly controlled. But, as will be seen below, the main responsibility for this must rest with the Commissioners, who have practically taken into their own hands all executive functions down to the minutest details.

5. The Commissioners have refused to allow the Medical Board to enquire where the responsibility for the failure in sanitary administration really lies, and, as the law stands, they are technically within their right. But they need hardly have been so very punctilious. The Lieutenant-Governor's intention was that the Board and the Commissioners should act together to ascertain the cause of the existing defects, and devise better arrangements for future working. Declining, as the Lieutenant-Governor must now in any case do, to discriminate between the Commissioners and their officers, he holds the Corporation as a body responsible for the existing state of the town and for all that may result from it. And he has insisted on their taking effective measures to remedy the defects without delay. The responsibility for effecting reforms lies clearly with the Commissioners; but 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: and though the Commissioners are now certainly making some attempt to retrieve lost ground, there is really so far no assurance that when the present exigency passes away, things will not be allowed to fall back into their former condition.

6. The Commissioners ought to be able to see that it is no answer to the facts revealed by the enquiry of the special Sanitary Officers, which is confirmed at all points by the fuller and more minute research of Dr. Banks, to point to the money actually spent on drainage and water-supply, or even on conservancy. The accumulated filth of Burra Bazar and other similar quarters is due to the neglect of the most elementary principles of house-to-house conservancy, to the neglect to enforce the most clear and positive provisions of the existing law and building regulations, and to nothing else. That there are structural difficulties in the way of proper sanitation in these quarters is indisputable: but no structural difficulties can excuse such a fact as the accumulation of over

14 tons of nightsoil on the premises of one house, or the failure to keep even moderately clean the privies, surface drains and surroundings of so many houses in the native town. The powers which the existing law gives of dealing with structural and other nuisances are considerable, and although it may be doubted whether they are in all respects as effective as the special circumstances of Calcutta require, there can be no question that, such as it is, the law is not enforced.

7. Looking for the causes of this failure, it seemed to the Lieutenant-Governor to lie, 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:—

“The rôle which the elective Commissioners for the native wards have at once assumed is precisely that of checking, watching and controlling in every way, in seeing either that no expenditure is incurred without sufficient reason, or that projects of improvement are not undertaken which cannot be fully justified. They have in fact been the brake-power in the municipal train. But a train cannot progress by brake-power alone, nor can a city thrive by opposition alone. It is also necessary that you should have motive power, and this is precisely the one point in which the Corporation has been deficient. The motive power has been too weak, while the opposition power has been very strong. Were time of no importance, I could prove this contention conclusively, but I hope the Council will accept my experience as a matter of testimony rather than desiderate proof. In a body like the Corporation, the executive alone is in a position to push on the work. The Chairman, therefore, requires that the extremely powerful criticism and opposition which is brought to bear to his proposals should be met by an equally powerful backing up, where a sufficiently good explanation can be given of what is required to be done. Over and over again this has been wanting—the Executive Government of the town is working with a minority, and everybody knows what a compromising position that would be. I might go through the budget year by year, and show that the Chairman has to make out a very powerful case before he can get sanction for expenditure; and he is thus much handicapped in his proposals for improvement. I cannot put the case more succinctly according to my own view than to say that the motive power in the Corporation has been too weak.

“I welcome cordially an effective opposition, but I equally contend that, if the opposition consists of more than half of the members, then the difficulty of working is greater than it should be. * * * * * The elective system has been a success so far as that it has organized an effective opposition and check to extravagance. It has failed in so far as that opposition has been numerically too strong. At first its numbers were so large that it brought everything to a deadlock. As it has decreased, things have progressed more fairly. Consequently, I am perfectly justified in saying that it is only owing to the fact of the one-third nominated Commissioners having furnished some counterpoise to the preponderance of the opposition that the success of the Corporation has been secured, and it is hardly too much to say that this has been the hinge on which the success of the Corporation has turned.”

8. 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 “Committee” been rapidly growing. The “motive power” has been decreasing, and the “brake-power” becoming too strong.

9. By section 61 of the Act the Chairman may exercise all the powers vested by the Act in the Commissioners, save such as are expressly reserved to the Commissioners-in-meeting. But he cannot act in opposition to, or in contravention of, any orders passed by the Commissioners at a meeting; and if any order already passed by him is brought before a meeting and modified or disapproved, he has to modify or cancel his action accordingly. Under sections 63-64, there comes the General Committee, which deals with budget and finance and such other business as may be referred to it by the Corporation, or does not lie within the sphere of any other Committee. When the Chairman and the majority of the General Committee concur, and inconvenience is likely to arise from delay, action can be taken in anticipation of the confirmation of a General Meeting, but not otherwise. Under section 65 the Commissioners may appoint any 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 the

Act or by the vote of 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.

10. The Lieutenant-Governor has enquired in what direction the Commissioners have in their "discretion" fenced in the Chairman's action by Sub-Committees, and with what number of advisers and assistants they have surrounded him. Besides two special Committees, one of 14 members, to deal with the question of the amalgamation of the Roads and Conservancy Departments, and a Boundary Committee of 17 members, there were in 1895-96—

- (1) The Bye-laws Committee with 9 members;
- (2) The Loans Committee with 9 members;
- (3) The Hackney Carriage Committee with 6 members.

These subjects do not apparently interest the Commissioners greatly, and the Committees were comparatively small; but, as we go on, we find—

- (4) The Water-supply Extension Committee with 31 members;
- (5) The *Bustes* and Town Improvement Committee with 38 members;
- (6) The Suburban Improvement Committee with 21 members;
- (7) The Roads, Buildings, Conservancy and Tramways Committee with 40 members;
- (8) The Complaints Committee with 33 members.

In the last Annual Report received by Government, it is observed: "In connection with these Committees two important changes were made, *viz.*, practically the appointment to a Committee of every member who cared to serve on it, instead of the number being limited to 24 or 26, as in previous years; and, secondly, a resolution which was passed by the Committee that in future members of the various Standing Committees be appointed for one year only."

The pressure of members to be on some of these Committees was so great that in the end every member who desired to be there had to be let in. The majority of the Commissioners have thus failed entirely to discriminate between the true function of the Corporation as a representative body exercising general and specially financial control, and the duties of their executive in giving effect to the positive provisions of the law in matters of conservancy and practical municipal work. No reasonable being can suppose that an executive hampered by the constant necessity of working with and through a series of multifarious Committees can administer successfully the affairs of a great city. It certainly was never the intention of the framers of the Act that the majority of the Corporation should be placed on every Committee formed under section 65. The executive has in fact become emasculated and demoralised. Its legal powers have been frittered away, and its energies dissipated by the method of working through numerous irresponsible and, in the matter of jurisdiction, badly co-ordinated Committees.

11. It is true that in May last the Commissioners became to some extent convinced of the absurdity of their own arrangements, and as it was found that many of the Committee members only attended when they had cases to press in which they were interested either personally or as ward members, the Commissioners again limited the numbers on the Municipal Committees to 24, but this modified return to rationality was only carried by 3 votes, 26 members voting for it against 23 who preferred unlimited Committees.

12. In order to see how the municipal business is actually carried on, the Lieutenant-Governor 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 date. He finds that the Chairman and the executive generally have really no power at all; in fact, for all practical purposes, there are as many Chairmen as there are members of Committee. The executive has no real head, or rather it is hydra-headed. Matters of the most ordinary description which, under any reasonable system, would be carried out by the executive under sanction of law, are ordinarily now-a-days submitted to the Committees for consideration and orders, the executive evidently finding it useless to move without previous sanction. Even if orders are issued by the executive under the Act, they are in far too many cases, in fact it may be said generally, brought before one or other of the Committees for revision. A common procedure is that a Sub-Committee is appointed to enquire and report (*i. e.*, to do over again the work of the executive, whose reports apparently command comparatively little respect). Work is meantime suspended. The Sub-Committee may report in course of time,

or it may "lose the papers." Sometimes it keeps the matter pending for months or even years. A more effective device for hampering promptness of executive action could not be invented.

In his Annual Report for 1894-95, the Health Officer gave a table 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 Building Committee, and the executive orders were reversed. The list contains 56 cases, and in 90 per cent. of these the executive order was set aside. The Lieutenant-Governor is aware that the Commissioners-in-meeting took exception to the list as giving a one-sided view of their action, but the remarks of the Commissioners themselves on the working of the Buildings Committee, to which reference is made in paragraph 15 below, show that the practice is far from satisfactory.

13. The Commissioners in their protest seem to imagine that in His Honor's remarks as to there being too much discussion, he referred only to the General Meetings and the General Committee, and they think they have disposed of his criticism by showing that many items of business are got through at the meetings in a reasonable time. If this were not the case the Corporation would long ago have come altogether to a standstill. It would not, indeed, be difficult to find instances of wasted hours in the proceedings of both the General Meetings and the General Committee; but the Corporation is clearly within its right in discussing fully important matters that come before it in meeting, and the Lieutenant-Governor does not desire to criticise too minutely the manner in which that right is exercised. The drawback is that sometimes matters of trivial moment are made the occasion of long and profitless dispute. Instances, recent instances, of this are in everybody's recollection. As regards the General Committee, Sir Henry Harrison described*

* Bengal Council Proceedings for 7th April, 1888

their meetings in the following terms:—"We have no set discussions, and we often have separate discussions, in each corner of the room going on at the same time, because everybody cannot find an opportunity of getting in his word." Sir Henry Harrison was arguing against enlarging the number of the General Committee beyond eighteen, of whom he expected twelve or fourteen to attend the meetings—the largest number with which he thought work could be done properly. What would he have said to the numbers since placed on the Subordinate Committees?

It may be doubted whether things have improved since Sir Henry Harrison's time, for Mr. Ritchie, in opposing the proposal to enlarge indefinitely the numbers on the Committees, said in meeting: "Eighteen was the outside number, and from his experience, on occasions when there were 24 members, the Babel of confusion and the hubbub was such that business was retarded, and only those who had stentorian lungs could make themselves heard." (General Meeting of 2nd June, 1895.) It appears to the Lieutenant-Governor that anything he said at Palmer's Bridge was mildness itself in comparison with the description of the Committee's style of discussion given uncontradicted in their own presence by their own Chairman.

14. Again, although the number of the General Committee is limited by law to 18, the Commissioners have set aside the law by allowing any Commissioner to attend, speak, and move resolutions on any question affecting the interests of his ward.

15. The Commissioners object to the remark that private interests are considered to the detriment of the public, but their own leading members have said the same thing in even stronger language.

At the ordinary meeting of 18th July, 1895, when the working of the building regulations were discussed, Mr. N. N. Ghose said:—

"From a commonsense view the law and the bye-laws seemed enough; but sometimes the ingenuity of lawyers and sometimes the Commissioners, themselves, who had cases to support, had made the rules unworkable. In many cases where they were absolutely plain and unambiguous, they had been twisted so as to make them inoperative and futile."

The whole of his speech was a powerful indictment of the action of the Commissioners, and specially of the Building Committee. He showed how, by making exceptions to the regulations on every possible pretext, they had turned the law and regulations into waste paper. "If they made concessions in all cases (said Mr. Ghosh), they had practically put an end to all law." Babu Surendranath Banerjee thought the existing rules good enough "if they were worked thoroughly, honestly, and in a consistent spirit, without making the frequent exceptions which had been made."

Babu Kally Nath Mitter "maintained that the bye-laws had been violated in the most flagrant manner possible." It was not a case of difficulty of interpretation, but of misplaced generosity by the members of the Committee. The bye-laws were not ambiguous, but they had been "violated" by the Building Committee.

16. The Lieutenant-Governor observed that even inside the Corporation there were to be found some who denounced the amount of talk. I am now to give as proof the fact that at the same meeting as that last referred to, on the motion to introduce the closure, Mr. Simpson said: "He believed in the time of the Justices there were longer speeches but fewer speakers, and the matter was soon threshed out. Now every one who wanted to have his say had it, and there was an immense amount of sheer reiteration." Mr. Ryland, a much respected Commissioner, said:—

"He was not surprised that a new Commissioner should take up a subject like this, and he agreed that the experience of Mr. Apcar did not render him sufficiently alive to the waste of time which most undoubtedly took place. The Commissioners like eels had got used to skinning, and they did not so readily complain of the time that was wasted in talking; but outside of this Corporation it was impossible to speak without hearing people talk in most strong language of the utter waste of time which took place, and it must most certainly deter a great many most useful men from taking part in the business of the Corporation. There were many men of business who in other deliberative assemblies took an active part, but who would not come forward as candidates even for the European wards, and their only reason was that it was such a waste of time which they could not afford to lose. In regard to most of the subjects which were discussed the debates were a mere farce, because most of the Commissioners came prepared to give their votes. Canvassing for votes was a common practice which could not be denied."

17. As a fact, the leading Commissioners themselves have found as much fault with the administration as the Lieutenant-Governor did.

As to the state of the city, at the special meeting of 16th September, 1895, Babu N. N. Sen, said: "Never was Calcutta in a more insanitary state than it was at present, and that was a fact which was admitted on all hands."

As to *bustee* improvements, Babu R. C. Pal at the same meeting said: "*Bustee* improvement was one of the greatest necessities of the town; but it was now practically at a standstill. There were many *bustees* in the Northern Division of the town which were in the same state now as they were ten years ago." "It was a long standing complaint that the working of the Conservancy Department was going from bad to worse."

At the special meeting of 20th September, 1895, Babu Joy Govind Law observed that "in recent years nothing had struck him more than the inordinate delay which took place in the initiation and completion of works of improvement. Look at the question of the flooding of certain streets; look at the question of the trenching-ground, which had been under the consideration of the Commissioners for the last four years; look at the time it took to complete the preliminary survey for the drainage of the added area. He did not know what the reason might be; it might be want of establishment; it might be want of energy or want of ability to cope with the difficulties which arose; but whatever the reason might be, the fact remained that there had been uncertainty and delay in the inception and execution of necessary works."

At the meeting of 29th December, 1895, Babu N. N. Sen said:—

"He perfectly agreed with what had fallen from Babu Kally Nath Mitter, and he thought the resolutions which had been moved should be adopted without further delay. Much time had been spent in talking, and in the meantime Calcutta was becoming as bad as some of the malarious districts in Bengal. There was now hardly a house in Calcutta which was free from a case of fever, and that was wholly due to the defective drainage of the city. There was a time when Calcutta was depopulated by fever, and it was in consequence of that state of things that the Medical College Hospital (then called the Fever Hospital) was established. He thought the state of things now in Calcutta was no better than it was years ago; therefore, no further time should be lost in discussion, but some practical resolution should be adopted, and he thought the resolutions proposed by Babu Kally Nath Mitter were of a practical character, and embodied the sentiments of many members of the Corporation who were of a practical turn of mind. He did not at all agree with the sarcastic remarks made by Dr. Sanders as to the expression of opinion by the Chamber of Commerce; on the contrary, he thought they had done a public service in addressing the Government as they did.

He considered their letter to be a very sensible one, and the Commissioners would only be establishing their reputation as talkers if they did not now adopt these resolutions."

18. Examples of the way in which the Committees interfere with the normal action of the executive are too numerous to be quoted. The Commissioners are satisfied that their interference is proper, and quote with satisfaction instances where the results of their having overruled the executive proved good. No one imagines that the Commissioners ought not to control the executive, especially as regards financial questions. No doubt at times they interfere too far even in general meeting, but it is the interference by the Standing Committees with the everyday working of the Act which the Lieutenant-Governor specially condemns. The Chairman has, moreover, as their proceedings show, no proper hold over his subordinate establishments. They are taught to look to the Commissioners as their only masters. They are constantly being hauled up by them and taken to task. At one Committee a member reported that he had individually sent instructions to a Superintendent as to the performance of his duty; yet no one protested against this intolerable interference with the function of the Chairman.

The General Committee of 14th September, 1895, ordered that "privity connections should not be sanctioned in future without the special sanction of the General Committee." True, this was not approved by the Commissioners-in-meeting, but it shows the policy of the General Committee.

At a meeting of the Hackney Carriage Committee, when the illegibility of the paint on the carriage numbers was discussed, it was moved and carried that the Chairman should consult the Commissioners in all matters relating to the administration of the Hackney Carriage Department—(he could not be trusted even to see that a painter did his work),—and this was confirmed by the Commissioners-in-meeting.

On a grant to the Alms-house being discussed, the Chairman was "*allowed* to take up the question and submit a note."

These are only specimens of the way in which work is done; but when the mortality in Ward 22 had frightened the Commissioners, they begged the Chairman to act promptly, Babu B. N. Basu remarking that "when a matter is referred for consideration to a Committee, it often hangs fire for a considerable time."

19. As an example of the way in which sanitary improvements are at times dealt with, I am to quote the following from the proceedings of the ordinary monthly meeting of 11th July, 1895:—

"The following Resolution passed at the same meeting (of a Committee) having been submitted for confirmation—

"(b) That the estimate of Rs. 2,138-10 for laying unfiltered water-pipes for flushing and road-watering in Armenian Street be sanctioned—

"Babu Nalin Behary Sircar observed that, on the recommendation of the Health Officer, notices had been served upon the residents of Armenian Street (which was in a very insanitary condition) to connect such of their privies as were not connected, and this work was needed to enable the privies to be connected. Subsequently, at a meeting of the General Committee on the 18th May, Mr. J. Ghosal put certain questions with regard to these notices, the result of which was that a resolution was passed to the effect that it was not an occasion for serving notices, no water being available, and the notices were directed to be cancelled. Therefore, the reason for passing this estimate did not now exist, and the speaker accordingly moved *that resolution (b) be not confirmed*.

"Dr. Bhobun Mohun Sircar remarked that the Health Officer on visiting these places found the privies to be in an insanitary condition, and he wanted them to be connected with the sewers, but the Health Officer served notices without knowing whether flushing arrangements existed or not; and on that this estimate was submitted by the Engineer. Unless flushing arrangements were provided, these privies could not be connected.

"Babu Priya Nath Mallik seconded the motion of Babu Nalin Behary Sircar that resolution (b) be not confirmed.

"*Babu Nalin Behary Sircar's motion that resolution (b) be not confirmed was put and carried.*"

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. So the privies remained as before.

20. The Commissioners object to the Lieutenant-Governor's saying that many of them have but a small individual stake in the town. This is a matter as to which His Honor has full information. It is a simple fact that many of them have absolutely no landed or house property whatever, and that a majority of these are not interested in the commerce and trade by which the city lives, hold no responsible office, and are not leaders of any branch of its society. There are no doubt some wealthy men, and not a few able men, on the Corporation, and it is quite unnecessary for these to apply to themselves an indisputable truism not intended for them. The Lieutenant-Governor has had ample assurance from leading members of native society that he said no more on this head than the facts will justify.

21. The Commissioners say that the failure of the Warrant Department cannot be attributed to them, but is due to the loose supervision of their executive. The executive may be to blame in some measure; but the Commissioners, in their letter of the 25th September last, defend uncompromisingly their administration in connection with rate collection and, as already remarked, the Lieutenant-Governor cannot, in face of their own protest, attempt to discriminate between the Commissioners and their officers. A reference to past records does, however, prove that the Commissioners have over and over again rejected proposals for improving their collections put before them by Sir H. Harrison, Mr. Lee and Mr. Ritchie, and that the enormous arrears and amounts lost to the town are due entirely to their weakness as a body in enforcing the law. The fact that rate bills for Rs. 6,36,330 have been cancelled during the last three years is the evidence of the mismanagement in this Department. (Special meeting of 1st September, 1896.)

22. The Lieutenant-Governor also called their attention to their Loan Department, his view being that if he were a Commissioner, he would not rest content until such complicated and important work was placed in expert hands. It was perhaps too loose a phrase to say that the department wanted "overhauling"; but on the main point which His Honor had in his mind, he is glad to find that he has the support of such an authority as Babu Joy Gobind Law, who said, when the present Chairman's proposal to transfer the business to the Bank of Bengal was being opposed,—

"On the former occasion, when this transfer was proposed, he opposed it; but he found that the amount of the loans had doubled since then, and that the Vice-Chairman was not able, having regard to his other duties, to give that attention to the work of the Loan Department which he should. The speaker would not entrust the responsibility of the Vice-Chairman in respect of this matter to any body else. If he was not able to do this work, if he considered himself overburdened, the speaker thought the best thing would be to transfer the work of the Loan Department to the Bank of Bengal. He had been in communication with the Vice-Chairman on this subject, and he was told that enormous losses had taken place in the Warrant Department. He, therefore, considered that the work of that Department required the closest attention from him, and that it was very necessary that he should be relieved of supervision over the Loan Department, in order that he might devote his attention more closely to the Warrant Department, and also to the hearing of objections to assessments which were always in arrears. Having regard to all these circumstances, and the fact that the employes of the Corporation were not so absolutely above suspicion that they could be left to work without proper control and supervision, he thought it would be best to transfer the work of the Loan Department to the Bank of Bengal.

23. In the matter of *bustees*, His Honor had before him the fact that the expenditure on improvement for the last four years has been a constantly dwindling quantity, and in 1895-96, was only Rs. 5,601; that throughout the Commissioners have practically, as their own debates show, been providing *bustee* owners with improved properties at the cost of the town instead of working as the law intended; and that their own leading members have complained in meeting of the delays in carrying out the reforms required.

24. His Honor referred in his speech to the constitution of the Bombay Municipality, and expressed regret that it had not been adopted here. I am now to make it more clear in what respects the Bombay system differs from that of Calcutta, and is, as the Lieutenant-Governor thinks, superior thereto. His Honor commends the extracts about to be given from the proceedings of the Bombay Legislative Council to all who are interested in the good government of Calcutta.

In Bombay the Municipal Commissioner is really the executive, having his powers conferred and defined by law, as are also the powers of the Town Council, now called Standing Committee, and the Corporation. In 1885 it was proposed to assimilate the Municipality to English models,

and to give the Commissioners an active part in the executive power and responsibility by requiring the Town Council to distribute itself into Sub-Committees, each of which, with the Municipal Commissioner as Chairman, should have charge of one or more branches of the executive work: that is, it was proposed to adopt the Calcutta system, with this difference, that in Calcutta the Committees are not Sub-Committees of the General Committee, or Town Council, and therefore necessarily limited to a workable number, but Committees practically of the whole Corporation. The Bombay Corporation being a businesslike body, would have nothing to say to the proposal. Mr. Naylor said in Council on 23rd July, 1887:—

“The idea that the Commissioner should be simply the executive officer of the Corporation, obeying and carrying out the behests of that body and of the Town Council, does not appear to accord with the lines of the constitution as at present existing. The great success of the administration of the last 22 years is no doubt very largely due to the fact that the entire executive power and responsibility have been vested in the Commissioner, who is an officer specially selected by Government for this very important and difficult post. The history of municipalities in other parts of the world in which the administration is vested exclusively in an elective body does not encourage us to think that in a city like Bombay such a system would answer. It is obvious that such bodies as the Corporation cannot reasonably be expected to acquit themselves satisfactorily of their public duties unless their sphere of action is well defined.”

Mr. Telang was of opinion that the scheme of working by Committees would either be an obstruction in the way of executive action, or a means of putting away responsibility.

The Select Committee arranged the Bill so as to give the Commissioner all the powers required for effective executive action while strengthening the control of the Town Council or Standing Committee and Corporation.

Mr. Naylor said:—

“The unsuccessful administration of the Act, largely as it is due to the Corporation,* is also very largely due, certainly as largely due, to the fact that it vested the Commissioner within limits specially assigned with full executive power, and that the Commissioner has accordingly in all executive matters exercised full, complete and independent power:—

*Working as various members explained by constant criticism and supervision and especially financial control

Mr. Telang, while insisting on closely hedging in the Commissioner, repeatedly declared that the Corporation should have nothing to do with executive matters. On the third reading of the Bill he said:—

“The Commissioner, as I have said before, has great power under the Bill as it now stands, though he has much smaller power now than was proposed in the Bill as originally framed. Under the Bill, as it now stands, legislative power, financial power, the power to sanction large contracts and works, to call for the production of papers, to increase the pay of the Commissioner, are vested in the Corporation, and that shows precisely what is the Commissioner's position and that of the Corporation under the scheme. He is the municipal executive officer, and I accept him as such. I would here take the opportunity of referring briefly to a question which has been raised outside the Council as to whether it is not desirable that the Commissioner should be “improved” out of the municipal constitution altogether. Believing, as I do, that now he is under proper checks and safeguards, I am opposed to any such scheme. If it is adopted, we shall, I presume, have to resort to Executive Committees, to which I have always objected. If we get rid of the Municipal Commissioner, we shall either have another officer, under perhaps another name, with the same functions, or we shall have what will be equivalent to municipal anarchy. We shall not have one governing spirit ruling the whole of the municipal administration, and I am not prepared to look upon this with complacency. I am in favour of the preservation of the Municipal Commissioner, though I can quite see that the time may come when we shall take a further step in the direction of Local Self-Government, and the Municipal Corporation will have to ask the Council of that day to concede the power to the Corporation to appoint its own Municipal Commissioner. I am not prepared to ask for that yet. The Corporation does not want that power at present; but I can quite see that here a further step may hereafter be taken. It must not be in the direction of abolishing him, but of vesting in the Corporation the power of appointing him. I can quite understand that in the hands of certain Commissioners the powers here given to them might lead to some friction. I can quite see the possibility of such friction, but

if the Corporation and the Commissioner behave as they have behaved in the past, such occasions may be minimised. And I am prepared at present to accept this chance of friction rather than abolish the Commissioner altogether, for the result would be that the executive work of the Municipality would thereby be paralysed."

Lord Reay, the Governor, thus summed up the results of the debates which led up to the passing of the present Bombay Act :—

"I may perhaps be permitted to state the interpretation I put on the Bill before it is read a third time. The Bill gives full recognition to the authority of the Corporation in whom the municipal government is vested. The Corporation exercises among other powers that of passing bye-laws and of determining what revenue should be raised, and what expenditure may be incurred, and such general control of the executive as is the natural result of that power. No money can be spent or a future liability incurred, without the sanction of the Corporation. No transfers can take place without the knowledge of the Corporation. The Corporation will find in the Bill what are its obligatory and its discretionary duties. The Standing Committee will bring the controlling power of the Corporation to bear more directly on the executive without preventing or unduly hampering energetic action, and it will also intervene, as the delegate of the Corporation, between the Commissioner and the public in the many matters of executive detail in which private interests are likely to be considerably affected. Through this Committee the Corporation will exercise the special control which cannot be exercised by large deliberative assemblies. Subject to the general and the special check of the Corporation and of the Standing Committee, the Commissioner will have to conduct the executive operations without any minute interference, which would only do harm. The Bill having clearly defined the duties of the municipal authorities, it is simply an academic question how far the Bill is in accordance with the various theories which obtain on the subject. It would not be correct to say that there are three co-ordinate authorities, because it is obvious that the Corporation has legislative powers, and powers of imposing taxation and of sanctioning expenditure which the others have not. Neither is it correct to speak of the Municipal Commissioner as *only* the servant of the Corporation, though he must carry out its commands, designs and desires in the sphere prescribed by law, because those are not his *only* duties, and the law imposes on him *other* statutory duties to be performed on his own responsibility. The Commissioner is a servant of the public, in the same way that I am a servant of the public. For instance, in framing a bye-law, the Commissioner will execute the will of the superior Legislature; in carrying out a bye-law adopted or amended by the Corporation, he will act under instructions of the subordinate Legislature after they have exercised their statutory function. To the rate-payers the relative superiority of these organic functions is of no importance whatever. To them it matters whether the bye-laws are clear, and whether they are framed by a person who has thorough administrative experience and knowledge of their wants. Bye-laws framed and passed in this way will satisfy Mill's conditions of good government, 'secure, as far as they can be made compatible, the great advantage of the conduct of affairs by skilled persons, bred to it as an intellectual profession, along with that of a general control vested in, and seriously exercised by, bodies representative of the entire people.' The functions of a representative assembly, such as the Corporation, are superintendence and check; administrative work, on the other hand, can only be done by those who have been trained to it. Unless 'the line of separation is recognized' between general and special superintendence and administrative work, as Mill points out, the rate-payers, for whose benefit both the Corporation and the Commissioner are called into existence, will not have their interests properly looked after. The appointment by Government of the Municipal Commissioner does not affect his character as a *municipal* authority. He does not thereby become, if he was not before, or continue to be, a servant of Government. His position will be substantially the same as that of officials who are lent by Government to Native States. He will not receive any instructions from Government, except in the cases as provided by this Bill, and Government will have to pay a scrupulous regard to his independence.

"To the mode of election of the representatives of the rate-payers' interests, no exception has been taken. The Bill recognises that these representatives are responsible for the good government of the city. A number of duties are imposed on them which it would be impossible for them in their corporate capacity to fulfil in detail. They are obviously a deliberative assembly, and the result of their deliberations will naturally assume the shape of bye-laws, resolutions or instructions, the execution of which must be left to another authority. Their constitution prohibits the performance

of administrative duties, which no representative assembly in any country has ever dreamt of undertaking. They, like all other legislative assemblies, influence, control and direct the administration by giving or withholding funds for certain purposes; but they are not, and cannot be, administrative bodies. The same act of the Legislature which creates them must, therefore, create other authorities for the purpose of carrying out the duties which the legislative and superintending body cannot execute. These authorities are the Standing Committee and the Commissioner. Their duties are of a different kind and of a different nature. A clear separation of functions is intended, and it is by definitely recognizing this that effect will best be given to the law and the spirit of the law, and friction avoided between these various authorities. The Commissioner will have to exert himself in keeping expenditure down. The invariable tendency of specific departments, and those who represent them, is to press for increased expenditure. The Commissioner will, by his intimate acquaintance with administrative details, be able to resist this tendency. His resistance can only be successful if he has full control of the spending departments, and if he has the support of the Standing Committee and of the Corporation."

He added :—

"The Bill does not proceed on theoretical and abstract lines, but on practical necessities, and it is an attempt to secure the *highest degree of efficiency of administration guided and controlled by popular representation.*"

That is precisely the ideal which the Lieutenant-Governor desires to see followed in Calcutta.

The powers of the several municipal authorities in Bombay are set out in section 64 of the Act as follows :—

"64. (1) The respective functions of the several municipal authorities, and of any committee appointed under section 39, 40 or 41, shall be such as are specifically prescribed in or under this Act.

Functions of the several municipal authorities. " (2) Except as in this Act otherwise expressly provided, the municipal government of the city vests in the Corporation.

Municipal government of the city vests in the Corporation. " (3) Subject, whenever it is in this Act expressly so directed, to the approval or sanction of the Corporation or the Standing Committee, and subject also to all other restrictions, limitations and conditions imposed by this Act, the entire executive power for the purpose of carrying out the provisions of this Act vests in the Commissioner, who shall also—

Special functions of the Commissioner.

- (a) perform all the duties and exercise all the powers specifically imposed or conferred upon him by this Act;
- (b) prescribe the duties of, and exercise supervision and control over the acts and proceedings of, all municipal officers and servants other than the municipal Secretary and the municipal officers and servants immediately subordinate to him, and subject to the regulations at the time being in force under section 81, dispose of all questions relating to the service of the said officers and servants, and their pay, privileges and allowances;
- (c) on the occurrence or the threatened occurrence of any sudden accident or unforeseen event, involving or likely to involve extensive damage to any property of the Corporation or danger to human life, take such immediate action as the emergency shall appear to him to justify or to require, reporting forthwith to the Standing Committee and to the Corporation, when he has done so, the action he has taken and his reasons for taking the same, and the amount of cost, if any, incurred or likely to be incurred, in consequence of such action, which is not covered by a current budget grant within the meaning of that expression as defined in section 130."

26. It will be evident that these views present a remarkable and instructive contrast to those enunciated by the Commissioners of Calcutta in their present representation. Here they distinctly refuse to leave either the initiation of schemes or their execution to the executive. In paragraph 33 of the original statement which they adopted, they write :—

"It is impossible for most of the Commissioners to follow the advice given by His Honor the Lieutenant-Governor, namely, to leave the preparation of each scheme and its perfection (*s.e.*, the carrying out of the scheme *after consideration and approval by the Commissioners-in-meeting*) to the executive."

The example which they give of the good results of their interference is really not to the point; for such interference as was exercised in the matter of the drainage work is a function of which no one would think of depriving them. In large matters of that kind, where individual interests are not directly affected, the Corporation has, as admitted in an early paragraph of this letter, done good work. The fact is that the Commissioners are not content with general or financial control. They must have their finger in all work, however petty, at every stage of progress. This is exactly what Mr. Telang describes as municipal anarchy. They insist on undertaking as a body those administrative duties which Lord Reay tells us no (other) representative assembly in any country has ever dreamt of undertaking. It is impossible to manage in this way the work that has to be done in Calcutta, and the attitude thus assumed by the Commissioners renders it imperative upon the Government to consider what steps are required to reform the methods of municipal administration, and substitute a régime of legalised work and definite individual responsibility for the present régime of dissipated energy under which no one is really responsible for either action or inaction. There is nothing in this opposed to the principles of Local Self-Government as properly understood. The rate-payers must, as a matter of course, be duly represented and have large powers of legislative and financial control. Their consent must be secured to all important schemes and measures. But the everyday work of the city must be carried out by officers individually responsible to the Corporation and Government for its efficient performance, without the constant bickering and fidgetty interference of irresponsible committee-men blessed with more leisure than discretion or knowledge of business, as has hitherto been the case.

27. On this question the Lieutenant-Governor will now make a reference to the Government of India.

A Criticism on the Speech of Sir Alexander Mackenzie, delivered on Thursday, the 26th November, 1896, and a vindication of the Commissioners.
(By Babu Nalin Bihari Sircar.)

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

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

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

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

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

The first and the most important point raised is about the constitution of the Corporation. It has been stated that the constitution is "borrowed *en bloc* from the most advanced models in England." I am bound to say that this is not so.

Constitution.

Prior to 1876 the municipal government of this city was vested in the Justices of the Peace, appointed by Government. The number of Justices was not limited. Originally it was to consist of all Justices of the Peace for Bengal, Behar and Orissa, resident in the Town of Calcutta, and all Justices of the Peace for the Town of Calcutta; subsequently the Bengal, Behar and Orissa Justices were eliminated, and the number came down to 120. Then in 1876, the principle of Local Self-Government was adopted for the first time in the municipal administration of Calcutta, and the Justices were replaced by 72 Municipal Commissioners, 2/3rds (48) being elected by the rate-payers, and 1/3rd (24) being nominated by Government. In 1888, when the present Act was passed, amalgamating a portion of the suburbs with the town proper, the constitution was modified by increasing the number of Commissioners to 75, their jurisdiction having been extended by about 11 square miles; the proportion between the elected and the nominated, however, remained the same, *viz.*, 2 : 1, except that the 25 instead of being nominated wholly by Government, 15 were to be appointed by the Local Government, 4 by the Bengal Chamber of Commerce, 4 by the Calcutta Trades' Association, and 2 by the Calcutta Port Trust. This is the constitution of the Calcutta Corporation. Are "the most advanced models" of municipal corporations in England composed partly of elected and partly of nominated members, with a Chairman not elected or appointed by them, but appointed by Government? There could be but one answer to this question. How, then, is Sir Alexander Mackenzie justified in saying that our constitution is "borrowed *en bloc* from the most advanced models in England?"

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

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

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

His Honor the President again said:—

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

The Hon'ble Mr. Hogg said:—

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

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

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

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

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

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

The Hon'ble Babu Kristo Das Pal said:—

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

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

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

The Hon'ble Sir Stuart Hogg said:—

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

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

The Hon'ble Mr. Brookes said:—

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

The Hon'ble Mr. Bell said:—

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

The Hon'ble Mr. Harrison said:—

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

The Hon'ble Sir Henry Harrison said:—

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

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

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

Then, if these "are not all practical men of business", what are they? Of the 50 elected Commissioners who are now on the Board, 23 are lawyers, 2 engineers, 6 zemindars, 9 merchants and tradesmen, &c., 5 doctors, 2 in Government service, and 3 connected with the press. The 25 nominated Commissioners consist of 3 lawyers, 2 zemindars, 8 merchants and tradesmen, &c., 2 doctors, 8 in Government service and 2 connected with the press. Alluding to the Birmingham Corporation, Sir Alexander Mackenzie has stated that "there is only one lawyer and one newspaperman on the whole Council," and taking this statement with the context, one would be naturally led to presume that in the opinion of His Honor the fact of there being a larger number of lawyers and newspapermen in the Calcutta Corporation is a serious defect in its constitution. It is possibly this circumstance which led the Lieutenant-Governor to remark that many of the members of the Corporation "are not practical men of business." But are not lawyers practical men of business? Their avocation is such that they cannot but be practical, they do harm to themselves and cannot prosper in business if they are theoretical and unpractical. Then the merchants and tradesmen, engineers and zemindars, who have got to deal daily with hard matter-of-fact business; are they not practical men? And as for the men connected with the press, why, they are in constant touch with public opinion, and if public opinion is of any value to the deliberations of the Commissioners, certainly the association of such persons is a distinct gain to the Corporation.

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

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

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

The Hon'ble Mr. Macaulay said:—

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

If by calling this Corporation an "impracticable organisation" the Lieutenant-Governor has meant that it is an institution from which much practical work cannot be got, then I must say nothing is further from the truth, for the surest and most practicable test of the "impracticability" or otherwise of the present organisation, which ought to place the question beyond all cavil, is the record of the real work done by the Municipality. I give below a brief statement shewing the aggregate expenditure incurred on different classes of permanent works of improvement, carried out by the Calcutta Corporation during the last 20 years, that is, since the introduction of the elective system:—

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

* The net cost is Rs. 27,46,346

Besides the permanent improvement, specified above, this Corporation has been annually administering large sums of money to meet the ordinary current requirements of the town from year to year, such as payment of interest and provision for sinking fund, conservancy, removal of filth

and dirt, road repairs, street watering, lighting, supplying filtered water for drinking purpose, &c., &c., for which expenditure is met out of revenue funds. Such expenditure during the past year, 1895-96, was as follows :—

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

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

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

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

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

Year of loan.	Amount of loan.	Total amount of tenders received.	Rate of premium.	Rate of Interest.
	Rs.	Rs.		Rs.
1889-90	5,00,000	39,26,600	105-13 to 108-0	5%
1889-90	14,00,000	29,40,600	103-0 to 105-12	"
1890-91	20,00,000	77,48,000	103-0 to 105-0	"
1890-91	10,00,000	65,40,400	105-14 to 106-0	"
1891-92	20,00,000	1,28,78,200	104-4 to 105-8	4½%
1895-96	18,00,000	1,28,91,600	106-1 to 111-0	4%
1896-97	20,00,000	1,06,49,500	106-2 to 107-1	3½%

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

The chief indictment under this head is that in the Calcutta Corporation "there is far too much speech for the sake of speech," and the Commissioners "treat every question before them as an opportunity for speech-making."

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

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

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

* *

According to the modern ideas of the civilized Government, publicity is the soul of business and the best safeguard against official caprice and violence. Publicity is a two-edged tool; it cuts both ways; if the ministerialists are aggressive, partial and unjust, publicity is a powerful corrective, while, if the opposition are factious, unreasonable and insolent, publicity supplies the same remedy. Both are before the bar of public opinion, the unwritten laws of which exercise a most healthy sway. If the Calcutta Corporation should possess any semblance of Representative Government, it must have publicity, and judging it by the test of publicity, let us consider how has the Corporation gone on in the past and present.

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

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

If there is no real ground for the charge that valuable time is wasted by long, unnecessary and irrelevant speeches in the Corporation, what, then, has given rise to this wrong impression? That there has been this impression in the minds of a section of the Anglo-Indian community, admits of no doubt. It cannot be said that everybody holding such an opinion is inimically disposed towards Local Self-Government in this country. To what, then, is this impression due? I attribute it to insufficient

knowledge. So far as the public are concerned, the only proceedings of the Commissioners that they come across are those of the General Meetings as reported in the columns of the local newspapers, and such reports, as a rule, consist of only the speeches made on any particular subject or subjects that may have, for the time being, attracted public attention. Very little information is given in these reports as to the large number of other items of business disposed of without any discussion. It seems to me, therefore, very desirable that the facts of the case should be carefully ascertained and made known to the public, in connection with the present controversy. I have, therefore, taken the trouble to analyse the various proceedings of the General and the Committee Meetings of the Commissioners for the last two years, and have prepared the following tabular statements. Besides the Standing Committees, specified below, several Special Committees and Sub-Committees are appointed each year, which perform not only the deliberative portion of the work, but help the executive in their work by making local inspections, by holding enquiries into cases of complaints, &c., and these involve not a little time and attention on the part of many Commissioners.

1894-95.

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

1895-96.

	Total number of meetings.	Total number of items of business.	Total number of items disposed of.	Total number of items postponed for 1st time.	Total number of items postponed for 2nd time.	Total number of items postponed for 3rd time.	Total number of items postponed for 4th time.
General Meeting	38	464	313	151	..	..	..
General Committee	48	1,318	932	290	64	23	9
Water-supply Committee	7	44	32	12	..	..	..
Suburban Improvement	20	327	240	87	..	..	..
Roads, Buildings, &c.	15	304	167	137	..	..	..
Complaints	10	89	42	47	..	..	..
Bustee and Town Improvement	9	100	62	37	1	..	..

From the above it will be seen what a large volume of business the Commissioners have to dispose of in the course of a year. It will also appear that a considerable proportion of the business, fixed for a meeting, is finished at one sitting, which occupies from half-an-hour to two hours, according to the nature and amount of business brought forward at any particular meeting. If the list of business for any meeting be too heavy and cannot be finished at that meeting, the undisposed items are taken up at the succeeding meeting. In some cases, again, postponement has to be made for fresh enquiry and for fuller information. At Committee Meetings formal speeches are seldom made, deliberations being conducted in the usual conversational form. It is only at the General Meetings

of the Commissioners that the formal procedure of all public meetings is adopted. It is here that the "speeches" are made. The following table will show the number of items brought up for disposal by the Commissioners-in-meeting during 1894-95 and 1895-96, how many items were disposed of without discussion, and in respect of how many there were short and in how many cases there was a long discussion. It will also shew how many Commissioners attended these meetings, how many made speeches, and how many gave "silent, sensible" votes :—

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

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

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

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

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

he could be relieved of the work of presiding over the deliberations of the Commissioners, he would be able to devote more time and greater attention to supervising the actual working of the various departments.

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

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

In connection with this question of the relations between the Commissioners and their Executive, there is one feature in the speech of the Lieutenant-Governor which has struck me very forcibly, and with which, I must say, personally I have no sympathy whatever. It is the attempt made to dissociate the Commissioners from their Executive. The Lieutenant-Governor is persuaded that there has been "a lamentable failure on the part of those responsible for the town conservancy," and he is anxious to decide to whom this failure is due—whether it arose from the laches of the Commissioners or of the Executive; he has, therefore, asked the Medical Board to make a full and searching enquiry into the matter and report the result to him. Should Government persist in pursuing this course of action, it would certainly make a great tactical blunder, inasmuch as it will lead to serious

estrangement between the Commissioners and their Executive, one trying to throw the blame on the other. In my humble opinion, if His Honor believes that the Corporation has failed in its duty, he should hold it responsible for the failure. Under the law only the Commissioners, as a body, are answerable to the Local Government; while the Executive are answerable to the Commissioners. For His Honor to attempt to adjudge between the Commissioners and the Executive is much the same as a person attempting to adjudge between master and servant. Such a policy is highly demoralizing in its effects, both to the Executive and the Commissioners.

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

The undoubtedly efficient management of the Loan Department demands appreciative recognition. A large part of my time is taken up in supervising the work of this department, and I have had ample opportunities of forming a correct opinion of the exceedingly careful manner in which the Superintendent and the establishment under him discharge their duties. I need hardly point out to you that the constant sub-division, consolidation and renewal of debentures at the request of their holders, not to speak of the posting of detailed accounts in a large number of separate books for different loans, and issuing of cheques for interest which are done in this department and not in the department under the Chief Accountant, require very careful examination of the numerous endorsements on the back, a trifling difference in the spelling of which, if undetected, would cause trouble and loss to the Municipality, and I am glad to find that the whole work is done to my entire satisfaction, though they have often to work extra hours.

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

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

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

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

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

The cleaning of the town is the question of the day. It has come to the forefront in consequence of the outbreak of the bubonic plague in Bombay. It is for this reason that the Lieutenant-Governor has thought fit to preface his observations on the general conservancy of Calcutta with a reference to the plague scare that lately prevailed here. He said :—"Many of you have, I see,

made up your minds that, however Bombay may suffer, no plague shall come nigh your dwellings." I fail to find any basis for this statement. So far as the Commissioners are concerned, they have made no such declaration; all that they said during the last Durga Puja holidays, when the scare was at its height, was that there had yet been no case of plague in Calcutta, and this they said on the authority of the Medical Board and with a view to allay public anxiety; at the same time they clearly expressed their deliberate opinion that in view of the prevalence of the plague in Bombay, Calcutta should be thoroughly cleansed. At a Special General Meeting of the Commissioners held on 25th October last, the following resolutions were unanimously passed:—

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

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

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

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

Public opinion, amongst all sections of the Calcutta community, has long expressed itself in no uncertain way; even the Medical Board appointed by Government has declared that Dr. Simpson and his friends were too hasty in their opinion about the plague cases. It is therefore to be regretted that His Honor had not a word to say to those who raised the cry of wolf; but instead he finds fault with the Commissioners, because they persistently refused to accept the many wild and costly recommendations of Dr. Simpson unless and until the Health Officer's opinion about the outbreak of plague in Calcutta was confirmed by other medical men of the city, men possessing long and varied experience and extensive practice. If the Commissioners had not taken up the attitude they thought it their duty to adopt, then the Manicktola Isolation Hospital would have been filled up with many a Tincowry Pal, and the Corporation would have been mulcted in heavy damages for the conduct of their over-zealous, unpractical and highly indiscreet Health Officer.

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

The most important and really practical question raised in the speech is the sanitary condition of the town. Unfortunately Sir Alexander Mackenzie has mixed up the question of conservancy (surface-cleaning) with the bigger and more difficult, though allied, subject of structural improvements of the town, such as may be necessary on sanitary grounds. With regard to conservancy proper, His Honor is apparently inclined to absolve the Commissioners from any blame on that

Conservancy and structural improvements.

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

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

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

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

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

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

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

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

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

Much stress has been laid upon the statement that “private interests have been too strongly defended to the detriment of the public weal.” But where are the specific instances in support of so serious a charge? Possibly some decisions of the Building Committee, in contravention of the

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

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

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

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

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

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

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

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

Fifteen years ago, almost every street and lane of the city was lined by one or two open drains, from two to six feet broad, and more or less loaded with noxious matter, and a great many drains of even larger sizes intersected the different *bustees* and formed the boundaries of masonry houses. The bottoms of these drains were formed of a slimy compost of earth and filth, and the stagnant water they contained was loaded with vegetable and animal matter in different states of putrefaction. The stench was very sickening. The quantity of silt which had annually to be removed from these drains amounted to a million and a half of cubic feet, and even then all the drains could

not be cleansed every year. Since the introduction of the underground drainage works, this nuisance has been to a great extent suppressed. All the main roads have been provided with brick sewers to the total length of 48.9 miles, and the streets and bye-lanes have been sewered with pipes to the extent of 94.64 miles, making a total of 143.62 miles of roads of different descriptions, from which the annoyance of open drains festering with filth has been entirely removed. The total length of drains filled up in these roads amounts to about 215 miles. There remain now 48.46 miles of pipe sewers to be laid in narrow bye-lanes; but the drains on their sides are generally under two feet in width, and are not nearly so offensive as those which have been already obliterated. As the drainage works are pushed on, they will ere long be all closed. Taking into consideration the small size of the drains, the relation of the work remaining to be done to what has been accomplished is as 1 to 20.

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

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

* * * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

number of foul tanks filled up by the Corporation is 419, the number of wells filled up is 475. Further, the Commissioners have constructed the following Squares for the use of the public since 1883-84 :—

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

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

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

After having in a general way indicated the nature of the works to be undertaken by the Commissioners "to clear out the pestilential quarters that already exist," the Lieutenant-Governor has remarked :—"This operation, properly conducted, ought not to involve the town in much permanent expense; but whatever it costs, it must be done, if Calcutta is to cease to be a disgrace to the Empire and the nineteenth century." Then turning towards the Commissioners, he has observed : "You must, to raise the necessary funds, make the most of your existing sources of income." You must make your collecting departments more efficient and energetic, so as to be able to raise the limit of percentage of annual collections. And when all this is done, if more money is required, you must consider the question of special cesses on specially bad areas and specially neglectful owners." All this means that the maximum rate—23 per cent.—allowed under the Act should be levied; realizations must be made to the fullest extent possible, by the application of stringent coercive measures; and if these measures fail to bring in the requisite amount of money, then additional and special cesses should be levied—in short, lands and buildings which have so far mainly contributed to municipal funds, should be taxed more and more. It is true the rate of taxation has not yet reached the maximum limit, but since the amalgamation in 1889, the great increase in the assessment of residential houses, under the operation of the new law, has considerably increased the amount annually payable as rates, and, in the case of many a poor, middle-class house-owner, the utmost limit of taxation has been reached. But the Lieutenant-Governor does not take this important fact into consideration. His Honor says, "The Government must, for its own credit and for the sake of the commerce of Bengal, see that these reforms are carried out"; but he scrupulously avoids saying whether the Government—the local and the Imperial—should or should not come forward to help the Commissioners in the carrying out of any gigantic programme of structural improvements in Calcutta, involving expenditure to the extent of crores. Is not the Government, directly and indirectly, responsible for the highly insanitary condition of the city, for those festering and pestilential areas, created during the time the municipal administration of the town was under its control? If these works *must* be carried out, "for the credit of the Government and for the sake of the commerce of Bengal", is it not fair, is it not just and equitable that both the Government and the commerce of the province should come forward to contribute to the cost?

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

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

NALIN BIHARI SIRKAR,

Commissioner for Ward No. 4.

The letter of the Government of Bengal, No. 1233M., dated the 7th March, 1898, addressed to the Government of India, submitting proposals for amendment of the Municipal Law of Calcutta.

SIR,

In continuation of previous confidential correspondence regarding the amendment of the Calcutta Municipal Consolidation Act of 1888, I am directed to submit, for the formal sanction of the Government of India, a Bill to amend that Act which the Lieutenant-Governor proposes to introduce into the Bengal Council at the earliest possible date.

2. In explanation of the changes which the Bill will effect in the relative powers and duties of the Corporation, the General Committee and the Chairman, I am to submit copies of the papers contained in the appendix to this letter, and to say that, in view of the facts therein stated, the Lieutenant-Governor reluctantly came to the conclusion that the state of Calcutta from a sanitary point of view was so appallingly bad as to call for the early and effective intervention of Government, and that the first step necessary to bring about adequate reform was to revise the Act throughout, so as in the first place to provide the town with a responsible municipal executive, and in the next place to furnish this executive with a law adequate to the sanitary requirements of the present day and the condition of Calcutta as it now is.

3. On the 9th October, 1896, it was reported that a case of bubonic plague had occurred in Howrah, and by a resolution of the 10th October, the Lieutenant-Governor

appointed the following gentlemen to form a Medical Board for the purpose of determining the action to be taken by all executive authorities, whether official or municipal, with the object of preventing and checking the plague throughout Bengal :—

Hon'ble H. H. Risley, C.I.E.	President.
.. P. Playfair, C.I.E.	} Members.
.. J. G. H. Glass, C.I.E.	..	..	..	..	..
Surgeon-Colonel Ross ..	..	..	..	..	..
Surgeon-Lieutenant-Colonel D. D. Cunningham, C.I.E., F.R.S.	..	..	..	..	..
Surgeon-Captain Dyson ..	..	..	..	..	..
Dr. Mohendra Lal Sarkar, C.I.E.	} Secretary.
Surgeon-Captain Robson Scott ..	..	..	..	..	..

It was laid down in the resolution that the orders issued by the Board should be deemed to be the orders of Government, and be carried out with all possible despatch by all executive

*Surgeon-Captain J. C. Vaughan, M.B., C.M. (EDIN.), Deputy Sanitary Commissioner, Western Bengal Circle.

Surgeon-Captain B. H. Deare, I.M.S., Dip. Pub. Health and Sanitary Science (CAMB), Deputy Sanitary Commissioner, Northern Bengal Circle.

Surgeon-Lieutenant E. S. Peck, I.M.S., Dip. Pub. Health and Sanitary Science (CAMB)

Surgeon-Lieutenant C. D. Dawes, I.M.S.

P. R. Hay-Jagannadham, B.A., M.B., C.M. (EDIN.), Officiating Deputy Sanitary Commissioner, Metropolitan and Eastern Bengal Circle.

authorities. In the exercise of this power the Board, on the 22nd October, deputed five Sanitary Officers,* whose services had meanwhile been placed at their disposal, to make a sanitary survey of the Town Proper of Calcutta

with reference to certain main points, and to report the results. Similar instructions were

given to Surgeon-Captain Pilgrim, then Civil Surgeon of the 24-Perganas, in respect of the area added to Calcutta by Bengal Act II of 1888. The reports* submitted by these officers disclosed a state of things which may be summarised as follows:—

* Appendix Nos. 2—4.

- I.—*Overcrowded and badly built houses.*—In many parts of the town and suburbs they found that both *pukka* houses and *bustee* huts were dangerously overcrowded, and were built in a manner which rendered proper ventilation and efficient conservancy almost impossible.
- II.—*Defects of public latrines.*—The public latrines and urinals were in many cases faulty in construction ; they were imperfectly cleaned and their number was insufficient to justify even a limited application of the penal provisions of the law in regard to nuisances.
- III.—*Defects of private latrines.*—The private latrines were in many cases so constructed that they could not be properly cleaned, nor could the conservancy officers get access to them ; and consequently many of them were choked with accumulations of filth.
- IV.—*State of house-drains and down-pipes.*—The house-drains and down-pipes were in many cases broken, choked, and out of repair.
- V.—*State of surface drains.*—The surface drains were blocked with foul matter, latrines were allowed to discharge into them, and the drains themselves were often used as latrines.
- VI.—*Neglect of road scavenging.*—The scavenging of the roads was imperfectly carried out; the staff was inadequate for the work ; and the subsoil had become dangerously polluted.
- VII.—*State of compounds and courtyards.*—The condition of the compounds and courtyards of houses was in many cases extremely filthy.
- VIII.—*Pollution of wells.*—Wells in courtyards were contaminated by the percolation of sewage impurities from the soil.
- IX.—*State of cowsheds and stables.*—Cowsheds and stables were situated in thickly populated places ; their construction was faulty ; they were greatly overcrowded, and their flooring was soaked with sewage which polluted the wells on the premises.
- X.—*State of hackney carriage stands.*—The number of hackney carriage stands was wholly insufficient to meet the current requirements of the town, and they were imperfectly flushed and cleansed.
- XI.—*Condition of bustees.*—Most *bustees* were badly drained and imperfectly ventilated ; the huts were too close together ; the latrine arrangements led to the pollution of the soil ; the roads and lanes were too narrow, and conservancy was imperfectly carried out.

4. The description given by the Sanitary Officers of the condition of parts of Calcutta was borne out by the personal observation of the members of the Board, all of whom, with the exception of the native member, who was in bad health, visited the streets and houses, the conservancy of which had been most conspicuously neglected. Their accounts were also confirmed in the fullest detail and supplemented in innumerable similar instances by the reports and evidence of Dr. Banks, who had large experience of practical sanitation as Civil Medical Officer of Puri, and was for this reason selected by the Lieutenant-Governor for the post of the Chief Superintendent of Conservancy in Calcutta, a temporary appointment sanctioned by the Commissioners early in October, 1896.

† Appendix No. 5.

Dr. Banks' reports† cover the period from the 19th October, 1896, to the 30th March, 1897, during which time he was constantly engaged in supervising the conservancy arrangements of the entire town and in directing the work of the extra conservancy staff appointed‡ by the Commissioners on 25th September, 1896, for the purpose of cleaning up the town in view of a possible outbreak of plague, and subsequently expanded, § on the 25th January, 1897. Although necessarily of a somewhat fragmentary character, they possess a special value as recording the daily observations of an experienced Sanitary Officer who was occupied for about six months exclusively in looking after the daily work of conservancy, and they may be accepted as giving an absolutely truthful picture of the actual sanitary condition of the City of Calcutta during the period to which they relate. I am to invite special attention to the evidence given by Dr. Banks before the Medical Board and to his reports of the 26th and 30th March, 1897, which sum up the chief results of his enquiries. During

‡ Extra staff first sanctioned—

1 Superintendent.

1 Inspector.

1 Sub-Inspector.

200 Coolies.

60 Hired carts.

§ Additional staff subsequently sanctioned—

1 Temporary Superintendent.

12 Sub-Inspectors.

1,300 Coolies.

193 Surface carts.

90 Sullage carts.

the period of Dr. Banks' deputation, the extra staff which worked from 4 A. M. daily under his personal orders, removed 10,722 tons of neglected filth, not including enormous quantities of night-soil removed to the depôts from privies, which, though connected with the sewers, were not provided with any arrangements for flushing. They cleaned and whitewashed 322 houses—many of them lodging-houses—33 rooms and 1,322 privies; and flushed and purified 3,436 drains. In addition to this work, they issued notices under section 318 of the Act, which led to the lime-washing by private individuals of 3,977 dwelling-houses containing 15,867 rooms, 120 stables, 30 coach-houses, 1,576 godowns, 133 cattle-sheds, 437 granaries, 29 bakeries, 16 workshops, 12 ware-houses, 49 manufactories and 2,546 privies. Following in the main the headings laid down by the Medical Board for the guidance of the officers who conducted the sanitary survey, the results of Dr. Banks' six months' experience of the conservancy of Calcutta may be stated thus:—

(1) *Overcrowding*.—There was great overcrowding in Wards 2, 5, 6, 7 and 8, where houses of two, three and four stories were inhabited by monthly tenants who are shop-keepers, hawkers, brokers and occasionally pilgrims. The houses were separated by narrow lanes or passages into which all refuse was thrown, and drop-privies discharged their contents. One such lane separating two-storied houses in Ward No. 5, 60 feet long by $1\frac{1}{2}$ feet wide, was found closed at both ends and containing a mass of refuse 9 feet high. In another case, a similar lane, between three-storied houses, measuring 100 feet by 1 foot 4 inches, was closed at one end by a privy and at the other by a *pucka* wall, and was filled with house-refuse, night-soil and other filth. In a third the passage was only 9 inches wide, and no mehter could get access to the privy. Houses such as these Dr. Banks considers far more unhealthy than *bustees* composed of tiled huts. In Wards 2, 5 and 7 it has been ascertained by recent inquiries that 75 per cent. of the surface is occupied by solid blocks of buildings. The road space is 10 per cent., and the remaining 15 per cent. consists of tanks, mostly unwholesome, and of courtyards shut in on all sides by houses.

(2) *Public latrines*.—There were only 50 free latrines for the whole town, each with an average of 20 seats; besides urinals which were invariably used as latrines, urinating was going on outside. The number of latrines was absolutely insufficient. Dr. Banks saw crowds of people waiting round them from 6 to 8 A. M. Many of the latrines were badly located at the end of narrow lanes and amidst blocks of high houses. They were not continuously flushed, and were a nuisance to the neighbourhood. The nuisance will be greatly reduced when the supply of unfiltered water is made continuous.

(3) *Private privies*.—The ordinary private privy consists, according to Dr. Banks, of a hole in the floor, about 9 inches in diameter, with a seat about the height of a brick. In the case of ground-floor rooms, the night-soil drops usually about three or four feet without any conducting pipe into a vault below, where it is received either in a porous earthenware *gunla* or in a hole in the floor of the vault, from which it is baled out by the mehter. In the case of privies on upper floors, there is sometimes a conducting pipe of masonry or Raniganj pottery into the vault, but as often as not there is no pipe. In order to clean these privies, the mehters have to crawl on their hands and knees, or even to lie down, in order to get at the *gunlas*, some of which are so large that they cannot be moved, and are never properly cleaned. The vaults are usually quite dark. Ninety per cent. of the urine soaks into the floor or gets into surface drains. The number of private privies was stated to be 60,970, of which 22,830 are *pucka* of the type described above, and 32,990 *kutchas* with seats and vaults of masonry, walls of bamboos or mats, and roofs of tiles or corrugated-iron. Only 5,142 are connected with the sewers and have flushing arrangements. Connected privies were never cleaned except when the connection was reported to be choked. From one such privy in Harrison Road, serving a house occupied by 90 persons, 14 tons of night-soil were removed by the extra staff. Another in Burtola Street was full of night-soil and choked by 50 old shoes. Many similar instances were found. There were 1,996 mehters for unconnected privies, each of whom had on an average to look after 23.2 privies.

(4) *Night-soil depôts*.—A night-soil depôt is described as an enclosed building to which night-soil is brought by the mehters to be disposed of as quickly as possible. It is thrown into pits communicating with the main sewer into which it is washed with as much water as is available. There are 31 depôts in Calcutta. The night-soil is taken to them in the early morning, buckets being used in the town and carts in the suburban area. The mehters have to go distances ranging from $\frac{1}{4}$ of a mile to $1\frac{1}{2}$ miles. Dr. Banks found that these depôts were greatly complained of by people living in the neighbourhood; suitable sites were most difficult to get, and some of the existing sites were considered by

him to be very objectionable. Some of the depôts were in bad repair, and in one the floor is described as being completely broken up.

(5) *Street-cleansing and disposal of house-refuse.*—In their letter of 30th November, 1876, the Medical Board expressed themselves as satisfied, from evidence which Appendix No. 10. had come before them and from their personal observation, that owing to the neglect of street-cleansing, the surface of the roads, lanes and gullies in Calcutta had become polluted to a dangerous extent. Dr. Banks concurred in this view, and considered great portions of the sub-soil to be polluted “by the soakage of privy contents, by promiscuous defœcation and urination, by horse-droppings, the discharge of foul water into streets at all hours, house-refuse, cowshed and stable-refuse, and by the fact that the streets are not scraped properly.” The reasons assigned by him for this state of things were—

- (a) The hours for throwing out rubbish into the streets had been fixed under section 300 of the Act, so as to suit the habits of the people, with the result that the remains of meals, vegetable matter, house-sweepings and trade refuse of every description were “thrown into the streets by the ton daily at all hours of the day.”
- (b) The cart establishment maintained for removing refuse was insufficient and the system of employing hired carts for this purpose was inefficient.
- (c) The platforms on which the refuse is loaded into the trucks of the Municipal Railway for transport to the Salt Lakes were insufficient in number, and so badly constructed that the bullocks and ponies employed were needlessly knocked about, and carts were kept waiting for a long time to discharge their loads.

(6) *Surface drains.*—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. In the amalgamated area and the suburbs the surface drains are *kutchas*. They are described by Surgeon-Captain Pilgrim as “foul beyond description,” * being merely * elongated earthen cess-pools into which house sewage flows freely, and it is believed to be absolutely impossible to keep them clean.

* For details see Appendix Nos. 3 and 4

(7) *Sanitary condition of compounds and courtyards of houses.*—Dr. Banks’ longer experience enabled him to confirm the reports of the special Sanitary Officers under this head. Many similar instances are quoted in his reports. In one case twenty-five cart-loads of refuse, including the sweepings of rooms, vegetable matter and night-soil, were removed from the courtyard of a house in Harrison Road. The Conservancy Department had no staff for inspecting compounds and courtyards. There was a house-drainage department under the Engineer, whose duty it was to look after house-drains, gully-pit connections, &c., but they did not report to the Conservancy Department on the condition of courtyards. Defects in such matters only came to notice when Conservancy Inspectors were invited into houses to inspect proposed sites for privies, or when the neighbours complained, or foul liquid overflowed into the streets. The Medical Inspectors (five permanent and six temporary) under the Health Officer occasionally reported sanitary defects when enquiring into cases of cholera, small-pox and other epidemic diseases. Notices were then issued to remove the defects. The owners of insanitary premises did not bring their defects to the notice of the Health Department, but occupiers sometimes did, especially when they wished to have their leases cancelled.

(8) *Wells in courtyards.*—Wells in courtyards are said to be numerous and liable to contamination from their proximity to privies. They were believed both by Dr. Banks and by the Medical Board to be used for drinking when the supply of drinking water is shut off. If the water-supply were constant, there would be no hardship in filling up the wells, which in their present condition contribute largely to the high cholera mortality of the town.

(9) *Cowsheds and stables.*—The condition of the cowsheds, especially in the added areas of Wards 1, 3, 4, and 9, is described by Dr. Banks as something terrible, and as really worse than it is represented in the report of the Sanitary Officers. In most of them there is not enough standing space for the cattle, and they have to stand with their back arched in order to keep their hind legs out of the drain. The sheds are purposely built thus, so that the excreta of the cows may fall directly into the drain, and the servants may be saved the trouble of cleaning them up from the floor. The cowsheds “simply float in cows’ urine. The Municipality have not anything like enough carts for removing urine. They have altogether 22 iron carts for removing foul liquid. In the whole of

the Southern Division there are three. It is the business of the Conservancy Department to remove urine; they are supposed to remove and empty it into the sewers, but instead of doing so, they throw it into drains. All the drains around cowsheds in added areas are filled with urine. The cow-dung, in the great majority of cases, is made into cakes and used as fuel." Most of the cowsheds contained wells, all of which ought to be filled up. The stables, especially those used for hackney carriages, were said to be little better than the cowsheds. Most of the hackney carriage stands in the town were unpaved and could not be properly cleaned.

(10) *Gully-pits*.—There are 6,919 gully pits in the town. The establishment for cleaning them was insufficient, and in Dr. Banks' opinion ought to be doubled. It was stated no carts were provided for removing the contents of gully-pits, and the carts set apart for roads could not be spared for this purpose.

(11) *Establishment*.—Excluding expenditure on the Municipal Railway and the pay of the Health Officer himself, the cost of conservancy in Calcutta during 1896-97 came to Rs. 7,68,818. Dr. Banks considered the menial establishment absolutely inadequate to cope with the work, and remarked that coolies, domes, bhists and 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 result 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. Dr. Banks proposed accordingly to increase the out door staff by 498 coolies, 298 mehters, 136 bhists, 44 domes and 73 gully-pit boys, and to raise the pay of all these classes, except the mehters, who are sufficiently paid. This would involve an extra charge of Rs. 1,20,752; but it seems probable that with better organization and improved supervision so large an increase would not be found necessary.

5. 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, and fails to secure the prompt and continuous executive action which is necessary in view of the fact that the sanitation and conservancy of the great Indian maritime cities has now become a matter of international concern. In point of fact, under the present law there is no municipal constitution at all in the proper sense of the word. Every thing is fluid and indefinite. The Act vests in the Commissioners all powers, whether they are such as a large deliberative body can properly exercise or not; but it allows the Chairman to exercise all the powers vested in the Commissioners, except those reserved to the Commissioners-in-meeting, subject to such limitations and conditions as may be imposed, before or after he has acted under this power, by a resolution of the Commissioners. It further confers an unlimited power of controlling the Chairman by the action of Committees. By thus failing clearly to define the powers of the executive, the Act renders it impossible to say as regards any given matter in what part of the Corporation the executive resides, or indeed whether there is any executive at all. The consequences have been, as has been described above, a complete breakdown of the conservancy of the town at a critical period, and serious confusion in other departments of the municipal administration, without the possibility of determining with any approach to certainty where the responsibility for such a state of things lies.

6. The most favourable account of the Calcutta Municipality is perhaps that given by Sir Henry Harrison in the Bengal Council on 4th February, 1888. But even he remarked:—

"The rôle which the elective Commissioners for the native wards have at once assumed is precisely that of checking, watching and controlling in every way, in seeing either that no expenditure is incurred without sufficient reason or that projects of improvement are not undertaken which cannot be fully justified. They have in fact been the brake-power in the municipal train. But a train cannot progress by brake-power alone, nor can a city thrive by opposition alone. It is also necessary that you should have motive-power, and this is precisely the one point in which the Corporation has been deficient. The motive-power has been too weak, while the opposition power has been very strong. Were time of no importance, I could prove this contention conclusively, but I hope the Council will accept my experience as a matter of testimony rather than desiderate proof. In a body like the Corporation, the executive alone is in a position to push on the work. The Chairman, therefore, requires that the extremely powerful criticism and opposition which is brought to bear to his proposals should be met by an equally powerful backing up, where a sufficiently good explanation can be given of what is required to be done. Over and over again this has been wanting—the executive government of the town is working with a minority, and everybody knows what a compromising position that would be. I might go through the budget year by year and show that the Chairman has to make out a

very powerful case before he can get sanction for expenditure; and he is thus much handicapped in his proposals for improvement. I cannot put the case more succinctly according to my own view than to say that the motive-power in the Corporation has been too weak.

"I welcome cordially an effective opposition, but I equally contend that, if the opposition consists of more than half of the members, then the difficulty of working is greater than it should be. * * * * *

The elective system has been a success as far as that it has organized an effective opposition and check to extravagance. It has failed in so far as that opposition has been numerically too strong. At first its numbers were so large that it brought everything to a deadlock. As it has decreased, things have progressed more fairly. Consequently, I am perfectly justified in saying that it is only owing to the fact of the one-third nominated Commissioners having furnished some counterpoise to the preponderance of the opposition that the success of the Corporation has been secured, and it is hardly too much to say that this has been the hinge on which the success of the Corporation has turned."

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.

7. By section 61 the Chairman may exercise all the powers vested by the Act in the Commissioners, save such as are expressly reserved to the Commissioners-in-meeting. But he cannot act in opposition to, or in contravention of, any orders passed by the Commissioners at a meeting, and if any order already passed by him is brought before a meeting and modified or disapproved, he has to modify or cancel his action accordingly. Under sections 63-64 there comes the General Committee, which deals with Budget and Finance and such other business as may be referred to it by the Corporation, or does not lie within the sphere of any other Committee. When the Chairman and the majority of the General Committee concur, and inconvenience is likely to arise from delay, action can be taken in anticipation of the confirmation of a General Meeting, but not otherwise. Under section 65 the Commissioners may appoint any 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 the 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. The Chairman and the majority of a Committee, if in accord, have the same power as the General Committee of anticipating the action of a General Meeting.

8. The Lieutenant-Governor has enquired in what manner the discretion vested in them by section 65 has been exercised by the Commissioners. Besides two special Committees, one of 14 members, to deal with the question of the amalgamation of the Roads and Conservancy Departments, and a Boundary Committee of 17 members, there were in 1895-96—

- (1) the Bye-laws Committee with 9 members;
- (2) the Loans Committees with 9 members;
- (3) the Hackney Carriage Committee with 6 members.

These subjects do not apparently interest the Commissioners greatly, and the Committees were comparatively small; but as we go on we find—

- (4) the Water-supply Extension Committee with 31 members;
- (5) the *Bustee* and Town Improvement Committee with 38 members;
- (6) the Suburban Improvement Committee with 21 members;
- (7) the Roads, Buildings, Conservancy and Tramways Committee with 48 members;
- (8) the Complaints Committee with 33 members.

9. It may be said that the existence of some, at any rate, of these Committees is necessary for the purpose of considering proposals involving contracts the subject-matter of which exceeds Rs. 1,000 in value, of recommending expenditure, of whatever amount, that is not included in the Budget, and of dealing with matters reserved for the decision of the Commissioners-in-meeting either by the Act or by sanctioned rules or bye-laws. But the Act itself imposes no such restrictions on the purposes for which Committees may be appointed, and leaves it open to the Commissioners to intervene in any question or class of questions, whether within the legitimate functions of the executive or not. An instance of such intervention is to be found in the formation of the Complaints Committee, which was described by Sir Henry Harrison in 1890 as a thoroughly unsound move, emanating from the wish of the Commissioners to concentrate in their hands all power, instead of merely the legitimate power of administration. He foretold, when the Committee was constituted, that they would find no

field for their operations in the direction of bringing to light complaints which had received no attention, but that they would degenerate into a mere appellate tribunal from the orders of responsible municipal officers, after they had enquired into cases. This was precisely what happened. 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. "The result (said Sir Henry Harrison) has been the creation of an executive appellate tribunal of the worst type. Ordinary persons, who are more likely to need redress, cannot get access to it; it is reserved for a few favoured individuals who have influence enough with some Commissioner to get their case referred to it; that is, for the very persons who would be sure to receive adequate attention independently of any such Committee. 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."

10. In paragraph 31 of the Annual Report of the Commissioners for 1895-96, it was observed: "In connection with these Committees two important changes were made, *viz.*, practically the appointment to a Committee of every member who cared to serve on it, instead of the number being limited to 24 or 26 as in previous years; and, secondly, a resolution which was passed by the Committee that in future members of the various Standing Committees be appointed for one year only." The pressure of members to be on some of these Committees was so great that in the end every member who desired to be there had to be let in. 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 practical municipal work. 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.

11. It is true that in May 1896, when it was found that many of the Committee members only attended when they had cases to press in which they were interested, the Commissioners again limited the numbers on the Chief Committees to 24, on the Hackney Carriages and Bye-laws Committees to 9 and on the Loans Committee to 6, but this reform was only carried by 3 votes, 26 members voting for it against 23 who preferred unlimited Committees. Since then the numbers on the Chief Committees have been reduced to 18 and those on the minor Committees to 6 or 9.

12. In order to see how the municipal business is actually carried on, the Lieutenant-Governor 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. He finds 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. The Executive has no real head, or rather it is hydra-headed. Matters of the most ordinary description which, under any reasonable system, would be carried out by the Executive under sanction of law, are now-a-days submitted to the Committees for consideration and orders, the Executive evidently finding it useless to move without previous sanction. Even if orders are issued by the Executive under the Act, they are not infrequently brought before one or other of the Committees for revision. A common procedure is that a Sub-Committee is appointed to enquire and report (*i.e.*, to do over again the work of the Executive, whose reports apparently command comparatively little respect). Work is meantime suspended. The Sub-Committee may report in course of time, or it may "lose the papers." Sometimes it keeps the matter pending for months or even years. A more effective device for hampering promptness of executive action could not be invented.

13. No doubt the proceedings show that many items of business are got through at the meetings in a reasonable time. If this were not the case the Corporation would long ago have come altogether to a standstill. It would not, indeed, be difficult to find instances of wasted hours in the proceedings of both the General Meetings and the General Committee; but the Corporation is clearly within its right in discussing fully important matters that come before it in Meeting, and the Lieutenant-Governor does not desire to criticise too minutely the manner in which that right is exercised. The drawback is that sometimes matters of trivial moment are made the occasion of long

and profitless dispute. Instances, recent instances, of this are in the recollection of all persons familiar with the work of the Municipality. As regards the General Committee, Sir Henry Harrison described ⁱⁿ their meetings in the following terms:—"We have no set discussions, and we often have separate discussions in each corner of the room going on at the same time, because every body cannot find an opportunity of getting in his word." Sir Henry Harrison was arguing against enlarging the numbers of the General Committee beyond eighteen, of whom he expected twelve or fourteen to attend the meetings—the largest number with which he thought work could be done properly. What would he have said to the numbers since placed on the Subordinate Committees ?

*Bengal Council Proceedings
for 7th April, 1888

It may be doubted whether things have improved since Sir Henry Harrison's time, for Mr. Ritchie, in opposing the proposal to enlarge indefinitely the numbers on the Committees, said in meeting: "Eighteen was the outside number, and from his experience, on occasions when there were 24 members the Babel of confusion and the hubbub was such that business was retarded, and only those who had stentorian lungs could make themselves heard." (General Meeting of 2nd June, 1895.) Again, although the number of the General Committee is limited by law to 18, the Commissioners have set aside the law by allowing any Commissioner to attend, speak, and move resolutions on any question affecting the interests of his ward.

14. In his Annual Report for 1894-95, the Health Officer gave a table 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 Building Committee, and the Executive orders were reversed. The list contains 56 cases, and in 90 per cent. of these the Executive orders were set aside. The Lieutenant-Governor is aware that the Commissioners-in-meeting took exception to the list as giving a one-sided view of their action, but the remarks of the Commissioners themselves on the working of the Building Committee show that private interests are considered to the detriment of the public, and there is nothing in the law as it stands to prevent this being the case.

Thus, at the ordinary meeting of 18th July, 1895, when the working of the Building Regulations was discussed, Mr. N. N. Ghose said:—

"From a common-sense view the law and the bye-laws seemed enough, but sometimes the ingenuity of lawyers and sometimes the Commissioners themselves who had cases to support had made the rules unworkable. In many cases where they were absolutely plain and unambiguous, they had been twisted so as to make them inoperative and futile."

The whole of his speech was a powerful indictment of the action of the Commissioners, and especially of the Building Committee. He showed how, by making exceptions to the Regulations on every possible pretext, they had turned the Law and Regulations into waste paper. "If they made concessions in all cases (said Mr. Ghose), they had practically put an end to all law." Babu Surendranath Banerjee thought the existing rules good enough "if they were worked thoroughly, honestly, and in a consistent spirit without making the frequent exceptions which had been made."

Babu Kally Nath Mitter "maintained that the bye-laws had been violated in the most flagrant manner possible." It was not a case of difficulty of interpretation, but of misplaced generosity by the members of the Committee. The bye-laws were not ambiguous, but they had been "violated" by the Building Committee.

15. Even inside the Corporation there are to be found some who denounce the amount of talk. At the same meeting as that last referred to, on the motion to introduce the closure, Mr. Simmons said: "He believed in the time of the Justices there were longer speeches but fewer speakers, and the matter was soon threshed out. Now every one who wanted to have his say had it, and there was an immense amount of sheer reiteration." Mr. Ryland, a much-respected Commissioner, said—

"He was not surprised that a new Commissioner should take up a subject like this, and he agreed that the experience of Mr. Apcar did not render him sufficiently alive to the waste of time which most undoubtedly took place. The Commissioners like eels had got used to skinning, and they did not so readily complain of the time that was wasted in talking, but outside of this Corporation it was impossible to speak without hearing people talk in most strong language of the utter waste of time which took place, and it must most certainly deter a great many most useful men from taking part in the business of the Corporation. There were many men of business who in other deliberative assemblies took an active part, but who would not come forward as candidates even for the European wards, and their only reason was that it was such a waste of time which they could not afford to lose. In regard to most of the subjects which were discussed the debates were a mere farce, because most of the Commissioners came prepared to give their votes. Canvassing for votes was a common practice which could not be denied."

16. As a fact the leading Commissioners themselves have on many occasions found fault with the administration of the town. As to the state of the city, at the special meeting of 16th September, 1895, Babu N. N. Sen said: "Never was Calcutta in a more insanitary state than it was at present, and that was a fact which was admitted on all hands."

As to *bustee* improvements, Babu R. C. Pal at the same meeting said: "*Bustee* improvement was one of the greatest necessities of the town: but it was now practically at a standstill. There were many *bustees* in the Northern Division of the town which were in the same state now as they were ten years ago." "It was a long-standing complaint that the working of the Conservancy Department was going from bad to worse."

At the special meeting of 20th September, 1895, Babu Joy Govind Law observed that "in recent years nothing had struck him more than the inordinate delay which took place in the initiation and completion of works of improvement. Look at the question of the flooding of certain streets; look at the question of the trenching-ground, which had been under the consideration of the Commissioners for the last four years; look at the time it took to complete the preliminary survey for the drainage of the added area. He did not know what the reason might be; it might be want of establishment; it might be want of energy or want of ability to cope with the difficulties which arose; but whatever the reason might be, the fact remained that there had been uncertainty and delay in the inception and execution of necessary works."

At the meeting of 29th December, 1895, Babu N. N. Sen said:—

"He perfectly agreed with what had fallen from Babu Kally Nath Mitter, and he thought the resolutions which had been moved should be adopted without further delay. Much time had been spent in talking, and in the mean time Calcutta was becoming as bad as some of the malarious districts in Bengal. There was now hardly a house in Calcutta which was free from a case of fever, and that was wholly due to the defective drainage of the city. There was a time when Calcutta was depopulated by fever, and it was in consequence of that state of things that the Medical College Hospital (then called the Fever Hospital) was established. He thought the state of things now in Calcutta was no better than it was years ago, therefore, no further time should be lost in discussion, but some practical resolution should be adopted, and he thought the resolutions proposed by Babu Kally Nath Mitter were of a practical character and embodied the sentiments of many members of the Corporation who were of a practical turn of mind. He did not at all agree with the sarcastic remarks made by Dr. Sanders as to the expression of opinion by the Chamber of Commerce; on the contrary, he thought they had done a public service in addressing the Government as they did. He considered their letter to be a very sensible one, and the Commissioners would only be establishing their reputation as talkers if they did not now adopt these resolutions."

17. Examples of the way in which the Committees interfere with the normal action of the Executive are too numerous to be quoted. The Commissioners are satisfied that their interference is proper, and quote with satisfaction instances where the result of their having overruled the Executive proved good. No one imagines that the Commissioners ought not to control the Executive, especially as regards financial questions. No doubt at times they interfere too far even in general meeting, but it is the interference by the Standing Committees with the everyday working of the Act which the Lieutenant-Governor specially condemns. The Chairman has, moreover, as their proceedings show, no proper hold over his subordinate establishments. They are taught to look to the Commissioners as their only masters. They are constantly being hauled up by them and taken to task. At one Committee a member reported that he had individually sent instructions to a Superintendent as to the performance of his duty; yet no one protested against this intolerable interference with the functions of the Chairman.

The General Committee of 14th September, 1895, ordered that "privy connections should not be sanctioned in future without the special sanction of the General Committee." True, this was not approved by the Commissioners-in-meeting, but it shows the policy of the General Committee. At a meeting of the Hackney Carriage Committee, when the illegibility of the paint on the carriage numbers was discussed, it was moved and carried that the Chairman should consult the Commissioners in all matters relating to the administration of the Hackney Carriage Department—(he could not be trusted even to see that a painter did his work),—and this was confirmed by the Commissioners-in-meeting. On a grant to the Alms-house being discussed, the Chairman was "*allowed* to take up the question and submit a note." These are only specimens of the way in which work is done: but when the mortality in Ward 22 had frightened the Commissioners, they begged the Chairman to act promptly, Babu B. N. Basu remarking that "when a matter is referred for consideration to a Committee, it often hangs fire for a considerable time."

18. As an example of the way in which sanitary improvements are at times dealt with, I am to quote the following from the proceedings of the ordinary monthly meeting of 11th July, 1895 :—

The following Resolution passed at the same meeting (of a Committee) having been submitted *for confirmation*—

(b) That the estimate of Rs 2,138-10 for laying unfiltered water-pipes for flushing and road watering in Armenian Street be sanctioned—

Babu Nalin Behary Sircar observed that, on the recommendation of the Health Officer, notices had been served upon the residents of Armenian Street (which was in a very insanitary condition) to connect such of their privies as were not connected, and this work was needed to enable the privies to be connected. Subsequently, at a meeting of the General Committee on the 18th May, Mr. J. Ghosal put certain questions with regard to these notices, the result of which was that a resolution was passed to the effect that it was not an occasion for serving notices, no water being available, and the notices were directed to be cancelled. Therefore, the reason for passing this estimate did not now exist, and the speaker accordingly moved *that resolution (b) be not confirmed*

Dr. Bhuban Mohan Sircar remarked that the Health Officer on-visiting these places found the privies to be in an insanitary condition, and he wanted them to be connected with the sewers, but the Health Officer served notices without knowing whether flushing arrangements existed or not, and on that this estimate was submitted by the Engineer. Unless flushing arrangements were provided, these privies could not be connected

Babu Priya Nath Mallik seconded the motion of Babu Nalin Behary Sircar that resolution (b) be not confirmed. *Babu Nalin Behary Sircar's motion that resolution (b) be not confirmed was put and carried.*

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. So the privies remained as before.

19. 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. On the 25th October, 1896, before the reports of these officers had been published, the Commissioners passed the commendable resolution that "a thorough cleansing of the town should be effected as soon as possible by employing a special establishment," consisting of 1 Superintendent, 2 Inspectors, 200 coolies and 60 small carts. This establishment was fixed with reference to the requirements of a single ward, and was quite insufficient to deal with the eight wards in which accumulations of filth had been reported to exist. But, although on the 30th November 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 cleaning up the town, and even then they entrusted the administration of the grant to a Sub-Committee whose deliberations seriously impeded the action of the responsible executive officers.

20. A striking example of the laxity of administration that is possible under the present Act is furnished by the collection of rates. This subject was reported on at length in my letter of the 19th October, 1896. It was there shown that the demands remitted and cancelled during the preceding three years had amounted to Rs. 6,36,330, or an average of Rs. 2,12,077 a year, being 5.26 to 6.17 per cent. of the total demand. Of the sum shown above, bills amounting to Rs. 4,03,280* had been written off for vacancy, error and reduction, and, in addition to this, miscellaneous bills representing a demand of Rs. 1,47,004 had been cancelled during the same period. It was explained how, owing to defective arrangements and want of proper supervision, the work of collecting rates in arrear had been left to ill-paid and irresponsible subordinates who had colluded with dishonest rate-payers to defraud the Corporation. In the last paragraph of the letter referred to above, a hope was expressed that the Commissioners might be persuaded to introduce substantial reforms in their system of collecting the rates. On the report of a Committee appointed to consider the question, material changes have since been introduced which the Chairman believes will bring about a great improvement.

21. 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. The officer appointed to be Chief Accountant has not sufficient experience for the control of a large office, nor is the post adequately paid. 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 on salaries ranging from Rs. 20 to Rs. 50. Serious losses have occurred in the workshop owing to the imperfect control

exercised by the Accounts Department. In spite of repeated protests by the Accountant-General, who threatened some time ago to report the matter to Government, but did not carry out his threat, the accounts of the General Store Department at Entally, which issues stores to the value of a lakh every year, had not been made up for three years, and consequently could not be audited at all.

22. A further defect in the working of the present Act is the practical exclusion of European men of business from all share in the municipal government of Calcutta. This is the more serious in the case of a heterogeneous community where the European minority control the commercial interests to which the town owes its existence, and realise very clearly the extent to which the prosperity of those interests depends on the sanitary condition of the town. It is, however, no new thing. The Calcutta merchants, who serve readily and do excellent work on the Port Trust, have always held aloof from municipal affairs. 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. In 1876, when the introduction of the elective system was under consideration, the Select Committee appointed to frame a constitution for the town fully recognised the peculiar character of the community they had to deal with, and the necessity of bringing into their scheme the principle of special aptitude as opposed to that of numerical equality. They proposed that out of the 54 members to be elected, 27 should be Hindus, 9 Muhammadans and 18 Europeans, Eurasians, Armenians, Jews, &c., while of the 18 to be nominated, 9 should be Hindus or Muhammadans and 9 persons of other nationalities. This proposal did not satisfy the non-official Europeans, one of whose representatives in the Council, Mr. Brookes, considered the proportion of Europeans too small for efficiency, and suggested that the number should be raised to 25. The Committee's scheme was rejected, not in consequence of Mr. Brookes' objection, but in deference to the views of Babu Kristo Das Pal, who, while admitting the existence in the city of a varied community with conflicting interests, urged that the system of proportional representation would be inelastic and would prevent Hindus from electing Europeans as their representatives. "It might be said that the larger number of rate-payers being Hindus, they would flood or swamp the Corporation, that was to say, the majority of persons elected would probably be Hindus, and that other sections of the community would be overridden. He did not think that that would be the case. For his own part he thought that the Hindus were well aware that they had to learn a good deal from Europeans, and that in the matter of municipal management they by themselves could not do much. United with Europeans, they could do a great deal, but single-handed the Hindus were too weak. So he did not believe that the result would be in the direction apprehended."

23. In illustration of this aspect of the question, I am to invite special attention to the Statements A, B and C annexed to this letter. Statement A illustrates the comparative representation of the chief nationalities in Calcutta as it stood in 1882 under Bengal Act IV of 1876 and in 1895 under the present law. It will be seen that the proportion of Hindus among elected members has declined from 64·6 to 61·6, and on the main body of elected and nominated Commissioners from 52·7 to 52. They still, therefore, have an absolute majority in the Corporation, while on the Town Council they compose 66·6 per cent.—the same proportion as in 1882. In so far, then, as it was the intention of sections 8 and 63 of the Act to reduce this undue preponderance, those provisions appear to have proved futile.

The percentage of Muhammadans has risen on the Corporation from 11·1 to 17·3, and on the General Committee from 10 to 16·6. This result, which is largely due to the Government having, at the instance of the Chairman, nominated six Muhammadans in 1895, is in itself by no means a matter for regret. But the gain of the Muhammadans is more than counterbalanced by the decline in the proportion of Europeans and Eurasians from 31·9 to 26·8 in the Corporation and from 20 per cent. to 5·6 per cent. on the General Committee. A comparison of the figures for Natives (Hindus and Muhammadans) with Europeans, Eurasians, Parsis, Jews and Armenians brings out even more striking results. The percentage of Natives in the Corporation has risen since 1882 from 63·9 to 69·3 and on the General Committee from 76·6 to 83·3, while the proportion of other nationalities has fallen in the Corporation from 36·1 to 30·1 and on the General Committee from 23·4 to 16·7.

Statement B shows the composition of the Municipality according to profession. Lawyers who had 21 seats out of 72 in 1882, had 27 seats in 1895, Hindu lawyers having gained 6 seats. The

number of land and houseowners has fallen from 17 to 12; while the merchants and traders, admittedly under-represented in 1882, had the same number of seats in 1895 as in 1882, although the commercial interest in the municipal administration has advanced rather than declined during the period.

Statement C is based upon the statistics of the ward elections of 1895. It shows that the registered electors amount to only 2 per cent. of the total population of Calcutta; that the Hindus, who are only 66 per cent. of the population, have 73·3 per cent. of the registered electors and 69·5 per cent. of the voting power; and that Muhammadans, who form 29 per cent. of the population, contribute only 10·5 per cent. of the electorate, and exercise only 9 per cent. of the voting power. On the other hand, a comparison of Statements A and C brings out that the Hindus with 69·5 per cent. of the voting power secured in 1895 only 61·6 per cent. of the seats, while Europeans with 19·5 per cent. of the voting power got 23·3 per cent. of the elected Commissioners, and the Muhammadans with only 9 per cent. of the aggregate voting power succeeded in electing 13·4 per cent. of the ward members.

24. In whatever way the figures may be combined and analysed, they demonstrate how conspicuously 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 Commissioners, and therefore that precautions to guard against sections of the community being overridden were unnecessary. They show further how, under the system introduced in 1876, not only do Hindus and Muhammadans command an overwhelming majority, but Hindus alone outnumber all other nationalities on the Corporation, and outnumber them much more decisively on the General Committee. 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 time is wasted in debate and where they could not hope to command more than an insignificant minority. They prefer to stand aside and make themselves felt through the Chamber of Commerce, the Jute Association, the Health Society or some other public body which every now and then puts forward some very general proposal with an imperfect knowledge of the facts, and no knowledge at all of the difficulties, financial and administrative, involved in the sanitation of a large Asiatic city. It is one of the greatest evils of the existing state of things that among the various critics of the Corporation, those who are most interested in the questions at issue and best able to make themselves heard should at the same time be the worst informed as to the evils that exist, and the least responsible as regards the possible remedies for them. The Lieutenant-Governor cannot blame the merchants and tradesmen of Calcutta for the *rôle* they have adopted, but it is certainly a matter for regret in the interests of the town that the really influential Europeans among the non-official community should practically cut themselves off from municipal work.

25. The results of the working of the present municipal law in Calcutta may now be summed up as follows :—

- (1) the conservancy of the town has been shown to have broken down in material points ;
- (2) the collection of the rates has for a long time been defective, and about two lakhs of revenue have yearly been written off as irrecoverable ;
- (3) important branches of the accounts have fallen into confusion ;
- (4) the uncertainty as to the respective functions of the Chairman and the Corporation has paralysed the action of the executive ;
- (5) the European commercial community is inadequately represented and does not exercise the influence to which it is entitled.

The changes in the constitution by which the Lieutenant-Governor hopes to amend these defects are explained at length below. I am now to state briefly the substance of the more important provisions of the Bill :—

PART I.—PRELIMINARY.

26. It is hoped that the Bill may be passed in time to come into force on the 1st April, 1899. The sources from which the definitions are drawn are indicated in the margin of the Bill, and no further explanation seems to be necessary.

PART II.—THE MUNICIPAL AUTHORITIES. (Constitution and Government.)

27. Although for the reasons stated at length above, the Lieutenant-Governor 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. He would leave untouched the number of the Commissioners and the methods of electing and appointing them; he does not propose to alter the franchise or to reconstruct the present arrangement of wards. For the last twenty years Calcutta has had an elective Municipality, and there are obvious objections to restricting the operation of the elective principle so far, at any rate, as the main body of the Corporation is concerned. But 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 the Commissioners. It is equally essential, if the heavy and complicated business of the town is to be carried on smoothly, that the functions of these three authorities—the Corporation, the General Committee, and the Chairman—should be precisely defined and carefully distinguished in the amended Act. The neglect of this precaution in the Act of 1876, and again in that of 1888, has left it open to the majority among the Commissioners to assume administrative duties which no representative assembly in any country has ever dreamt of undertaking, and by meddling in all work, however petty, at every stage of progress, to bring about a state of things which can best be described, in the words of the Hon'ble Mr. Telang of Bombay, as municipal anarchy. The management of a great city such as Calcutta involves questions of far-reaching importance, and without extensive powers of control resting in the hands of the responsible Chairman and of the Government, it is unreasonable to expect good results from any form of municipal administration. The Bill, therefore, abandons the system followed in the previous Acts, of vesting the entire municipal government in the Commissioners, with permission to the Chairman to exercise such powers of the Commissioners, not being expressly reserved to the Commissioners-in-meeting, as they may not withdraw from him by resolution, and subject to such conditions as they may lay down. It provides for three municipal authorities—the Corporation, the General Committee and the Chairman—assisted by the Deputy Chairman, who will act only under the Chairman's orders. All powers conferred by the Bill are distributed among these authorities, with reference to their fitness to exercise them, in the manner shown in detail in Statement D annexed to this letter. To the Corporation are reserved the right of fixing the rates of taxation and all those general functions which can be efficiently performed by a large body representing many conflicting interests, provision being at the same time made against the contingency of their deliberations impeding the transaction of necessary business. Following the Bombay Act, the Bill (section 61B) (24) vests the entire executive power in the Chairman to be exercised either independently or subject to the approval or sanction of the Corporation wherever this is expressly so directed. The General Committee stands between the deliberative and the executive authorities, and deals with those matters which by their nature are ill-adapted for discussion by the Corporation, and yet are too important to be left to be disposed of by the Chairman alone. Power is also taken for the General Committee to appoint Sub-Committees either from their own body or from the general body of the Commissioners, on which the Lieutenant-Governor hopes to see all the real workers among the Commissioners utilised.

28. Proceeding on these principles, section 4 A (5) enumerates the municipal authorities, while section 4 B (23) defines their respective functions and provides for a reference to the Local Government in case of doubt arising. Sections 4 (6) and 7 define the constitution of the Corporation, which will remain unchanged.

29. Section 7 A (8). *The General Committee.*—The scheme for the appointment of the General Committee in equal proportions by (a) the elected Commissioners voting by groups of wards, (b) the Chamber of Commerce, the Trades Association, and the Port Commissioners, (c) the Government, is based on the principle of giving adequate representation on the governing body of the Municipality to the three chief interests in Calcutta—to the European commercial community which has made the town a centre of trade; to the Government which has made it the capital of the Indian Empire, and is responsible to the world at large for its efficient and progressive municipal administration; and lastly to the residents, house-owners and ground landlords, regarding the last of whom Sir Henry Harrison observed in 1890 that the value of their property had been increased two-hundredfold by the creation and maintenance of Calcutta as a commercial capital. If it be admitted, for the

NOTE.—The figures and words in antique indicate references to the edition of the Bill as introduced in Council.

reasons stated at length in paragraphs 21 to 23 above, that the commercial community, and more especially the European section of it, have an unquestionable right to an effective voice in the municipal government of Calcutta, there seems to be no practicable means of enlisting their co-operation, but that which is now put forward. Even if the Lieutenant-Governor were prepared to go behind the decision arrived at in 1876, and introduce the principle of proportional representation of nationalities into the election of the main body of the Corporation, it is doubtful whether that would induce the leaders of the mercantile and trading community to take an active part in the debates of a large talking body, where organization and manipulation of votes would be needed to secure any real influence.

30. For the purpose of electing four members of the General Committee under section 7A (2) (a) [8 (2) (a)] it is proposed to divide the twenty-five wards into the four following groups or electoral divisions, each of which will elect one member from among the entire body of Municipal Commissioners :—

Name of Group.	Wards comprised in group.	Population.
1	2	3
Northern Division ...	1 to 6	215,555
Central „ ...	7 to 11	164,328
Southern „ ...	12 to 19	124,059
Suburban „ ...	20 to 25	145,419

The above arrangement, which is based upon population, will be convenient for engineering and conservancy purposes, and will correspond more closely with the municipal needs of each division and the work to be done, than one framed with reference to area, taxation, or voting power. As each division must be composed of contiguous wards and must be of a manageable area, the scale of population shown in column 3 cannot be made absolutely uniform; but it must be borne in mind that the population of many of the wards in the Southern and Suburban Divisions will tend to increase, while on the other hand it is one of the objects of the proposed legislation to prevent overcrowding and thus reduce population in the Northern and Central Wards.

The four seats reserved to Government will enable it not only to secure adequate representation of its own important interests in the town, but also, if need be, to provide for a Muhammadan member and to nominate at least one Commissioner as the special representative of the humbler working men of all ranks and trades who earn their livelihood in Calcutta. As Sir Henry Harrison observed in 1885:—

“ Not only do the labouring classes of Calcutta, important as their interests are, get no representation under the present system, but there are some of them who, by their dependent relation to the Municipality, especially need it,—I mean those classes with whose freedom of action we are compelled, in the interests of the community at large, to interfere. Such are the residents in *bustees*, whom we have to displace in opening out crowded localities; the carters whom we tax first for using the streets, and then for keeping their cattle within municipal limits (there are 17,000 carts licensed in Calcutta); the *gowalas* whom we are compelled to prosecute in hundreds because they will not comply with our requirements as regards the stabling of their cows, and who ought to be placed under much closer surveillance to prevent disease being conveyed by milk; the *dhobeas*, who for the same reason ought also to be brought under sanitary regulations as soon as the suburbs come into our hands.”

The Lieutenant-Governor believes that there will be no difficulty in finding a European or Native Commissioner who will undertake to acquaint himself with the needs and grievances of these classes and to become their representative upon the General Committee. Provision has been made in the proviso to section 1, and in sections 18D (2) [45(2)] and 21 [54(1)] of the Bill for constituting the first General Committee as soon as the new Act comes into force, and for holding general elections in March, 1900, when it is proposed that the body of Commissioners now about to be elected should vacate office.

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31. *Sub-Committees.*—Section 63G (88) empowers the General Committee to delegate any of their powers or duties to Sub-Committees nominated by them. The numbers of the Sub-Committees are limited to six, and none of their members need be members of the General Committee. The General Committee is to fix the time within which a Sub-Committee is to report ; and all the proceedings of such Committees must be confirmed by the General Committee.

32. *The Chairman and Deputy Chairman. Sections 7B to 7K (10 to 18) and 61B (24).*—As in Bombay, the entire executive is vested in the Chairman, subject to such express limitations as are elsewhere laid down. This will do away with the present uncertainty as to the functions of the executive. The power of appointing the Chairman is vested in the Local Government as under the existing law, and the Bill also withdraws from the Commissioners the discretion they have hitherto exercised of fixing the Chairman's salary and house-rent allowance. A Government officer specially selected for this difficult and important post is placed in a wholly false position by the present law, which makes him dependent on the good-will of the Commissioners for an addition to his pay, which, owing to the great cost of living in Calcutta, is in most cases no more than is required to save him from positive loss while holding the appointment of Chairman.

Provision has also been made in sections 7D, 7E, and 7K (12, 13, and 27) for the appointment by Government of a Deputy Chairman who must ordinarily possess engineering and architectural qualifications. The new building regulations will greatly extend the duties of the Chairman, and it is essential for him to have the assistance of a competent adviser to whom he can on occasion delegate his duties.

33. *Elections. Sections 8E to 19 (34 to 52).*—In view of certain decisions by the High Court, and of the uncertainty that has been felt as to the interpretation of sections 19—29 of the present Act, it is thought desirable to incorporate in the substantive law definite rules for the procedure in municipal elections, instead of leaving such matters to be dealt with by rule. The draft sections proposed are based for the most part upon sections 19—35 of the Bombay Act, but some important changes have been introduced with reference to recent experience. Section 18A (1) and (2) [43 (1) and (2)] provides that persons who wish to be enrolled as voters must register their names in the Assessor's office, and must show that they have paid in their own names all rates and taxes due from them for the first two quarters of the municipal year. Section 18A (10) to (21) [43 (10) to (21)] transfers the duty of revising the list of electors from the Chairman to a revising Magistrate who would be selected from among the Presidency Magistrates.

34. *Control. Section 38 (22).*—The section of the existing Act, conferring certain powers of control upon the Government, is framed in very general terms, and would, the Lieutenant-Governor believes, be difficult to put in force effectively. The conditions requisite to give the Government jurisdiction to intervene are vaguely stated, and it is almost impossible to say what construction should be put upon "complaint made," "general default," and "due enquiry." Each of these terms would of itself give rise to a controversy in which the Government would be charged with unfairly straining the law to the disadvantage of the Corporation, and this charge would be difficult to rebut.

On the other hand, the present law is unfair to the Commissioners, in that it gives them no distinct right to show cause against an order, and forces the Government to take the extreme course of at once appointing some person to perform the duty alleged to be neglected, instead of calling upon the Commissioners to perform it themselves within a stated time. The section which the Lieutenant-Governor would propose to substitute is based upon section 64 of the Madras Act, and seems to him to give the Government as ample power of intervention as it need reserve, while at the same time providing for a fair enquiry into the facts, and giving the Corporation sufficient opportunity for stating their view of the matters in dispute. That the Government ought to have an effective power of interference, appears to the Lieutenant-Governor to be amply demonstrated by the facts set out in the earlier paragraphs of this letter.

35. *Sections 40-41D (56 to 63). Officers of the Corporation.*—These sections have been framed so as to secure the following objects, which experience has shown to be essential to the efficient working of the municipal administration of Calcutta :—

- (1) To withdraw from the patronage of the Corporation the important offices of Engineer-Surveyor, Health Officer, Collector and Assessor, and other offices with a salary of

Rs. 300 a month and over. The General Committee, constituted as now proposed, will be more likely to make a good selection than so large and miscellaneous a body as the Corporation, and the scandal that has been caused by the canvassing of rival candidates will be avoided. Sir Henry Harrison observed in 1890—and the remark has never been contradicted—that all the Commissioners well knew that the Municipality “failed most conspicuously in personal questions, when each Commissioner is subjected to private solicitation and unwholesome pressure, and gives his vote under the influence of motives very few of which are consistent with the well-being of the city.”

- (2) To vest in the Chairman the selection of suitable persons to fill all offices carrying a salary of less than Rs. 300 a month, together with the power of fining, suspending and dismissing persons so appointed. To quote Sir Henry Harrison again—“A single officer acting under a sense of responsibility would dispose of these personal questions far more equitably than the Commissioners as a body, where individual responsibility is overlaid by numbers, and the most unblushing solicitation is practised.”
- (3) To enable the Local Government to prescribe the qualifications of candidates for employment in the Health, Conservancy and Engineering Departments.

The title of Vice-Chairman has been changed to Controller of Municipal Accounts, which more correctly expresses the duties which in practice the present Vice-Chairman discharges.

PART IIA (Part III).—FINANCE.

36. *Sections 64A to 65G (123 to 39)*, relating to loans, reproduce the existing law and further provide for the preparation of a Loans Budget, its consideration by the Corporation and the determination of the sums to be borrowed during the year.

Sections 66 to 66F (96 to 102), dealing with the municipal funds, are based on the corresponding sections of the Calcutta Act. *Sections 68B to 72CC (103-122 and 140 to 143)* are adapted from the Bombay Act and lay down more fully than is the case in the Calcutta Act the procedure for making payments, investing surplus funds, keeping accounts, preparing and passing the budget and auditing the accounts of the Corporation. *Section 72D (144)* imposes on the Chairman the duty of remedying defects pointed out by the Auditors.

PART III.—TAXES. [Part IV.—Chapters XII, XIV, XVI and XVII.—Taxes.]

37. *Sections 77 to 86 (183 to 190)*, dealing with the tax on carriages and animals, contain no material change, except that the executive authority is throughout reserved to the Chairman. The definition of carriage to include bicycles and tricycles, and the imposition on these of a tax of Rs. 4 a year will, it is believed, add a substantial sum to the income of the Corporation.

Sections 87 to 93 (206 to 210) and Schedule 111 embody the amendments sanctioned in the Home Department letter No. 49, dated the 24th March, 1896, and some minor amendments since introduced at the instance of the Corporation. *Rules 13 and 13A (14 and 15)* of the schedule substitute a Sub-Committee of the General Committee for “a Bench consisting of the Chairman or Vice-Chairman and not less than three Commissioners” as the alternative appellate authority under the schedule.

In *Sections 94-98 (217-220)*, relating to the registration of carts, the only change is the substitution of “Chairman” for “Commissioners.”

Sections 99-100 (214 to 216) are unchanged.

PART IV.—[Part IV.—Chapter X].—RATES.

38. Here again the only change is the transfer of authority in purely executive matters from the Commissioners to the Chairman. No provision has been made in the Bill for levying a police rate, but it is understood that the Government of India reserve the right to deal with the question by legislation, which may take the form either of levying a local rate or of charging a certain sum annually against the Municipal Fund.

PART V.—[Part IV.—Chapter XI].—ASSESSMENT OF BUILDINGS AND LAND.

39. Provisos have been added to section 122 (165) defining more clearly how the annual value of *bustee* land should be determined, and permitting the revaluation of a building, the valuation of

which has been reduced on the ground of exceptional circumstances, when such circumstances have ceased to exist. Section 125 of the present Act has also been amplified so as to enable buildings or lands to be revalued under certain circumstances.

PART VI.—[Part IV.—Chapter XIII].—COLLECTION OF RATES AND TAXES.

40. The draft provisions contained in this part have been framed so as to adapt the Bombay procedure for collecting municipal dues to the circumstances of Calcutta. They vest all executive functions in the Chairman. Section 142 (193), following section 202 of the Bombay Act, requires municipal dues to be paid direct into the Municipal Office—a system which has been tried with success in some mufassal municipalities in Bengal.

PART VII.—[Part V.—Chapter XVIII].—WATER-SUPPLY.

41. Under the present Act the supply of filtered water is intermittent; but the quantity actually pumped exceeds that which the mains were laid to carry, so that the provisions of section 153 with regard to the head of pressure during the hours of supply have ceased to be operative and the pressure varies greatly in different parts of the town. The residents not unnaturally keep their taps continually open, in order to take the fullest advantage of any supply they can get, and the result is that a large proportion of the existing supply runs to waste. This practice, combined with intermittent pumping through constricted mains, causes the pressure to be so low that in a large section of the town, and chiefly at present in the Bara Bazar area, the water does not rise above the ground floors. The Commissioners, therefore, must either incur heavy expenditure in order to enlarge the mains to meet the present scale of wasteful supply and restore the pressure of 30 feet prescribed by section 153 of the Act, or must restrict the supply to reasonable limits by preventing waste. The Bill adopts the latter alternative, but it adds provisions which are greatly to the advantage of the rate-payers. Sections 150-152 (221 to 223) provide for a continuous supply so far as may be practicable of both filtered and unfiltered water. The provisions in the present Act for checking waste are contained, first in section 158, which, with Schedule IX, fixes the size of ferrules with reference to the rating of the house supplied, and thus in theory automatically restricts the quantity of water used. On this point the Lieutenant-Governor is advised that the result of using "pea-ferrules" is very harassing to the smaller householders, and that it should now be the object of the Corporation to restrict, not the fair use of water, but its abuse. The check on waste by the use of such minute ferrules is also of doubtful value, as even the smallest size of ferrules is capable of delivering 480 gallons in eight hours, which would greatly exceed the statutory supply. In the revised table of ferrules included in Schedule IX (XII) of the Bill, all sizes lower than a quarter inch have therefore been omitted. The concession will be very popular, as the introduction of the small ferrules was vigorously opposed in 1888, when the present Act was before Council.

42. The second check on waste given in the present Act is the power conferred by section 155 of attaching a water-meter to the pipes of individual houses in cases where waste is suspected. This, however, must be at the expense of the Corporation; and as a meter costs from Rs. 30 to Rs. 40, and the number of house-connections will probably at no very distant date approximate to 50,000 in the city and suburban areas, it follows that for financial reasons the section is now useless for general purposes, although it might have been of considerable use if it had been applied from the inception of the water-works. The only practicable plan under the conditions which now prevail is to divide the town into blocks for the purposes of water-supply, and to keep a check on the consumption of water in each district by meters applied to the mains and sub-mains which supply the block. The Bill provides for the introduction of this system, which has been worked successfully in a large number of towns in England; and the Chairman is authorised by it to recover the value of the water consumed in each block over and above the statutory allowance by a percentage charge levied rateably in the block on the water-rate bills of connected premises. The existing section 155 is retained for use in particular cases, and by section 155AA (230) individuals who think themselves aggrieved by the levy of an extra water-rate on the district are given the option of claiming a meter for their own houses at a reasonable rate of hire. In other respects the Bill follows closely the system already in force in Calcutta and Bombay.

PART VIII.—(Part V.—Chapter XXXIV).—REGISTRATION OF BIRTHS AND DEATHS.

43. In connexion with the question of securing the early reporting of deaths from plague, the Lieutenant-Governor has been led to consider the desirability of improving the entire system

NOTE.—The figures and words in antique indicate references to the edition of the Bill as introduced in Council

of registering deaths in Calcutta. Owing to the fact that the registrars and sub-registrars are mere clerks who have no medical knowledge, the entries relating to the cause of death in column 8 of the form in the eleventh schedule of the present Act are in a large proportion of cases wholly untrustworthy. Of the 70 persons who on an average die every day in Calcutta, the returns show that from one-third to one-half have had no medical attendant, and in all these cases the cause of death is more or less a matter of conjecture. The evils of this state of things are obvious, more especially in view of the increasing tendency on the part of foreign nations to restrict privileges in respect of quarantine to vessels coming from ports which can show accurate vital statistics. In order to comply with these requirements, the chapter relating to the registration of births and deaths has been entirely recast in the Bill. The important points are the following:—

(1) by section 185A (552) no corpse can be removed from a building for burial or cremation without a certificate in the form of amended Schedule XI(XIX);

(2) section 186 (555) requires the relatives and friends of the deceased to procure the certificate;

(3) section 186A (556) obliges the registrar of the district to give a certificate free of charge.

(4) section 187 (557) obliges medical men to furnish this certificate of their own motion within 24 hours of the death of any one whom they have attended;

(5) section (185B) (554) makes it penal to bury or burn a corpse without the prescribed certificate;

(6) section 191B (562) provides that if a corpse is brought to a burial or burning ground without a certificate, it shall be detained there till the friends procure a certificate, or the registrar in charge of the district satisfies himself by enquiry as to the cause of death;

(7) section 191C (563) prohibits the examination of any corpse in opposition to the wishes of the relatives or friends of the deceased;

(8) section 191D (564) gives the Local Government power to make rules and to prescribe the qualifications of registrars and sub-registrars;

(9) section 185AA (548) authorises the Chairman to license medical practitioners.

44. The above scheme seems to the Lieutenant-Governor to be likely to bring about a great improvement in the mortuary statistics of Calcutta, and to prove useful, not only in respect of grave epidemic diseases such as plague, but as a measure of sanitary administration. The only danger to be apprehended is that the poorer classes who do not employ licensed medical practitioners may have difficulty in procuring certificates. This, however, is merely a question of organisation. Section 186A (556) obliges the District Registrar to attend free of charge for the purpose of granting such certificates, and if enough registrars are appointed, no delay should occur. Under section 181 (2) [546 (1)] the Local Government has power to determine the number of districts, each of which must have a registrar whose qualifications will be laid down under section 191D (564). In case of epidemics, the Chairman may appoint additional registrars under section 181 (3) [546 (3)]. The system will no doubt cost more than that now in force; but having regard to the large number of medical men in Calcutta, and the keen competition between them, it seems possible that qualified medical practitioners will be willing to accept the position of District Registrar on a small salary for the sake of the practice which the office will bring with it.

PART IX.—[Part V.—Chapter XXXVI].—TAKING A CENSUS.

45. No material change has been made in this part of the Act.

PART X.—[Part V.—Chapters XXI to XXIV].—OF STREETS AND BUILDING REGULATIONS.

46. The provisions of this Part are based partly upon the report of the Calcutta Building Commission and partly on the London Building Act, 1894, and other English and continental building laws. The subject is a peculiarly difficult one owing to the irregular manner in which buildings have been constructed in Calcutta in past years. The general principle on which the draft proceeds is to lay down rules for new buildings and to provide that existing buildings shall come under those rules when they are re-erected or, at the discretion of the General Committee, when they are

materially altered. A special power of dispensation is also given to the Local Government to be exercised on the recommendation of any two of the municipal authorities. Following modern legislation on the continent of Europe, the Bill provides for the reservation of particular streets and quarters of the city for particular kinds of buildings. Government buildings are exempted by section X 90 (414) from all the provisions of this Part.

PART XI.—[Part V.—Chapter XIX].—DRAINAGE [Drains, Cesspools, Privies, &c.]

47. The drainage sections of the Bill are mainly based upon the Bombay Act, the most useful clauses of the Calcutta Act being also incorporated. Of new points, the following are the most important:—

(a) The clauses giving the Local Government considerable power of control over the outfall of the sewage system, especially with reference to any alteration in the outfall works made necessary by the decay of river channels—a possible but at present remote contingency attaching to all outfalls into the network of tidal creeks which intersect the Salt Water Lakes. These provisions embody the orders issued on the outfall works now under construction, which were passed under section 274 of the Calcutta Act.

(b) Care has been taken in drafting the Bill to emphasise the rights of the rate-payers, as well as the duties and responsibilities of the Corporation with regard to drainage matters.

(c) By sections 296EE to 296MM (315 to 322) it is proposed to substitute an unpaid agency of licensed plumbers working at rates approved by the Corporation [General Committee] for the present insufficient staff of drainage inspectors appointed by the Corporation. The number of house-connections now amounts to nearly 30,000, which is likely to increase, and it is found practically impossible at reasonable cost for the Corporation to do more than exercise a general control over house fittings or accept responsibility for the repair and maintenance of these fittings with all the contingencies of occasional stoppages from misuse. The Bill, therefore, provides an agency, of which the public must avail themselves, to carry out house drainage works at reasonable rates, and the Corporation [General Committee] is bound to exercise proper control over this agency, and to punish breaches of the laws and bye-laws in cases where house fittings are not properly maintained.

PART XIB.—[Part V.—Chapter XXV].—LIGHTING OF STREETS AND PUBLIC PLACES.

48. Under this head the Calcutta Act (sections 296 and 297) is singularly meagre, and the provisions in the Bill are accordingly modelled upon sections 330-335 of the Bombay Act.

PART XII.—[Part V.—Chapters XXVI to XXXI].—SANITARY PROVISIONS [Scavenging and Cleaning, &c.]

49. This part of the Bill is based mainly on Chapter XV of the Bombay Act, which in many respects more effective than the corresponding sections of the Calcutta Act. Those provisions of the latter Act which have been found to work well have, however, also been included.

PART XIII.—[Part III].—BYE-LAWS, RULES, &c.

50. The framing of suitable bye-laws is a duty which large bodies such as the present Corporation have shown themselves ill-fitted to perform. The procedure proposed in the Bill seems to the Lieutenant-Governor well adapted for its purpose. It will give both the public and the Corporation ample opportunity of expressing their views, and will leave the final decision to the Local Government.

PART XIV.—(Part IX).—PENALTIES.

51. The scheme of this part is borrowed from the Bombay Act.

PART XV.—(Part X).—PROCEDURE.

52. This part also has been adapted from the Bombay Act. Power has been taken to appoint Special Magistrates for the trial of offences against the Act, as experience has shown that the Honorary Magistrates, before whom a large proportion of municipal cases come, are dilatory in their procedure and impose merely nominal penalties. Provisions have also been introduced for the purpose of securing the more active co-operation of the police in the administration of the law.

PART XVI.—(Part VII).—ACQUISITION AND DISPOSAL OF LAND AND BUILDINGS.

53. The provisions of this Part, which are based upon the recommendations of the Calcutta Building Commission, modify the Land Acquisition Act in respect of some material points, which will require sanction under section 5 of the Indian Councils Act, 1892.

PART XVII.—(Part XI).—SUPPLEMENTAL PROVISIONS.

54. Sections 524 to 526. [659—661.] *Extension to Howrah.*—The report by the Civil Surgeon, dated 25th January, to the Medical Board, and other evidence

Appendix No. 6.

that has come before the Lieutenant-Governor, place it beyond question that the sanitary condition of Howrah is in its way quite as deplorable as that of Calcutta. Although the town as a whole is not overcrowded, some of the *bustees* in it furnish examples of the worst forms of overcrowding. The number of public latrines is insufficient ; the 26,000 private latrines, both *kutchas* and *puckas*, are as bad as those of Calcutta ever were, and the staff of sweepers is too small to clean them properly. Besides the privies, there are in Howrah about 2,500 cesspools which receive sullage and urine. It is believed that only one-eighth of this liquid sewage is removed by the sullage carts, and that the remainder sinks into the soil, drains into tanks and road-side channels or disappears by evaporation. The drainage of the town is at present effected by about 3 miles of *pucka* and 80 miles of *kutchas* drains, most of them badly aligned and faultily constructed. A regular system of sewerage and drainage is greatly wanted, but the difficulty of finding a suitable outfall is extreme, and the Municipality is not at present in a position to borrow the amount, roughly estimated at about 25 lakhs, which a suitable drainage scheme would cost. A supply of filtered water was introduced last year, and is said to have already greatly reduced the mortality from cholera, but it must be materially extended before its full benefit can be felt. Effective building regulations are greatly needed, particularly in the *bustees*, where the large and increasing population of mill hands finds lodgings. The stables and cowsheds throughout the town are in a terribly insanitary condition, and are reported to be the most fertile source of surface pollution. The municipal law in force in Howrah is the Bengal Municipal Act of 1884, which is altogether inadequate to meet the wants of the town, and contains no provisions whatever for preventing the spread of dangerous diseases. The Lieutenant-Governor was at first disposed to recommend that a special Act should be passed for Howrah, possibly on the lines of the Bill which is understood to be contemplated for Rangoon ; but on further consideration he is of opinion that the better plan will be to take power to extend to Howrah by notification any specified portion of the Calcutta Act, subject to such restrictions and modifications as the Local Government may think fit. From the sanitary point of view, Howrah is virtually a suburb of Calcutta ; its population in 1891 was 116,606, representing an increase of 28·4 per cent. on the population recorded in 1881 ; it is the headquarters of the East Indian Railway, and contains a large number of factories which attract operatives from the neighbouring districts ; and any outbreak of disease in Howrah would almost certainly spread to Calcutta. Owing to the constant intercourse between the two towns, the people of Howrah are familiar with the system of taxation and municipal administration that is in force in Calcutta, and it would be simpler and easier to extend portions of the Calcutta Act from time to time, in accordance with the growing needs of Howrah, than to enact a special statute for the latter town. The Bill provides for notice being given of the intention to extend any portions of the Act and for the hearing of objections.

PART XVIII.—[Part VI].—RAILWAYS.

55. This part merely reproduces the corresponding provisions of the present law.

56. Some formal work still remains to be done in harmonising the provisions of the Bill throughout, renumbering the sections in a consecutive series, checking cross references, grouping provisions, and revising the division into Parts and Chapters. This is now in progress, and will be completed before the Bill is introduced.

57. I am now to request that the Government of India may be moved to intimate its formal approval of the Bill at a very early date, reserving for communication later on such detailed criticisms as may be found to be called for. The Lieutenant-Governor wishes to invite the fullest discussion of the measure, and proposes to publish it under Rule 34 of the Council Rules as soon as it has been approved by the Government of India. The Bill will then be introduced into Council and referred at once to a Select Committee, which can proceed to consider its constitutional provisions while the opinions of the Corporation and the leading Associations are being invited on the measure as a whole.

NOTE.—The figures and words in antique indicate references to the edition of the Bill as introduced in Council.

58. I am further to request that the sanction of the Governor-General may be given under section 5 of the Indian Councils Act, 1892, to the Bill being proceeded with, since it affects certain Acts passed by the Supreme Council.

I have the honor to be,

SIR,

Your most obedient Servant,

H. H. RISLEY,

Secretary to the Government of Bengal.

A.

Statement showing the composition of the Municipal body of Calcutta in 1882 and 1895, according to nationalities.

	IN CORPORATION OF 72, 1882.						IN CORPORATION OF 75, 1895.						IN TOWN COUNCIL OF 30, 1882.						IN GENERAL COMMITTEE OF 18, 1895.						REMARKS.
	Elected.		Nominated.		Total.		Elected.		Nominated.		Total.		Elected.		Nominated.		Total.		Elected.		Nominated.		Total.		
	Number.	Per cent. of elected.	Number.	Per cent. of nominated.	Number.	Per cent. of Corporation.	Number.	Per cent. of elected.	Number.	Per cent. of nominated.	Number.	Per cent.	Number.	Per cent. of elected.	Number.	Per cent. of nominated.	Number.	Per cent.	Number.	Per cent. of elected.	Number.	Per cent. of nominated.	Number.	Per cent.	
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25		26
(a) { Hindus ..	31	64.6	7	29.1	38	52.7	37	61.6	2	13.3	39	52.0	15	75.0	5	50.0	20	66.6	9	75	3	50	12	66.6	
(a) { Muhammadans	5	10.4	3	12.5	8	11.1	8	13.4	5	33.3	13	17.3	2	10.0	1	10.0	3	10.0	2	16.7	1	16.6	3	16.6	
(a) { Europeans and Eurasians.	12	25	11	45.9	23	31.9	14	23.3	6	40.0	20	26.8	3	15.0	3	30.0	6	20.0	..	..	1	16.6	1	5.6	
(b) { Parsis ...			1	4.2	1	1.4			1	6.6	1	1.3	..	..	1	10.0	1	3.4			1	16.6	1	5.6	
(b) { Jews			2	8.3	2	2.8			1	6.6	1	1.3	..	..	..	..	..	..			..	..	..	..
(b) { Armenians	..				..		1	1.7	..		1	1.3							1	8.3			1	.6	
Total	48	100	24	100	72	100	60	100	15	100	75	100	20	100	10	100	30	100	12	100	6	100	18	100	
(a) Natives	36	75	10	41.7	46	63.9	45	75	7	46.6	52	69.3	17	85	6	60	23	76.6	11	91.6	4	66.6	15	83.3	
(b) Others	12	25	14	58.3	26	36.1	15	25	8	53.4	23	30.7	3	15	4	40	7	23.4	1	8.4	2	33.4	3	16.7	

B.

Statement showing the composition of the Municipal body of Calcutta according to Trades and Professions.

	Lawyers.		Doctors.		Engineers		Public service.		Land and house owners.		Merchants and traders		Others.		Total.		REMARKS.
	1882.	1895	1882	1895	1882.	1895.	1882.	1895.	1882.	1895.	1882.	1895.	1882.	1895.	1882	1895.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
<i>Elected.</i>																	
Hindus	11	17	3	2	1	2			9	8	5	7	2	1	31	37	
Muhammadans	3	2	...	2			1	3	1	1					5	8	
Others	4	4	...	1			6	2		...	2	4		4	12	15	
Total	18	23	3	5	1	2	7	5	10	9	7	11	2	5	48	60	
<i>Nominated.</i>																	
Hindus	1	..	.	..	...	...	1	1	5	1					7	2	
Muhammadans	1	2	..	...	..	..	1	2	...	1	...	...	1		3	5	
Others	1	2	1	2	1	.	4	2	2	1	5	1		...	14	8	
Total	3	4	1	2	1	...	6	5	7	3	5	1	1	...	24	15	
GRAND TOTAL	21	27	4	7	2	2	13	10	17	12	12	12	3	5	72	75	

C.

Statement showing the number of Electors in Calcutta and the voting power possessed by them in 1895.

NUMBER AND NAME OF WARD.	Total population.	Total number of registered voters.	HINDUS.				EUROPEANS.				MUHAMMADANS.				PARSIS, JEWS AND OTHERS				TOTAL VOTING POWER.	
			Number of voters.	Per cent of voters.	Voting power.	Per cent. of voting power.	Number of voters.	Per cent. of voters.	Voting power.	Per cent. of voting power.	Number of voters.	Per cent. of voters.	Voting power.	Per cent. of voting power.	Number of voters.	Per cent. of voters.	Voting power.	Per cent. of voting power.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
1. Shampooer ..	6,934	446	443	99·3	1,833	99·0	1	·2	12	·6	2	·4	5	·3					1,850	
2. Coomertooly ..	29,951																			26,614
3. Burtollah ..	8,057	517	503	97·2	2,061	96·6	2	4	24	1·1	12	2·3	48	2·2					2,133	
4. Sukea's Street	28,374																			9,078
5. Jorabagan ..	25,750	754	741	98·2	4,129	98·4	5	·7	28	·6	7	·9	35	8	1	·1	3	·07	4,195	
6. Jorasanko ..	39,180																			41,657
7. Burrabazar ..	20,646	1,964	1,578	80·3	5,696	70·8	160	8·1	1,151	14·3	136	7·0	702	8·7	90	4·5	489	6·0	8,038	
8. Collootolah ..	20,646																			50,781
9. Moocheepara ..	10,363	747	609	81·5	2,329	83·2	46	6·1	147	5·2	92	12·3	324	11·5					2,800	
10. Bowbazar ..	39,109																			22,668
11. Puddopooker ..	22,668	591	485	82·0	1,901	82·9	99	16·7	368	16·0	6	1·0	19	·8	1	·2	5	·2	2,293	
12. Waterloo Street	20,761																			6,083
13. Fenwickbazar	28,366	784	341	43·5	1,427	43·9	242	30·6	1,101	33·8	181	23·0	574	17·6	20	2·5	147	4·5	3,249	
14. Taitollah ..	29,207																			28,366
15. Collinga ..	29,207	420	93	22·1	406	20·9	207	49·3	1,111	57·1	109	26·0	357	18·3	11	2·6	69	3·5	1,943	
16. Park Street ..	13,218																			4,620
17. Bamun Bustee	4,598	119	26	21·8	197	20·6	83	69·7	687	72·0	6	5·0	30	3·1	4	3·3	40	4·2	954	
18. Hastings ..	4,820																			4,820
19. Entally ..	33,147	383	204	53·2	791	52·3	124	32·3	520	34·4	51	13·3	170	11·2	4	1·0	21	1·3	1,511	
20. Baniapooker ..	23,020																			211
21. Ballygunge ..	22,831	270	128	43·7	506	44·8	72	27·0	404	35·8	68	25·2	207	18·3	2	·7	11	1·0	1,128	
22. Bhowanipur	42,591																			14,804
23. Alipur ..	14,804	197	153	77·6	485	70·8	19	9·6	136	19·8	25	12·7	64	9·3					685	
24. Kidderpore ..	15,340																			116
25. Watgunge ..	26,833	265	205	77·3	743	73·4	28	10·5	168	16·5	31	11·7	91	9·0	1	·4	12	1·1	1,014	
Total ..	649,401																			13,432

Reply of the Government of India, Home Department, to the Government of Bengal, regarding the Calcutta Municipal Bill, No. 142, dated the 16th March, 1898.

No. 42, dated Calcutta, the 16th March, 1898.

From—J. P. HEWETT, Esq., C.I.E., Secy. to the Govt. of India, Home Dept.,
To—The Secretary to the Government of Bengal, Municipal Department.

IN continuation of letter No. 40, dated the 10th instant, conveying the approval of the Governor-General in Council to the publication under Rule 34 of the Rules of the Bengal Legislative Council of the draft Bill submitted with your letter No. 1233M., dated the 7th instant, to amend the law relating to the municipal affairs of the Town and Suburbs of Calcutta, and to authorize its extension to Howrah, I am directed to say that His Excellency in Council sanctions the introduction of the Bill in the Council of the Lieutenant-Governor for the purpose of making laws and regulations. I am accordingly to convey the sanction of the Governor-General in Council required by section 5 of the Indian Councils Act, 1892, and to say that His Excellency in Council has no objection to the penal clauses in the Bill.

2. The Governor-General in Council has carefully considered the reports regarding the appalling state of affairs brought to light by the Medical Board, which was appointed by the Lieutenant-Governor in October, 1896, and by the six Sanitary Officers deputed by the Board to make a sanitary survey of the Town Proper and the added area, and in the opinion of His Excellency in Council, they demonstrate the necessity for reform in the present municipal law. This state of affairs is, in the language of the Medical Board, a standing menace to the health of the city, and may seriously affect the commercial relations of the port with foreign countries. It is calculated in the case of an epidemic to endanger many thousands of lives. That there are defects in the constitution of the Municipality which have prevented the proper sanitation of the city will be admitted, the Government of India venture to believe, by most of the Commissioners themselves; but the Commissioners are not responsible for these defects, and it is to be hoped that they will appreciate and give their best assistance in furthering the endeavours which are being made to apply a remedy for the existing state of things. The amendment of provisions which have been found to be unworkable is most conducive to the real advancement of municipal government, and the Governor-General in Council trusts that the changes to be effected in the law will be found to be reforms leading to the better administration of the Municipal Corporation of the metropolis.

3. Sir Alexander Mackenzie has come to the conclusion that the first step necessary is to revise the Calcutta Municipal Consolidation Act, 1888, throughout, so as in the first place to provide for a responsible municipal executive, and in the next place to furnish this executive with a law adequate to the sanitary requirements of the present day and the condition of Calcutta as it now is. The Lieutenant-Governor does not propose to make any large changes in the actual constitution of the Municipality. He wishes to leave untouched the number of the Commissioners and the methods of electing and appointing them. He does not propose to alter the franchise or to reconstruct the present arrangement of wards. But he considers it essential that the Corporation should be provided with an efficient executive, and that a small working committee should be interposed between the Chairman and the main body of the Commissioners. It is, in Sir Alexander Mackenzie's opinion, equally essential, if the heavy and complicated business of the city is to be carried on smoothly, that the functions of these three authorities—the Corporation, the General Committee and the Chairman—should be precisely defined and carefully distinguished in the amended Act. It is, His Honor points out, the absence of such definition which has brought the municipal administration in Calcutta almost to a standstill. His Honor is accordingly satisfied that the time has come to undertake the re-construction of the Calcutta Municipal Act, which in many instances is imperfectly drafted, as has been frequently shown in the Courts, on the lines of the Bombay Municipal Act, so far as these are applicable to the conditions of Calcutta. The draft Bill has been framed to give effect to His Honor's recommendations.

4. Sir Alexander Mackenzie presses upon the Government of India the vital importance of the constitutional clauses of the Bill. The threatened approach of plague has, it is urged, thrown into strong relief not only the commercial and international consequences of shortcomings in the conservancy of Calcutta, the need of a proper drainage system, an increased water-supply, and a well organized Health Department, but also the necessity for taking effective measures to reduce the over-crowding of certain quarters of the city, the condition of which is such that if plague once found a footing there, it might take years to eradicate it. For the effectual working out of these all-important

reforms His Honor considers it essential that the powers of the General Committee and of the Chairman should be defined as have been proposed in the Bill. It is said that the sections defining these powers have received His Honor's most careful consideration, and that the success of the Bill hinges entirely upon them.

5. 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; and after giving anxious consideration to them, the Government of India have determined to give their general approval to Sir A. Mackenzie's proposals. The proposal to revise the law has also received the approval of the Secretary of State. The Governor-General in Council observes with satisfaction that the Lieutenant-Governor is inviting the fullest discussion of the measure and is assured that His Honor will carry out the proposed legislation in as conciliatory a manner as possible. His Excellency in Council does not propose at the present stage to examine the details of the Bill, but he will watch with interest the discussion of the measure by the Select Committee and the Council of the Lieutenant-Governor, and feels confident that the views of the Corporation and the leading Associations, which are being invited by the Lieutenant-Governor, will receive careful and attentive consideration at their hands.

Extract from the Speech of the Hon'ble Sir Alexander Mackenzie, President, regarding the course of legislative business, delivered at the Bengal Legislative Council on the 26th February, 1898 (re the Calcutta Municipal Bill.)

“Passing from the Land Revenue to the Municipal Department, we hope to lay before you very shortly an elaborate Bill for reforming the Municipal Law of Calcutta.

“The necessity of legislation was originally urged upon us for the purpose of enabling the Commissioners to recover license tax from certain companies which now escape payment, and in order to supply an omission in section 237 of the Act, which renders it impossible for the Corporation to exercise effective control over alterations in buildings. Since the amendment of the law with regard to these points was decided on, facts were brought to light in connection with the alarm of plague in Calcutta, which showed that the present constitution of the Municipality is ill-adapted to stand the strain of a grave and sudden emergency, and fails to secure the prompt and continuous executive action which is necessary in view of the fact that the sanitation and conservancy of the great Indian maritime cities has now become a matter of international concern. In point of fact under the present law there is no municipal constitution at all in the proper sense of the word. Everything is fluid and indefinite. The Act vests in the Commissioners all powers, whether they are such as a large deliberative body can properly exercise or not; but it allows the Chairman to exercise all the powers vested in the Commissioners, except those reserved to the Commissioners-in-meeting, subject to such limitations and conditions as may be imposed, before or after he has acted under this power, by a resolution of the Commissioners. It further confers an unlimited power of controlling the Chairman by the action of Committees. By thus failing clearly to define the powers of the executive, the Act renders it impossible to say as regards any given matter in what part of the Corporation the executive resides, or indeed whether there is any executive at all. The consequences have been what might have been expected—a complete breakdown of the conservancy of the town at a critical period and serious confusion in many other departments of the municipal administration, without the possibility of determining with any approach to certainty where the responsibility for such a state of things lies.

“It was felt that it would be unfair to the Commissioners as a body, no less than to the Chairman and the heads of the departments under him, to expect them to carry on the administration of the city under the altered conditions arising from the danger of the plague and the threatening attitude of European powers with a machinery so ill-adapted for its purpose, and the Government of India have accepted the opinion that material changes in the municipal constitution of Calcutta are called for. The proposals of this Government which were embodied in a provisional sketch of the amended law have been submitted to the Secretary of State, and as soon as his sanction is received, a complete Bill which is now under preparation will, after receiving the formal sanction of the Government of India, be introduced into this Council. I may mention that I found, when at home on leave, that a keen interest is taken in this measure by the Secretary of State personally, by the commercial community at Home and many Home authorities, who consider that a reform is called for without unnecessary delay. My proposals have met with the general approval of the Government of India.

We are awaiting the orders of the Secretary of State (telegraphic intimation of his assent has just been received), and we shall then do our best to get the measure passed after a reasonable amount of discussion and consideration. The Bill is a large and, I hope, very complete measure, and deals with all branches of the administration of the city. It leaves untouched the number of Commissioners and the existing methods of electing and appointing them. While it reforms the procedure for election, which is admitted by every one to be defective, it does not alter the franchise, nor does it reconstruct the present arrangement of wards. It provides the Corporation with an efficient executive and interposes between the main body of the Commissioners and the Chairman a working Committee of twelve, elected and appointed so as to represent the three chief interests in Calcutta—the Government, the commercial community and the residents. We have made use of the experience of Bombay which Mr. Risley was specially deputed to examine on the spot. The functions of the three municipal authorities—the Corporation, the General Committee and the Chairman—are precisely defined and carefully distinguished. To the Corporation is reserved the power of fixing the rate of taxation, of passing the Budget and of deciding all the large issues which can properly be discussed by a deliberative assembly of 75 members. The Chairman, as in the Bombay Act, is vested with all executive power, to be exercised, as is laid down in each case, either independently or subject to the approval or sanction of the Corporation or the General Committee as the case may be. The General Committee as the working body of the Municipality stands between the deliberative and executive authorities, and deals with those matters which by their nature are ill-adapted for discussion by the Corporation, and yet are too important to be left to be disposed of by the Chairman alone. Power is taken for the General Committee to appoint Sub-Committees, on which I hope to see all the real workers among the Commissioners utilised. When the Bill is introduced and referred to a Select Committee, the distribution of powers between the municipal authorities will be a matter requiring careful discussion, but there can be no doubt that the principle of distributing power somewhat in the manner proposed is essential to the smooth and efficient working of the municipal constitution.

“One great advantage from the proposed change in the constitution is that I have reason to believe that the European community of Calcutta will, if it is accepted, no longer stand aloof from the Corporation, acting generally as hostile and not always well-informed critics, but will (as Kristo Das Pal hoped in 1876) take their fair share in municipal work and responsibilities.

“The remaining provisions of the Bill are of less general interest, and will be explained when the measure is introduced. Mr. Risley has been for some weeks past on special duty in connection with the Bill, preparing it Chapter by Chapter in communication with our Assistant Secretary and other competent advisers for my orders. I have been over it again and again, section by section, and it is in my judgment a measure which will be welcomed by all who have at heart the interests of Calcutta and the trade of Upper India.

“The Bill embodies such of the suggestions of Mr. Justice Trevelyan’s Building Commission as could properly come within the scope of a Municipal Bill, and I take this opportunity of heartily thanking Mr. Trevelyan and his colleagues for the time and trouble they have bestowed on the important matters referred to them.

“The question of opening up the unhealthy and congested areas in Calcutta, in some of which 75 per cent. of the space is occupied by solid masonry, is a very difficult one, and no attempt has been made to deal with it in this Bill. A well-considered scheme for meeting a similar difficulty is now under discussion in Bombay, and a Bill for giving effect to it has been introduced into Council there. It seems probable that whatever action may be taken hereafter in Calcutta will have to proceed on the same general lines, that is to say, a special Commission or Trust will have to be formed, and funds will have to be placed at their disposal. Where are the funds to come from? In Calcutta there is no land for the Government to make over for the Trust to manage and improve and thus convert it into a valuable asset, on the security of which money may be borrowed and applied to the formation of new streets. The only alternative seems to be the imposition of some tax which might be administered by the Trust and might form the basis of their financial operations. Several suggestions of this kind have been made by the Building Commission presided over by Mr. Justice Trevelyan, the report of which will be published as soon as the Municipal Bill is introduced into Council. Each of these suggestions raises large economic questions on which wide differences of opinion may exist, but there can be no doubt that unless some means of raising funds can be devised, the prospect of improving the congested areas of Calcutta must be indefinitely deferred.

A CRITICISM

ON

Sir Alexander Mackenzie's Speech at the Bengal Legislative Council on 26th February, 1898.

(BY BABU NALIN BIHARI SIRCAR.)

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

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

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

That the Health Officer be requested to pay daily visits to the different parts of the town instead of paying three visits in the week, and to issue strict orders to all his subordinates to pay particular attention to the cleansing of the

town, and, if necessary, to employ additional dhangurs and coolies for the purpose at an additional cost, and apply for its sanction, and that he be further requested to order the Medical Officers under him to report immediately to him if any one of them comes across any case which appears to him to be either a genuine or a suspicious case of Bubonic Plague.

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

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

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

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

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

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

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

But whether justified or not, or whether there be any real necessity for a radical alteration of the Act, His Honor wants the change, and he must have it. He says, “in point of fact, under

the present law there is no municipal constitution at all in the proper sense of the word. Everything is fluid and indefinite.”

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

It is difficult to understand what this really means; for, is not the constitution of the Corporation very definitely set forth in the Municipal Act? Part I of Chapter II of Act II (B. C.) of 1888 deals with this point in as clear a manner as possible. The Corporation of Calcutta consists of one Chairman, one Vice-Chairman, and 75 Commissioners—partly elected and partly nominated, in the proportion of 2 : 1. Of the 75, 50 are elected by the rate-payers, and 15 are appointed by the Local Government, 4 by the Bengal Chamber of Commerce, 4 by the Calcutta Trades Association, and 2 appointed by the Calcutta Port Trust. The Chairman is appointed by the Local Government and the Vice-Chairman by the Commissioners-in-meeting. But it is not proposed to amend this part of the Act; the Bill, His Honor has observed, “leaves untouched the number of Commissioners and the existing methods of electing and appointing them.* * It does not alter the franchise, nor does it reconstruct the present arrangement of wards.” In this connection it may not be out of place to mention that the present constitution, with slight modifications, has been in existence ever since 1876; it was adopted in 1875, and again in 1888, after a very full and thorough discussion of the question from all the standpoints, by the public at large, including every section of the community.

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

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

To anybody acquainted with the details of municipal administration, these observations of His Honor must appear to have proceeded from absolute ignorance of the daily practical working of the Act. It is true that all powers are vested in the Commissioners, but with the exception of a few, they are practically exercised, not by the large deliberative body, as Sir Alexander Mackenzie would seem to suggest, but by the executive to whom all the powers are delegated. The Commissioners, as a body, only exercise appellate powers, keeping a strict supervision and general control over the action of the executive officers of the Corporation. The section of the Act which deals with this matter is 61, and runs as follows:—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WATER WORKS INSPECTORS —Section 160

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

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

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

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

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

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

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

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

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

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

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

ANALYST.—Section 153 (Test purity of water)

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

The *Collector*.—The duties of the Collector are to collect all rates due to the Corporation in Wards 1 to 16, as also all miscellaneous bills made over to him for that purpose by the officers of the Corporation. He should present all rate-bills at least twice (if not paid on first presentation) within the quarter to which they relate, and at the end of

quarter, transfer such as are unpaid to the Warrant Superintendent. Similarly, after keeping miscellaneous bills for three months and presenting them not less than twice, he should transfer them to the Warrant Superintendent at the end of that period, unless any written objection has been preferred by the payee: in which case the bill, with the objection, should be sent to the Vice-Chairman for orders before its transfer to the Warrant Superintendent.

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

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

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

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

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

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

He will more especially exercise the statutory powers conferred on the Commissioners by the following sections.—
Sections 121, 142, 144, 146, 180, 351, 393, 440, and 451.

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

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

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

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

It has been observed that the Act "further confers an unlimited power of controlling the Chairman by the action of the Committee." This, however, is not really the

The Committees of the Corporation, as a rule, exercise deliberative and Consultative functions and are subordinate to the Corporation. They are seldom in opposition to, but generally speaking work in harmony with the Chairman.

case. The law does not give any power to Committees to control the Chairman, except that, when the Chairman differs from the majority of any Committee on any matter (and such instances have been found in practical experience to be very few and far between), he cannot take action until it is finally decided upon by the Commissioners-in-meeting; and as the Chairman has the power of calling meetings of Commissioners, he

may, according to the urgency of the question, have the matter brought up before the Commissioners as early as he may deem it necessary, and obtain their decision. The Committees are appointed under sections 63 and 65. Section 63 deals with the appointment of the General Committee, which is called the Finance Committee; all other Committees are appointed under section 65, which runs as follows:—

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

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

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

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

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

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

* * * * *

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

* * * * *

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

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

Commissioners into the details and difficulties of municipal administration, whereby they become participators in, instead of mere critics of, the work done; while the practical power, which they thereby wield, creates a sense of responsibility for the exercise of that power, which proves a most valuable auxiliary to the executive officers of the Corporation

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

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

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

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

General outline of the proposed change in the constitution

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

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

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

Thus the important radical difference between the present and the proposed law as to the constitution lies in this: under the present Act the Chairman, as the head of the executive, exercises all the powers vested in the Commissioners, subject to general supervision and control by the Commissioners-in-meeting. The Executive is in fact responsible to the general body of Commissioners

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

for the proper discharge of the work undertaken by them; if there be any remissness on the part of the executive in respect of any particular matter, or if the executive is found to go astray, or if any of its orders prove hurtful to the public interests, and produce unnecessary hardship and discontent amongst the rate-payers or any section of them, it is open to any Commissioner or Commissioners to bring up the matter before the general body, have it thoroughly discussed, and a proper decision arrived at by the light of all available information on the subject. Under the proposed law, the powers will be divided between the Corporation, the General Committee and the Chairman; and with

such division of powers, the responsibility must be divided also. With respect to powers to be assigned to the General Committee and the Chairman, these authorities will each be quite independent of the general body of Commissioners. For the proper discharge of those functions they will practically be responsible to nobody. The executive powers that will be assigned to the Chairman (and these will necessarily be many and varied) cannot, in the nature of things, be all exercised by him personally: most of them must be delegated to the various subordinate officers down to the Inspectors. And if any of these powers be abused, in their actual exercise, the party suffering will have no remedy, as he now possesses, by way of an appeal to the higher authority, *viz.*, the Commissioners-in-meeting.

The proposed alteration in the constitution is objectionable in many ways. In the first place it is unnecessary and uncalled for. It is alleged that the present system has failed, and some stray defects and irregularities are pointed out in support of this allegation.

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

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

That the present system has, on the whole, worked harmoniously and well, the records of the

Testimony of successful administration of the Municipality under present constitution.

Commissioners will abundantly shew. On this very point there was a significant paragraph in the Introductory note to the Administration Report for 1891-92 from the pen of the late Mr. Harry Lee, then Chairman of the Corporation. The paragraph runs as follows:—

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

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

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

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

Sir Antony MacDonnell has perused with much interest the report reviewed in the preceding paragraphs; it records the execution of much useful work, especially in the direction of sanitation and of structural improvements, such as the extension of drainage and water supply and the improvement of *bustees*, and for their share in carrying out these measures, the thanks of the Lieutenant-Governor are due to the executive officers of the Corporation, the Engineer and the Health Officer. The Commissioners themselves have, as a whole, displayed a care and attention to their duties which is very meritorious, and has in some cases risen to the level of devotion. The year, though not actually one of straitened resources, was yet clouded by the shadow of impending pecuniary difficulties, and the policy of the Commissioners has doubtless on some occasions been guided by this circumstance, which has induced them to shrink from expenditure on objects which have strong claims upon them. In executive matters the Lieutenant-Governor perceives an occasional want of vigour, especially in the collection of rates, the enforcement of the law in regard to license fees, and the recovery of expenses from the owners of *bustees*. But these defects admit of remedy; and on suitable opportunities they will no doubt be remedied. Leaving them out of consideration, Sir Antony MacDonnell very cordially acknowledges the services the Corporation have rendered to the city, and thanks them for the careful control which they have exercised over the various departments of the municipal administration.

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

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

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

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

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

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

and to voting the annual budget ; while the Town Council saw that the money was properly expended, and the executive work was done by the Municipal Commissioner. The constitution of a Municipality somewhat upon that principle seemed to Mr. Schalch a good idea.

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

The scheme which the hon'ble member who last spoke had propounded, he was sorry to say, had the character of a half measure. It was borrowed from the Bombay Municipal Act, and hon'ble members were doubtless aware of the violent opposition that Act met with from the citizens of Bombay whilst it was passing through the local Council. Europeans and natives banded themselves together to oppose the passing of the Bill, and they came up to the Viceroy, praying that he would put his veto upon it. His Excellency allowed the Bill to pass, upon the ground that it was a merely tentative measure, and Babu Kristodas Pal hoped that a Bill passed under such doubtful auspices would not be made a model for the municipal constitution of Calcutta. If a move was to be made for the amendment of the municipal constitution of Calcutta, he hoped that the right of election on a broad basis would be conceded. He was not prepared to say that the Council was in a position, or that the time had arrived to concede a thorough elective system to the town of Calcutta, but he must observe that no mere tinkering of the municipal constitution would satisfy the public. If it was thought advisable to give the citizens of Calcutta the right of self-government, they ought to have it fully and unreservedly.

And so did Sir Stuart Hogg. He said :—

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

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

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

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

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

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

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

1st.—

2nd.—

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

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

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

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

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

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

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

The proposal is objectionable, as it will introduce elements of friction and discord between the executive and the Corporation and the General Committee, by division of powers.

Corporation, friction and disagreement will arise, resulting in serious complications. At present the Chairman feels that as the head of the executive, he is subordinate to the Corporation, and his duty is to loyally carry out the orders of the Commissioners as a body. Under the present condition of things no friction is at all possible, and work is bound to go on smoothly, the entire responsibility of the administration resting with the Corporation.

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

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

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

The typical American Mayor is no part of the Council or its organization. He is elected directly by the people. He is an independent, co-ordinate authority. He bears somewhat the same relation to the Council that the President

of the United States sustains towards Congress or the Governor of a State toward the Legislature. The analogy falls short, however, in the very important practical fact that the work of Congress and the State Legislature is principally that of legislation, while the work of Municipal Councils is of necessity principally that of administration. The theoretical independence and distinct executive responsibility of the President and the Governors is extremely difficult to maintain in practice, for the line between legislative and administrative work and authority is not at all distinct. Still more difficult is it in practice to apportion duties and responsibility between an American Mayor and the Common Council in such a way as to secure real efficiency on both sides. It is not easy to see where, in the nature of things, the proper functions of one authority end, and those of the other begin. In the dispersion of authority, definite responsibility too easily disappears.

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

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

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

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

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

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

I do not propose to trouble the Council at this stage of the Bill with any further remarks. I will only say this in conclusion, that, regarding the Bill as a whole, the effect it seems likely to have is to reduce the powers of the Corporation and Town Council, and to enhance those of the Commissioner, not only at the expense of those bodies, but also of the Health Officer as well. In all these respects I think the principle of the Bill is wrong. I admit that we are all anxious to secure the good government of the city, and that what we have to consider is its true interests. I admit that to conserve those interests properly, we ought to have a strong executive. But to conserve those interests it is not necessary to make the executive independent of the higher municipal authorities. The executive ought still to be answerable to the Town Council and Corporation. So far, although we have had the various anomalies, and the conflicting jurisdictions and the laxities of phraseology to which references have been made, still we have worked on the whole successfully. The Municipal Commissioner has been the head of the executive, no one meddling with him in that respect. The Corporation has retained the province of supervision. The Corporation has in the

past been, in fact, only too glad to support the Commissioner, whether it has been consulted before or after any action taken by him. I do not say that the confidence reposed in the Commissioner has not been in general fully deserved. But, on the other hand, it is a mistake to suppose that there will ever be any endeavour to stretch unduly the powers of the Corporation. Tendency of this Bill, however, is, when correctly viewed, towards a material abridgment of the Corporation's powers, and towards allowing the Commissioner the amplest possible scope. This is not as it should be. It may hereafter happen that we shall get a Commissioner anxious to assert his own powers, and not careful about the due powers of other authorities. Friction will then ensue. If you want to have complete success, define the powers of the Commissioner as well as those of the other authorities fairly. Here you have restricted unduly the powers of the Corporation, while the Commissioner's powers are almost unlimited. But it is said that this must be so, because power and responsibility ought to go together. This is true enough, but I say that, under the provisions of this Bill, power and responsibility do not go together. They are completely divorced. The power under section 219, as I have already pointed out, does not go with the responsibility under section 62 for identical matters. Again, when it is said that the Municipal Commissioner is responsible for the condition of the city, I ask to whom is he responsible? It is to the Corporation he ought to be responsible, and then the proposition about power and responsibility going together ceases to have any application to the case. My *beau idéal* of Municipal Government includes a strong executive responsible to the Corporation and an enlightened Corporation watchful over its Executive. Under such a constitution you may give full play to the good sense of the Corporation, which has been, on the whole, pretty well shown during the past fifteen years. But the principles of this Bill are as far from my *beau idéal* as they could well be. And I am afraid that this Bill will not accelerate, but rather retard, the approach of it. Local Self-Government is a sham if no trust is reposed either in the Corporation or the Town Council. I do not say that Mr. Naylor or Mr. Ollivant is actuated by a distrust of popular government, but their confidence in it is weaker than it should be. If it had been as strong as I think it ought to have been, many of the provisions of this Bill would have been very different from what they are. If the pre-eminent position of Bombay, to which reference has been made in the speech of the honourable member, requires a special mode of government, let us by all means consider that point. If popular government cannot be trusted to cope with all the necessities of that pre-eminent position, let us abolish the Municipality altogether, and let us have a strong administration, and rule by means of the Governor in Council. But if we are to have popular government, let us have it in a genuine form, with power and responsibility in the hands of those who represent the people. Considering the large expenditure which has been incurred and the great development of the city, which Mr. Naylor has described as marvellous, there are grounds, in my opinion, for reposing great confidence in those representatives. There may have been blunders, but these blunders are a necessary part of our municipal education, and are not always absent under autocratic rule. We must be prepared to put up with such occasional blunders to secure eventual good government.

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

The constitutional portion of our Municipal Law is rightly considered to be its most important portion; it is the keystone of the whole arch, for, however excellent and elaborate the other provisions, they would be useless unless the forces to work them were properly and judiciously organized. Now it can be affirmed, without fear of serious contradiction, that the constitutional lines on which our municipal administration has been carried on since the present Act was passed have been these:—That the Corporation, with the help of the Town Council, was the supreme administrative body, with the Commissioner as its sole executive officer, invested with full executive power and responsibility; that the Corporation had the fullest control over the Budget, which it exercised—not simply generally, but by constant criticism and supervision, and in a way to bring home to the Commissioner that he was constantly responsible to the Corporation for the due discharge of his duties. Whether fully or clearly expressed in the Act or not, these have been the lines on which the Municipal Administration of the last fifteen years has been conducted. If we way judge from the debate that took place in Council on the Bill of 1872, something like this was intended by its framers. In the somewhat animated debate that took place on the third reading of that Bill, Mr. Rogers, then one of the Executive Council, explained that “a great deal of the mistrust as to the power of the Municipal Commissioner has, I think, arisen from the wording of section 42,” but the words, “entire executive power and responsibility for the purposes of this Act shall be vested in the Commissioner,” do not mean to imply that he can do as he likes. He is simply the executive officer of the Corporation, with the power to carry out all that he is ordered to do by the Corporation, who must provide him with the necessary funds. The measure of 1872 was brought in because the previous constitution provided by Act II of 1865 had signally broken down. And when I say that the present Bill, in its original form, was a retrograde measure, what I substantially mean to say is that it goes back to the discredited principles of 1865, in regard to the position of the Commissioner in the constitutional scheme. The statement of the constitutional principles of the Bill bears a remarkable resemblance to the statement of the principles of the Act of 1865. It is clear from the Statement of Objects and Reasons, as well as the speech of the honourable member in introducing the Bill, that its object and intention was to place the municipal administration of the city in the hands of the Commissioner, controlled only generally by “the power of the purse” given to the Corporation. It was frankly admitted by the hon'ble member, in the discussion in the Select Committee, that it was intended the Corporation were to have no powers of criticism, initiation, or supervision, and that after the Budget grants were sanctioned, the less they met and talked the better. It is impossible not to be reminded by this account of the constitutional scheme of the Bill, of the striking resemblance it bears to the account given of the constitutional scheme of the Act of 1865. The Hon'ble Mr. Cassels, who introduced the Bill of 1865, described the municipal constitution that was to be created by it in the following words: “This Bill vests all Municipal property in Bombay in the Bench of Justices, which is for this purpose made a body corporate, having perpetual

succession and a common seal. The Justices will, therefore, exercise complete control over the Municipal Fund and the Commissioner will annually submit to the Bench a budget of estimated receipts and disbursements which the Bench may alter or modify as they deem fit; and after the Budget has been voted, no new works are to be commenced by the Commissioner without further order from the Bench. In this manner the Justices will hold the purse strings, and will exercise a minute supervision over the details of all income and expenditure, but they will not be allowed so far to interfere with the responsible executive officer as to order any works to be undertaken which he has not first proposed, the initiative in this respect being reserved for the Commissioner. But, should the Commissioner not faithfully and energetically perform his duties, he can at any time be removed on a suitable representation from the Bench." This passage may well be accepted as a brief *resumé* of the constitutional features, and the arguments in their support, of the present Bill as originally introduced. Thus, I think, it cannot be gainsaid that so far it must be regarded as a retrograde measure, endeavouring to go back from the principles of the legislation of 1872 to those of the legislation of 1865. Now, my Lord, I am ready to admit that it may be wise sometimes to retrace steps in the light of experience. Then, let us see how the constitution on the lines described by Mr. Cassels worked in actual practice; how the power of the purse was sufficient to restrain the Commissioner. Everything was done to secure it a fair trial. One of the ablest officers of the Bombay Civil Service was appointed Commissioner. The Bench was at the time composed of some of the wealthiest, the most educated, and the most enlightened members of the Bombay Community, European and Native. And what was the result? I believe some at least of the honourable members of this Council cannot have forgotten the intense excitement in which the whole city was thrown in 1871 by the complete and, according to some, most disastrous financial breakdown of the system. I well remember the great meetings that were held in the Town Hall to consider the situation, and the sensation that was created when the Chairman of the Finance Committee of the Bench, Mr. Hamilton Maxwell, got up and announced that the Municipality were bankrupt! I was one of those who in those days, at the risk of incurring some unpopularity, or rather the certainty of it, tried to obtain recognition of the services which the Commissioner had undoubtedly performed; but, after the enquiries made by Mr. Hope's Committee, it was impossible to deny that the system had ended in a complete financial failure, and that it was abundantly established that the general power of the purse and the control of the Budget had, by themselves, proved utterly impotent to hold the Commissioner within legal bounds and to restrain him from bringing the city to the very brink of bankruptcy. Such was the proved result of the legislation of 1865 after a trial of six years. Let us now turn to the results of the legislation of 1872, with an elected Corporation and a Commissioner, no longer its master, but its servant, after a trial now of fifteen years. The Council need not be alarmed that I will detain it by a repetition of the numerous acknowledgments of its signal success, elicited from all quarters, and especially from the successive heads of this Government, as well as of the Government of India. The Hon'ble Mr. Naylor has himself fully admitted it. But he seems to labour under the impression, which, I know, is popular in some quarters, that the credit of this success is mainly due to the Commissioner. "The great success of the administration of the last twenty years," said the Hon'ble Mr. Naylor in his introductory speech, "is, no doubt, very largely due to the fact that the entire executive power and responsibility have been vested in the Commissioner, who is an officer especially selected by Government for this very important and difficult post." The true history, however, of this success is very different. We have seen that the result of the administration of the first six years was failure and disaster brought about by the exceptionally able officer selected by Government to wield the entire executive power and responsibility. With regard to the last fifteen years, I emphatically say that the success has been due to the fact that the Corporation has exercised constant control, criticism, and supervision, and, in many important matters, to their direct initiation. I am aware, my Lord, of the charge, not infrequently made against the Corporation, of more talk than work. I cannot help saying that nothing can be more a superficial view of the matter. It may be quite true that we sometimes do talk a certain amount of nonsense, but where on earth is the body or assembly free from this failing? And is it not that it is generally after wading through a certain amount of confusion of thought and knowledge that you ultimately arrive at sound and practical conclusions? The success of the municipal administration for the last fifteen years is, in spite of its alleged talking proclivities, due to the Corporation in three ways:—1st, it has prevented the Commissioner from embarking on hasty, ill-considered and inappropriate schemes by its constant criticism. The fear of this criticism, reasonable and unreasonable, has done more useful negative work than is generally known or imagined; 2ndly, it has introduced great reforms in the executive departments; and 3rdly, it has directly initiated great undertakings for the improvement and sanitation of the city. I will mention only two or three of the most prominent instances. The re-organization of the Assessment Department has been justly recognised as one of the most important events of Mr. Ollivant's administration, bringing a very large increase of revenue. Now, it is not generally known that this re-organization was forced on the Executive by the action of the Corporation led by one of their members, now unhappily deceased, the late Mr. Gocul Dass Jugmohun Dass, whose persistent efforts to expose the shortcomings of the department were at first strenuously opposed. Reform in the Engineering Department was brought about in the same way. The greatest work that the Corporation has yet undertaken—the construction of the Tansa Water Works—was undertaken by it, not at the initiation of the Municipal Commissioner, but of one of its own members. I could multiply these instances; but I think I have said enough to show that the credit of this remarkable success justly belongs, in the main, to the constitutional scheme under which the Corporation carries on the administration by the hands of its executive officer, constantly and continuously controlling, criticising, supervising, and directing him. To revert from a scheme of such promise and performance to the discredited principles of the Act of 1865 would be a blunder indeed.

The original Bill was subsequently considerably modified in Select Committee, and the powers of the Municipal Commissioner were more clearly and definitely laid down in the Act. The Muni-

cipal Commissioner, however, was understood to continue subordinate to the Corporation as the following extracts will shew :—

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

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

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

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

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

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

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

NALIN BIHARI SIRCAR,

Commissioner for Ward No. 4.

The Speech of the Hon'ble H. H. Risley, Member in charge of the Bill, delivered at the Bengal Legislative Council on the 19th March, 1898, at the first reading of the Calcutta Municipal Bill.

The Hon'ble Mr. Risley moved for leave to introduce a Bill to amend the law relating to the municipal affairs of the town and suburbs of Calcutta, and to authorize the extension of the same to the town of Howrah. He said:—

“I have the honour to move for leave to introduce a Bill to amend Bengal Act II of 1888—the Calcutta Municipal Consolidation Act. As I shall have to explain at some length the provisions of the Bill, which extends to nearly 700 sections and makes large changes in the present law, I may dismiss the early history of the subject with a few words. Municipal Government in Calcutta dates from 1840. In that year the town was divided into four divisions, and the Government was empowered, on the application of two-thirds of the rate-payers in any division, to entrust to them the assessment, collection and management of the rates on a scheme to be approved by Government. But this self-working system never worked, for not a single application was made to Government under the Act. There followed experiments with seven Commissioners, with four and with three. The last of the series deserve to be remembered as the originators of the drainage scheme. In 1861 a sort of federal system was proposed by a Committee presided over by Mr. Seton-Karr, but the scheme was not accepted, and two years later the Municipal Commissioners were superseded by the Justices of the Peace working under Act VI of 1863. Further legislation on a variety of points followed, and by the end of 1874 the Municipal Government of Calcutta was regulated by no fewer than 14 Acts. The attempt to consolidate these resulted ultimately in the passing of Bengal Act IV of 1876, which created an elective Corporation. The constitutional provisions of this Act were repeated with no very material alterations in the present law.

“Bengal Act II of 1888 has now been in force since the 1st April, 1889, or nearly nine years. During that time it has, I believe, given rise to more doubt and difficulty as to its construction and operation than any Act that has been passed by this Council. It has been condemned on material points by the Courts, by the many learned Counsel who have advised on its interpretation, and by most of the officers who have had to do with its working. Suggestions for the amendment of the Act were made as long ago as 1891, but Sir Charles Elliott was reluctant to undertake a task of such magnitude except under pressure of the strongest necessity. In 1895 a partial amendment was decided on with the object of enabling the Commissioners to realise license-tax from certain companies which under the present law escape assessment. Subsequently the Corporation represented that section 237 of the Act was defective in so far as it afforded no means of exercising effective control over the rebuilding of houses and material alterations in their structure and urged the necessity of immediate legislation.

“While the Bill making the necessary changes in the law was being put into shape, it was reported that a case of plague had occurred in Howrah, and the Medical Board, now the Plague Commission, was appointed for the purpose of checking the spread of the disease. In exercise of the powers then delegated to them, the Board deputed six Medical Officers to make a sanitary survey of the Town and Suburbs of Calcutta, with reference to certain points indicated for enquiry. The reports of these officers disclosed an appalling state of things, but I do not propose to drag the Council through all this mire. I will merely read a summary which omits the detailed horrors of the reports:—

I.—Overcrowded and badly built houses.—In many parts of the town and suburbs they found that both *pukka* houses and *bustee* huts were dangerously overcrowded, and were built in a manner which rendered proper ventilation and efficient conservancy almost impossible.

II.—Defects of public latrines.—The public latrines and urinals were in many cases faulty in construction; they were imperfectly cleaned and their number was insufficient to justify even a limited application of the penal provisions of the law in regard to nuisances.

III.—Defects of private latrines.—The private latrines were in many cases so constructed that they could not be properly cleaned, nor could the conservancy officers get access to them; and consequently many of them were choked with accumulations of filth.

IV.—State of house-drains and down-pipes.—The house-drains and down-pipes were in many cases broken, choked, and out of repair.

V.—State of surface drains.—The surface drains were blocked with foul matter, latrines were allowed to discharge into them, and the drains themselves were often used as latrines.

VI.—Neglect of road scavenging.—The scavenging of the roads was imperfectly carried out; the staff was inadequate for the work; and the subsoil had become dangerously polluted.

VII.—State of compounds and courtyards.—The condition of the compounds and courtyards of houses was in many cases extremely filthy.

VIII.—Pollution of wells.—Wells in courtyards were contaminated by the percolation of sewage impurities from the soil.

IX.—State of cowsheds and stables.—Cowsheds and stables were situated in thickly populated places; their construction was faulty; they were greatly overcrowded, and their flooring was soaked with sewage which polluted the wells on the premises.

X.—State of hackney carriage stands.—The number of hackney carriage stands was wholly insufficient to meet the current requirements of the town, and they were imperfectly flushed and cleansed.

XI.—Condition of bustees.—Most *bustees* were badly drained and imperfectly ventilated; the huts were too close together; the latrine arrangements led to the pollution of the soil; the roads and lanes were too narrow, and conservancy was imperfectly carried out.

“On these reports the Chamber of Commerce observed in a letter signed by the late Mr. Clarke—

‘No one can rise from even a cursory perusal of these Reports without having the conviction forced upon the mind that there exist in Calcutta conditions of insanitation which constitute a permanent and standing threat against the health of the inhabitants and the prosperity of the city. This would be sufficiently serious if it concerned Calcutta alone, but the Committee cannot blind themselves to the position which Calcutta occupies with respect to the rest of the Province and to India generally. It is in a special sense the point to which all classes throughout the country are attracted, and from which they are dispersed over immense areas, either in the pursuit of business or in obedience to the impulses of religion. Further, the enormous and widely distributed trade of the city makes the health of the inhabitants a matter of constant interest over almost the whole of the world. When viewed in this manner, the state of the city, as disclosed by the Report of the Medical Boards, calls for more than the attention of the Municipal Commission entrusted with the ordinary care of the city: it is a matter which concerns not only the Government of Bengal, but the Supreme Government, and it is sure, the Committee think, to attract very special notice in England, as well as in other countries.’

“The description given by the Sanitary Officers of the condition of parts of Calcutta was borne out by the personal observation of the members of the Board, all of whom, with the exception of the native member, who was in bad health, visited the streets and houses, the conservancy of which had been most conspicuously neglected. The reports were also confirmed in the fullest detail and supplemented in innumerable similar instances by the reports and evidence of Dr. Banks, who had large experience of practical sanitation as Civil Medical Officer of Puri, and was for this reason selected by the Lieutenant-Governor for the post of the Chief Superintendent of Conservancy in Calcutta, a temporary appointment, the Chamber observed, sanctioned by the Commissioners early in October, 1896.

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. But they are a far greater danger to the town now than they were then. For in the meantime the relations of Calcutta to the commercial world at large have been drawn materially closer, and the sanitary condition of the city attracts, and promises to continue to attract, the critical attention of foreign nations to a large and increasing extent. This is due to two causes—the great extension of communications which has taken place throughout the world, and which, as Bombay, the Punjab and the North-Western Provinces now know only too well, facilitates the conveyance of infectious disease from one country to another, and the growth of the science of bacteriology, which traces disease to microscopic organisms, and seeks to ascertain the conditions which govern the development of these organisms and their transmission from place to place. A glance at the proceedings of the recent Sanitary Conventions of Geneva, Paris and Venice will show the importance of what I may venture to call international hygiene, and the prominent part that is played in it by scientific experts. Diplomacy and science are now

working hand in hand towards certain practical ends. On the one hand they are disposed to modify the earlier ideas on the subject of quarantine, which reflect the crude notions of the middle ages on the subject of the transmission of disease. But on the other they do so only subject to certain express conditions. They demand the production of accurate statistics of mortality, and they insist on the effective maintenance of a modern standard of sanitation. Failing these, foreign powers will assuredly enforce quarantine or its modern equivalent as stringently as the Italian Maritime Republics of the 15th century, and will be hampered by even fewer scruples as to the damage that may be inflicted on their greatest commercial rival. In the face of these tendencies and of the facts set forth by the Sanitary Officers, it is essential for us to put our house in order, and the first step necessary is to revise the present Act throughout, so as in the first place to provide the town with a responsible municipal executive, and in the next place to furnish this executive with a law adequate to the sanitary requirements of the present day, and the condition of Calcutta as it now is. It follows further that as the interests threatened are in the first instance those of the foreign trade, not of Calcutta only, but of the whole of Northern India and Assam, the time has come for the representatives of the commercial community to take an active part in the administration of the city. I say in the first instance advisedly, for there is no interest in Calcutta that must not stand or fall with the commerce of the town. Commerce has made Calcutta; when commerce deserts it, house property will dwindle in value, lawyers will lose their clients, schools their pupils, and Calcutta will become a city of the dead like Bruges or Ravenna or the once famous Cinque Ports.

“And 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.

“In point of fact, as His Honour the President observed in his statement on the opening of this session, ‘under the present law, there is no municipal constitution at all in the proper sense of the word. Everything is fluid and indefinite. The Act vests in the Commissioners all powers, whether they are such as a large deliberative body can properly exercise or not; but it allows the Chairman to exercise all the powers vested in the Commissioners, except those reserved to the Commissioners-in-meeting, subject to such limitations and conditions as may be imposed, before or after he has acted under this power, by a resolution of the Commissioners. It further confers an unlimited power of controlling the Chairman by the action of Committees. By thus failing clearly to define the powers of the executive, the Act renders it impossible to say, as regards any given matter, in what part of the Corporation the executive resides, or indeed whether there is any executive at all. The consequences have been, what might have been expected, a complete break-down of the conservancy of the town at a critical period, and serious confusion in other departments of the municipal administration, without the possibility of determining with any approach to certainty where the responsibility for such a state of things lies.’

“The cause of this uncertainty, the great flaw in the present Act, is to be found in section 61. By section 61 the Chairman may exercise all the powers vested by the Act in the Commissioners, save such as are expressly reserved to the Commissioners-in-meeting. But he cannot act in opposition to, or in contravention of, any orders passed by the Commissioners at a meeting, and if any order already passed by him is brought before a meeting and modified or disapproved, he has to modify or cancel his action accordingly. Under sections 63-64, there comes the General Committee, which deals with Budget and Finance, and such other business as may be referred to it by the Corporation or does not lie within the sphere of any other Committee. When the Chairman and the majority of the General Committee concur, and inconvenience is likely to arise from delay, action can be taken in anticipation of the confirmation of a General Meeting, but not otherwise. Under section 65 the Commissioners may appoint any 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 the 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. The Chairman and the majority of a Committee, if in accord, have the same power as the General Committee of anticipating the action of a General Meeting.

“Now in 1895-96 there were the following Standing Committees under section 65 :—

- (1) the Bye-laws Committee with 9 members ;
- (2) the Loans Committee with 9 members ;
- (3) the Hackney Carriage Committee with 6 members.

“These subjects did not apparently interest the Commissioners greatly, and the Committees were comparatively small ; but as we go on we find—

- (4) the Water-supply Extension Committee with 31 members ;
- (5) the *Bustee* and Town Improvement Committee with 38 members ;
- (6) the Suburban Improvement Committee with 21 members ;
- (7) the Roads, Buildings, Conservancy and Tramways Committee with 48 members ;
- (8) the Complaints Committee with 33 members.

“In paragraph 31 of the Annual Report of the Commissioners for 1895-96, it was observed : ‘In connection with these Committees two important changes were made, *viz.*, practically the appointment to a Committee of every member who cared to serve on it, instead of the number being limited to 24 or 26 as in previous years; and secondly, a resolution which was passed by the Committee that in future members of the various Standing Committees be appointed for one year only.’ The pressure of members to be on some of these Committees was so great, that in the end every Commissioner who desired to be on a Committee had to be let in. It is true that in May, 1896, when it was found that many of the Committee members only attended when they had cases to press in which they were interested, the Commissioners again limited the numbers on the Chief Committees to 24, on the Hackney Carriages and Bye-laws Committees to 9, and on the Loans Committee to 6, but this reform was only carried by 3 votes, 26 members voting for it against 23 who preferred unlimited Committees. Since then the members on the chief Committees have been reduced to 18, and those on the minor Committees to 6 or 9. But even now they are too large, and who will venture to say that they may not in future be raised ?

“It may be said that the existence of some, at any rate, of these Committees is necessary for the purpose of considering proposals involving contracts the subject-matter of which exceeds Rs. 1,000 in value, of recommending expenditure, of whatever amount, that is not included in the Budget, and of dealing with matters reserved for the decision of the Commissioners-in-meeting either by the Act or by sanctioned rules or bye-laws. But the Act itself—so vague and defective is it—imposes no such restrictions on the purposes for which Committees may be appointed any more than it limits the number of members who may serve on them, and leaves it open to the Commissioners to intervene in any question or class of questions, whether within the legitimate functions of the executive or not. The machinery for such intervention is to be found in the Complaints Committee, the formation of which was described by Sir Henry Harrison in 1890 as a thoroughly unsound move, emanating from the wish of the Commissioners to concentrate in their hands all power, instead of merely the legitimate power of administration. He foretold, when the Committee was constituted, that they would find no field for their operations in the direction of bringing to light complaints which had received no attention, but that they would degenerate into a mere appellate tribunal from the orders of responsible municipal officers, after they had enquired into cases. This was precisely what happened. 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. ‘The result (said Sir Henry Harrison) has been the creation of an executive appellate tribunal of the worst type. Ordinary persons, who are more likely to need redress, cannot get access to it; it is reserved for a few favoured individuals, who have influence enough with some Commissioner to get their case referred to it; that is, for the very persons who would be sure to receive adequate attention independently of any such Committee. 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.’

“ Summing up the result of these sections they come to this: the Chairman as such has virtually no powers under the Act. Whatever he does he does on sufferance with the knowledge that the power he has ventured to use may be withdrawn from him by resolution, or that the action which he has taken may be upset with retrospective effect. Let any one consider what this means in the light of the following remarks of Sir Henry Harrison, as fair and sympathetic a witness as it is possible to cite:—

‘ The rôle which the elective Commissioners for the native wards have at once assumed is precisely that of checking, watching and controlling in every way, in seeing either that no expenditure is incurred without sufficient reason, or that projects of improvement are not undertaken which cannot be fully justified. They have in fact been the brake-power in the municipal train. But a train cannot progress by brake-power alone, nor can a city thrive by opposition alone. It is also necessary that you should have motive power, and this is precisely the one point in which the Corporation has been deficient. The motive power has been too weak, while the opposition power has been very strong.’

“ The Chairman has the brake-power always against him. He has to convince an adverse majority on a number of Committees, which are appointed only for one year, and may consist from time to time of different members. Every case he deals with he may have to deal with twice over—once in order to settle what is to be done, and once again perhaps a week or a month later in order to convince an adverse Committee that he has done the right thing. A law under which such a state of things 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 practical municipal work. No reasonable being can suppose that an executive, hampered by the possibility of interference by any one of a series of multifarious Committees, and watched by a Complaints Committee which any grievance-monger can set in action, can administer successfully the affairs of a great city. The Chairman may rise superior to these difficulties, and by dint of personal influence cause the unworkable to work, but how about his subordinates? Can you expect good subordinates under such a system? Can you expect men whose appointments depend on the will—it may be the caprice—of the brakemen to be very zealous in obeying the orders of the engine-driver? Can you look, in short, for any thing but doubt, hesitation and general paralysis in the action of the Executive?

“ A further defect in the working of the present Act is the practical exclusion of European men of business from all share in the municipal government of Calcutta. This is the more serious in the case of a heterogeneous community, where the European minority control the commercial interests to which the town owes its existence, and realise very clearly the extent to which the prosperity of those interests depends on the sanitary condition of the town. It is, however, by no means a thing of to-day. The Calcutta merchants, who serve readily and do excellent work on the Port Trust, have always held aloof from municipal affairs. 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 the action of Committees. In 1876, when the introduction of the elective system was under consideration, the Select Committee appointed to frame a constitution for the town fully recognised the peculiar character of the community they had to deal with, and the necessity of bringing into their scheme the principle of special aptitude and special interest as opposed to that of numerical equality. They proposed that out of the 54 members to be elected, 27 should be Hindus, 9 Muhammadans and 18 Europeans, Eurasians, Armenians, Jews, &c., while of the 18 to be nominated, 9 should be Hindus or Muhammadans and 9 persons of other nationalities. This proposal did not satisfy the non-official Europeans, one of whose representatives in the Council, Mr. Brookes, considered the proportion of Europeans too small for efficiency, and suggested that the number should be raised to 25. The Committee’s scheme was rejected, not in consequence of Mr. Brookes’s objection, but in deference to the views of the Hon’ble Kristo Das Pal, who, while admitting the existence in the city of a varied community with conflicting interests, urged that the system of proportional representation would be inelastic and would prevent Hindus from electing Europeans as their representatives. ‘It might be said that the larger number of rate-payers being Hindus, they would flood or swamp the Corporation; that was to say, the majority of persons elected would probably be Hindus, and that other sections of the community would be overridden. He did not think that that would be the case. For his own part, he thought that the Hindus were well aware that they had to learn a

good deal from Europeans, and that in the matter of municipal management they by themselves could not do much. United with Europeans, they could do a great deal, but single-handed, the Hindus were too weak. So he did not believe that the result would be in the direction apprehended.'

"In illustration of this I would ask the attention of the Council to the Statements A, B and C which I lay on the table. Statement A illustrates the comparative representation of the chief nationalities in Calcutta, as it stood in 1882 under Bengal Act IV of 1876, and in 1895 under the present law. It will be seen that the proportion of Hindus among elected members has declined from 64·6 to 61·6, and on the main body of elected and nominated Commissioners from 52·7 to 52. They still, therefore, have an absolute majority in the Corporation, while on the General Committee they compose 66·6 per cent.—the same proportion as in 1882. In so far, then, as it was the intention of sections 8 and 63 of the Act to reduce this undue preponderance, those provisions appear to have proved futile.

"The percentage of Muhammadans has risen on the Corporation from 11·1 to 11·3 and on the General Committee from 10 to 16·6. This result, which is largely due to the Government having, at the instance of the Chairman, nominated six Muhammadans in 1895, is in itself by no means a matter for regret. But the gain of the Muhammadans is more than counterbalanced by the decline in the proportion of Europeans and Eurasians from 31·9 to 26·8 in the Corporation and from 20 per cent. to 5·6 per cent. on the General Committee. A comparison of the figures for Natives (Hindus and Muhammadans) with Europeans, Eurasians, Parsis, Jews and Armenians, brings out even more striking results. The percentage of Natives in the Corporation has risen since 1882 from 63·9 to 69·3, and on the General Committee from 76·6 to 83·3, while the proportion of other nationalities has fallen in the Corporation from 36·1 to 30·1 and on the General Committee from 23·4 to 16·7.

"Statement B shows the composition of the Municipality according to profession. Lawyers, who had 21 seats out of 72 in 1882, have 27 seats in 1895, Hindu lawyers having gained 6 seats. The number of land and house-owners has fallen from 17 to 12; while the merchants and traders, admittedly under-represented in 1882, had the same number of seats in 1895 as in 1882, although the commercial interest in the municipal administration had advanced rather than declined during the period.

"Statement C is based upon the statistics of the ward elections of 1895. It shows that the registered electors amount to only 2 per cent. of the total population of Calcutta; that the Hindus, who are only 66 per cent. of the population, have 73·3 per cent. of the registered electors and 69·5 per cent. of the voting power; and that Muhammadans, who form 29 per cent. of the population, contribute only 10·5 per cent. of the electorate, and exercise only 9 per cent. of the voting power. On the other hand, a comparison of Statements A and C brings out that the Hindus with 69·5 per cent. of the voting power secured in 1895 only 61·6 per cent. of the seats, while Europeans with 19·5 per cent. of the voting power got 23·3 per cent. of the elected Commissioners, and the Muhammadans with only 9 per cent. of the aggregate voting power succeeded in electing 13·4 per cent. of the ward members.

"In whatever way the figures may be combined and analysed, they demonstrate how conspicuously the elective principle has failed to fulfil the expectations held out by Kristo Das Pal that the Hindu rate-payers would often choose European Commissioners, and therefore that precautions to guard against other sections of the community being overridden were unnecessary. They show further how, under the system introduced in 1876, not only do Hindus and Muhammadans command an overwhelming majority, but Hindus alone outnumber on the Corporation all other nationalities put together, and outnumber them much more decisively on the General Committee. 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. They prefer to stand aside and make themselves felt through the Chamber of Commerce, the Jute Association, the Health Society or some other public body which every now and then puts forward some very general proposal with an imperfect knowledge of the facts, and no knowledge at all of the difficulties, financial and administrative, involved in the sanitation of a large Asiatic city. It is one of the greatest evils of the existing state of things that among the various critics of the Corporation, those who are most interested in the questions at issue and best able to make themselves heard should, at the same time, be the worst informed as to the evils that exist, and the least

responsible as regards the possible remedies for them. I am not prepared to blame the merchants and tradesmen of Calcutta for the rule they have adopted, but it is a fatal defect in the law under which the town is administered, that it compels the really influential Europeans among the non-official community practically to cut themselves off from municipal work.

“ Having thus explained, I fear at unavoidable length, the general reason for legislation, I turn now to the provisions of the Bill.

“ We hope to pass the Bill early next cold weather, so that it may come into force by the 1st April, 1899. Section 1 (3) accordingly provides for the appointment of the new General Committee in time to take up its duties when the Bill comes into force. Over the definitions I need not linger, as I shall refer to them, so far as may be necessary, in explaining the substantive sections to which they relate.

“ PART II.—CONSTITUTION AND GOVERNMENT.

“ The Bill leaves untouched the number of the Commissioners and the methods of electing and appointing them; it does not propose to alter the franchise, nor does it reconstruct the present arrangement of wards. But it provides the Corporation with an efficient executive, and interposes a small working Committee between the Chairman and the main body of the Commissioners. The functions of these three authorities—the Corporation, the General Committee, and the Chairman—are precisely defined and carefully distinguished in the Bill. The management of a great city such as Calcutta involves questions of far-reaching importance, and without extensive powers of control resting in the hands of the responsible Chairman and of the Government, it is unreasonable to expect good results from any form of municipal administration. The Bill, therefore, abandons the system followed in the previous Acts of vesting the entire Municipal Government in the Commissioners, with permission to the Chairman to exercise such powers of the Commissioners, not being expressly reserved to the Commissioners-in-meeting, as they may not withdraw from him by resolution, and subject to such conditions as they may lay down. It provides for three municipal authorities—the Corporation, the General Committee, and the Chairman assisted by the Deputy Chairman, who will act only under the Chairman’s orders. All powers conferred by the Bill are distributed among these authorities, with reference to their assumed fitness to exercise them, in the manner shown section by section throughout. To the Corporation are reserved the right of fixing the rates of taxation and all those general functions which can be efficiently performed by a large body, provision being at the same time made against the contingency of their deliberations impeding the transaction of necessary business. Following the Bombay Act, the Bill (section 24) vests the entire executive power in the Chairman, to be exercised either independently or subject to the approval or sanction of the Corporation or General Committee wherever this is expressly so directed. The General Committee stands between the deliberative and the executive authorities, and deals with those matters which by their nature are ill-adapted for discussion by the Corporation, and yet are too important to be left to be disposed of by the Chairman alone. Power is also taken for the General Committee to appoint Sub-Committees either from their own body or from the general body of the Commissioners, on which it is hoped all the real workers among the Commissioners will be utilised, whether they are members of the General Committee or not. Proceeding on these principles, section 5 enumerates the municipal authorities, while section 23 defines their respective functions and provides for a reference to the Local Government in case of doubt arising. Sections 6 and 7 define the constitution of the Corporation, which, as I have said, will remain unchanged.

“ The scheme for the appointment of the General Committee in equal proportions by (a) the elected Commissioners voting by groups of wards, (b) the Chamber of Commerce, the Trades Association, and the Port Commissioners, (c) the Government, is based on the principle of giving adequate representation on the working body of the Municipality to the three chief interests in Calcutta—to the European commercial community which has made the town a centre of trade; to the Government which has made it the capital of the Indian Empire, and is responsible to the world at large for its sufficient and progressive municipal administration; and lastly to the residents, house-owners, and ground landlords, regarding the last of whom Sir Henry Harrison observed in 1890, the value of their property had been increased two-hundredfold, by the creation and maintenance of Calcutta as a commercial capital. Once admit, as every reasonable man must admit, that the commercial community, and more especially the European section of it, have an unquestionable right to an effective voice in the municipal government of Calcutta, there is, I believe, no practicable

means of enlisting their co-operation but that which is now put forward. Even if the Government were prepared to go behind the decision arrived at in 1876, and introduce the principle of proportional representation of nationalities into the election of the main body of the Corporation, it is doubtful whether that would induce the leaders of the mercantile and trading community to take an active part in the debates of a large body, where organization and manipulation of votes would be needed to secure any real influence. Business men will work on a business Committee, and will work on no other. . .

“For the purpose of electing four members of the General Committee under section 8, the Bill proposes to divide the twenty-five wards into the four following groups or electoral divisions, the Commissioners of each of which will elect one member from among the entire body of Municipal Commissioners :—

Name of group	Wards comprised in group	Population
1	2	3
Northern Division	1 to 6	215,555
Central „	7 to 11	164,328
Southern „	12 to 19	124,059
Suburban „	20 to 25	145,419

“This arrangement, which is based upon population, will be convenient for engineering and conservancy purposes, and will correspond more closely with the Municipal needs of each division and the work to be done than one framed with reference to area, taxation, or voting power. As each division must be composed of contiguous wards and must be of a manageable area, the scale of population cannot be made absolutely uniform; but it must be borne in mind that the population of many of the wards in the Southern and Suburban Divisions will tend to increase, while on the other hand it is one of the objects of the Bill and of the further legislation which may be found necessary to prevent overcrowding and thus reduce population in the Northern and Central Wards. I observe that a proposal to break up Calcutta into divisions for the purpose of electing the members of the General Committee who are elected by the elected Commissioners was brought forward by my friend, Babu Kally Nath Mitter, in 1894, but was rejected as being illegal under the present law. I am glad to be able to appeal to his great authority in support of the principle of electoral divisions. That principle will, I believe, ensure the adequate representation on the General Committee of all parts of Calcutta; it will harmonise the local interests of the wards, with the general interests of the town; it will place the four elected members in a very strong position as representing each a group of wards, while at the same time it will not diminish the influence of the Ward Commissioners, but will focus it and enable it to be exercised more effectively through the divisional members.

“The four seats reserved to Government will enable it not only to secure adequate representation of its own important interests in the town, but also, if need be, to provide for a Muhammadan member and to nominate at least one Commissioner as the special representative of the humbler working men of all ranks and trades who earn their livelihood in Calcutta and who are at present wholly unrepresented. As Sir Henry Harrison observed in 1885,—

Not only do the labouring classes in Calcutta, important as their interests are, get no representation under the present system, but there are some of them who, by their dependent relation to the Municipality, especially need it. I mean those classes with whose freedom of action we are compelled, in the interests of the community at large, to interfere. Such are the residents in *bustees*, whom we have to displace in opening out crowded localities, the carters whom we tax first for using the streets, and then for keeping their cattle within municipal limits (there are 17,000 carts licensed in Calcutta); the *gowalas* whom we are compelled to prosecute in hundreds because they will not comply with our requirements as regards the stabling of their cows, and who ought to be placed under much closer surveillance to prevent disease being conveyed by milk, the *dhobees*, who for the same reason ought also to be brought under sanitary regulations as soon as the Suburbs come into our hands.’

“I am confident that there will be no difficulty in finding a European or Native Commissioner who will undertake to acquaint himself with the needs and grievances of these classes, and to become their representative upon the General Committee. Provision has been made in section 3 of the Bill for constituting the first General Committee as soon as the new Act comes into force,

and in section 45 for holding general elections in March, 1900, when it is proposed that the body of Commissioners now about to be elected should vacate office.

“*Sub-Committees.*—Section 88 empowers the General Committee to delegate any of their powers or duties to Sub-Committees nominated by them. The numbers of these Sub-Committees are limited to six, and none of their members need be members of the General Committee. The General Committee is to fix the time within which a Sub-Committee is to report; and all the proceedings of such Committees must be confirmed by the General Committee. Under section 93 fees will be paid to members of the General Committee and of Sub-Committees.

“*The Chairman and Deputy Chairman.*—As in Bombay, the entire executive power is vested by section 20 in the Chairman, subject to such express limitations as are elsewhere laid down. This will do away with the present uncertainty as to the functions of the Executive. The power of appointing the Chairman is vested in the Local Government as under the existing law, and the Bill also withdraws from the Commissioners the discretion they have hitherto exercised of fixing the Chairman's salary and house-rent allowance. A Government officer specially selected for this difficult and important post is placed in a wholly false position by the present law, which makes him dependent on the good-will of the Commissioners for an addition to his pay which, owing to the great cost of living in Calcutta, is in most cases no more than is required to save him from positive loss while holding the appointment of Chairman.

“Provision has also been made for the appointment by Government of a Deputy Chairman who must ordinarily possess engineering and architectural qualifications. The new building regulations will greatly extend the duties of the Chairman, and it is essential for him to have the assistance of a competent adviser to whom he can on occasion delegate his duties.

“*Elections.*—In view of certain decisions by the High Court, and of the uncertainty that has been felt as to the interpretation of sections 19—29 of the present Act, it is thought desirable to incorporate in the substantive law a definite procedure for municipal elections instead of leaving such matters to be dealt with by rule. The draft sections proposed are based for the most part upon sections 19—35 of the Bombay Act, but some important changes have been introduced in consultation with Mr. Bright with reference to recent experience. Thus section 43 (1) and (2) provides that persons who wish to be enrolled as voters must register their names in the Assessor's office, and must show that they have paid in their own names all rates and taxes due from them for the first two quarters of the municipal year. Section 43 (10) to (21) transfers the duty of revising the list of electors from the Chairman to a revising Magistrate who would be selected from among the Presidency Magistrates.

“*Control. Section 22.*—The section of the existing Act, conferring certain powers of control upon the Government, is framed in very general terms, and would be difficult to put in force effectively. The conditions requisite to give the Government jurisdiction to intervene are vaguely stated, and it is almost impossible to say what construction should be put upon ‘complaint made,’ ‘general default,’ and ‘due enquiry.’ Each of these terms would of itself give rise to a controversy.

“On the other hand the present law is unfair to the Commissioners in that it gives them no distinct right to show cause against an order, and forces the Government to take the extreme course of at once appointing some person to perform the duty alleged to be neglected, instead of calling upon the Commissioners to perform it themselves within a stated time. The section which the Bill substitutes is based upon section 64 of the Madras Act, and gives the Government as ample power of intervention as it need reserve, while at the same time providing for a fair enquiry into the facts, and giving the Corporation sufficient opportunity for stating their view of the matters in dispute. That the Government ought to have an effective power of interference is, I imagine, incontestable.

“ CHAPTER IV.—MUNICIPAL OFFICERS AND SERVANTS.

“This Chapter has been framed so as to secure the following objects, which experience has shown to be essential to the efficient working of the municipal administration of Calcutta :—

- (1) To withdraw from the patronage of the Corporation the important offices of Engineer, Surveyor, Health Officer, Collector and Assessors, and other offices with a salary of Rs. 500 a month and over. The General Committee, constituted as now proposed, will be more likely to make a good selection than so large and miscellaneous a body as the Corporation, and the scandal that has been caused by the canvassing of rival

candidates will be avoided. Sir Henry Harrison observed in 1890—and the remark has never been contradicted—that all the Commissioners well knew that the Municipality ‘failed most conspicuously in personal questions, when each Commissioner is subjected to private solicitation and unwholesome pressure, and gives his vote under the influence of motives very few of which are consistent with the well-being of the City.’

- (2) To vest in the Chairman the selection of suitable persons to fill all offices carrying a salary of less than Rs. 300 a month, together with the power of fining, suspending and dismissing persons so appointed. To quote Sir Henry Harrison again:—‘A single officer acting under a sense of responsibility would dispose of these personal questions far more equitably than the Commissioners as a body, where individual responsibility is overlaid by numbers, and the most unblushing solicitation is practised.’
- (3) To enable the Local Government to prescribe the qualifications of candidates for employment in the Health, Conservancy and Engineering Departments. I trust that this seemingly unimportant provision may prove to be the germ of a school of Sanitary Engineering which will open a new career to educated young men and will meet a very real demand.

“The title of Vice-Chairman has been changed to Controller of Municipal Accounts, which more correctly expresses the duties which in practice the present Vice-Chairman discharges.

“ PART III.—FINANCE.

“The sections relating to loans reproduce the existing law and further provide at Mr. Bright’s suggestion for the preparation of a Loans Budget, its consideration by the Corporation and the determination of the sums to be borrowed during the year.

“The sections dealing with the Municipal Funds are based on the corresponding sections of the Calcutta Act. Sections 103 to 144 are adapted from the Bombay Act, and lay down more fully than is the case in the Calcutta Act the procedure for making payments, investing surplus funds, keeping accounts, preparing and passing the budget and auditing the accounts of the Corporation. Section 144 imposes on the Chairman the duty of remedying defects pointed out by the Auditors. Provision is made for the budget being prepared by the Chairman, revised by the General Committee and considered by the Corporation, who may refer it back to the General Committee or amend it as they think fit, subject to the condition, first, that they must make adequate and suitable provision for essential matters, and secondly, that they must settle the budget and determine the rate of taxation between the 15th December, when the budget will be circulated to individual Commissioners, and the last day of February. No payment can be made by the Chairman except for purposes or works specially sanctioned or for certain emergent purposes, expenditure on which must be reported. No contract for a purpose requiring the approval or sanction of some other municipal authority, may be made by the Chairman without such approval or sanction. All contracts for sums between Rs. 500 and Rs. 5,000 must be reported to the General Committee, and all contracts for sums between Rs. 5,000 and one lakh require the Committee’s approval. Contracts above one lakh require the approval of Government as under the present law.

“ PART IV.—TAXATION.

“Under Chapter X relating to rates, the only change is the transfer of authority in purely executive matters from the Commissioners to the Chairman. No provision has been made in the Bill for levying a police rate, but the Government of India have expressly reserved the right to deal with the question by legislation, which may take the form either of levying a local rate, or of charging a certain sum annually against the Municipal Fund.

“In Chapter XI dealing with the assessment of buildings and land, the opportunity has been taken of defining more clearly how the annual value of *bustee* land should be determined, and permitting a building, the valuation of which has been reduced on the ground of exceptional circumstances, to be revalued, when such circumstances have ceased to exist. Section 125 of the present Act has also been amplified, so as to enable buildings or lands to be revalued under certain circumstances.

“Chapter XII dealing with the tax on carriages and animals, contains no material change, except that the executive authority is throughout reserved to the Chairman. The definition of carriage to include bicycles and tricycles, and the imposition on these of a tax of Rs. 4 a year will, I believe, add a substantial sum to the income of the Corporation.

“CHAPTER XIII.—COLLECTION OF RATES AND TAXES.

“The draft provisions contained in this part have been framed so as to adapt the Bombay procedure for collecting municipal dues to the circumstances of Calcutta. They vest all executive functions in the Chairman. Section 193, following section 202 of the Bombay Act, requires municipal dues to be paid direct into the Municipal Office—a system which has been tried with success in some mufassal Municipalities in Bengal.

“Chapter XIV and Schedule III embody the amendments rendered necessary by the High Court decision in the case of the Standard Life Insurance Company, when it was held that a Company carrying on business in Calcutta could not be assessed to license-tax unless it carried on a business expressly mentioned in the schedule. They also include some minor amendments introduced at the instance of the Corporation. Rules 13 and 14 of the schedule substitute a Sub-Committee appointed by the General Committee for ‘a Bench consisting of the Chairman or Vice-Chairman and not less than three Commissioners’ as the alternative appellate authority under the schedule.

“CHAPTER XVIII.—WATER-SUPPLY.

“Under the present Act the supply of filtered water is intermittent; but the quantity actually pumped exceeds that which the mains were laid to carry, so that the provisions of section 153 with regard to the head of pressure during the hours of supply have ceased to be operative, and the pressure varies greatly in different parts of the town. The residents not unnaturally keep their taps continually open in order to take the fullest advantage of any supply they can get, and the result is that a large proportion of the existing supply runs to waste. This practice, combined with intermittent pumping through constricted mains, causes the pressure to be so low that in a large section of the town, and chiefly at present in the Bara Bazar area, the water does not rise above the ground floors. The Commissioners, therefore, must either incur heavy expenditure in order to enlarge the mains to meet the present scale of wasteful supply and restore the pressure of 30 feet prescribed by section 153 of the Act, or most restrict the supply to reasonable limits by preventing waste. The Bill adopts the latter alternative, but it adds provisions which are greatly to the advantage of the rate-payers. It provides for a continuous supply, so far as may be practicable, of both filtered and unfiltered water. The provisions in the present Act for checking waste are contained, first in section 158, which, with Schedule IX, fixes the size of ferrules with reference to the rating of the house supplied, and thus in theory automatically restricts the quantity of water used. It is believed that the so-called ‘pea-ferrules’ are very harassing to the smaller house-holders, and that it should now be the object of the Corporation to restrict, not the fair use of water, but its abuse. The check on waste by the use of such minute ferrules is also of doubtful value, as even the smallest size of ferrule is capable of delivering 480 gallons in eight hours, which would greatly exceed the statutory supply. In the revised table of ferrules included in Schedule XII of the Bill, all sizes lower than a quarter inch have therefore been omitted.

“The second check on waste given in the present Act is the power conferred by section 155 of attaching a water-meter to the pipes of individual houses in cases where waste is suspected. This, however, must be at the expense of the Corporation; and as a meter costs from Rs. 30 to Rs. 40, and the number of house connections will probably at no very distant date approximate to 50,000 in the city and suburban areas, it follows that for financial reasons the section is now useless for general purposes, although it might have been of considerable use if it had been applied from the inception of the water-works. The only practicable plan under the conditions which now prevail is to divide the town into blocks for the purposes of water-supply, and to keep a check on the consumption of water in each district by meters applied to the mains and submains which supply the block. The Bill provides for the introduction of this system, which has been worked successfully in a large number of towns in England; and the Chairman is authorized by it to recover the value of the water consumed in each block over and above the statutory allowance by a percentage charge levied rateably in the block on the water-rate bills of connected premises. The existing section 155 is retained for use in particular cases, and individuals who think themselves aggrieved by the levy of an extra water-rate in the district are given the option of claiming a meter for their own houses at a reasonable rate of hire. I trust, however, that it may not be necessary in practice to resort to the levy of an extra rate on the block. There is, I am told, an instrument called a stethoscope which enables waste to be traced to individual houses. Those people might fairly be called upon to take meters and pay rent for them until they amended their ways and took to closing their taps—with constant supply

there is no excuse for leaving a tap open. In other respects the Bill follows closely the system already in force in Calcutta and Bombay.

“CHAPTER XIX.—DRAINAGE.

“The drainage sections of the Bill are mainly based upon the Bombay Act, the most useful clauses of the Calcutta Act being also incorporated. Of new points the following are the most important :—

(a) The clauses giving the Local Government considerable power of control over the outfall of the sewage system, especially with reference to any alteration in the outfall works made necessary by the decay of river channels—a possible, but at present remote contingency attaching to all outfalls into the network of tidal creeks which intersect the Salt Water Lakes. These provisions embody the orders issued on the outfall works now under construction, which were passed under section 274 of the Calcutta Act.

(b) Care has been taken in drafting the Bill to emphasise the rights of the rate-payers, as well as the duties and responsibilities of the Corporation with regard to drainage matters.

(c) By sections 315 to 322 it is proposed to substitute an unpaid agency of licensed plumbers working at rates approved by the General Committee for the present insufficient staff of Drainage Inspectors appointed by the Corporation. The number of house-connections now amounts to nearly 30,000, which is likely to increase, and it is found practically impossible at reasonable cost for the Corporation to do more than exercise a general control over house fittings or to accept responsibility for the repair and maintenance of these fittings with all the contingencies of occasional stoppages from misuse: The Bill therefore provides an agency, of which the public must avail themselves, to carry out house drainage works at reasonable rates, and the Corporation is bound to exercise proper control over this agency, and to punish breaches of the laws and bye-laws in cases where house fittings are not properly maintained.

“Under the head of the lighting of streets and public places, the Calcutta Act (sections 296 and 297) is singularly meagre, and the provisions in Chapter XXV of the Bill are accordingly based upon sections 330-335 of the Bombay Act.

“The sanitary provisions contained in Chapters XXVI to XXXIII and XXXV of the Bill are based mainly on Chapter XV of the Bombay Act, which is in many respects more effective than the corresponding sections of the Calcutta Act.

“CHAPTERS XXI TO XXIV.—OF STREETS AND BUILDING REGULATIONS.

“This, Sir, in my opinion is the most important part of the Bill. It is also by far the most difficult, and the one on which I am most anxious to invite the fullest criticism from the public. At the same time I do not propose to go into very great detail now. The draft which has been inserted in the Bill is based in the main upon the report of the Building Commission, but I have imported into it several important provisions drawn from foreign sources, which I will explain presently. It is still under the consideration of the Building Commission, and their assistance has been, and I trust will be, of the utmost value. The Government is under great obligations to the President of the Commission for the report that has been submitted and the great mass of evidence that has been collected. I desire myself, both as a Member of the Commission and as in charge of this Bill, to tender my most cordial personal thanks to Babus Kally Nath Mitter and Nalin Behari Sircar for the help they have given me in dealing with these sections. Their knowledge of the conditions of the native part of the town and the difficulties which have to be met there has been invaluable, and I have found them most open-minded and ready to consider and enter into new proposals.

“Now the trouble about a building law is that you have to deal in it with two widely different sets of conditions—things as they are and things as they ought to be. Things as they are, especially in the native part of the town, may be briefly described as chaos. One can easily see how it came about. Take Bara Bazar as an illustration. There you have 75 per cent. of the surface occupied by solid masonry and the balance made up of narrow lanes and tiny courts and yards. No doubt it was originally a *bustee* consisting of huts built unsymmetrically all over the place, with narrow passages between them which may have been wide enough for the original requirements of the place. By degrees the huts were converted into masonry buildings and vacant spaces were built up, but the passages remained the same, as it was no one's business and no one's interest to get them

widened. This is the process that we see going on everywhere now, and it is a very dangerous process, for the passages which are wide enough for huts 12 or 15 feet high with ventilation through the eaves of the roof and also to some extent through the walls, are clearly not enough to ventilate an area made of huge masses of masonry 40 and 50 feet high. I do not say this is peculiar to Calcutta, for it is not. You see just the same state of things in many continental towns which grew up round a central market-place. The streets in the old part of Cologne are not much wider and certainly not more regular than in Bara Bazar, and the same may be said of dozens of other towns. Nor is the European business part of Calcutta wholly free from these defects. The streets no doubt are wider, but between street and street are great spaces practically filled up by solid masonry. And a tendency in the same direction may be seen even in the residential quarter. Compounds are gradually being built up and air-space encroached upon, and it is hardly an exaggeration to say that Chowringhee and Theatre Road are going the way of Bara Bazar.

“How can this state of things be dealt with by a building law? There seem to me to be two solutions. One solution is to say the whole thing is past praying for. Chaos it is and chaos it must remain so far as the ordinary building law is concerned. All we can do is to reconstruct parts of it from time to time, as we can find the money, by planning new streets, buying up land and selling it again so as to cover the cost of each undertaking. That is a tenable position, and as regards some parts of the town it may have to be adopted. No ordinary building law can make much impression on Bara Bazar. But for the greater part of the town we should, I think, go beyond this *laissez-aller* policy. We cannot of course make all things new. We cannot take that short way with offending structures which is expressed in the line—

‘Diruit, ædificat, mutat quadrata rotundis’

But we can control and check. We can provide that new buildings and old buildings reconstructed shall conform to certain rules, and we can stop the building up of vacant spaces. This the Bill attempts to do by sections 367 and 372. But the control thus exercised must not be absolute and automatic, or great hardship may result. The Bill gives a certain discretion to the General Committee to apply or not to apply the provisions of the Bill in cases where buildings are materially altered. And in addition to this a general power of dispensation is vested in the Government to be exercised on the application of any two of the municipal authorities.

“Subject to these safeguards, the regulations intended for new buildings on new streets will apply to new buildings on old streets and to existing buildings when they are re-erected or materially altered. In other words, provisions designed for things as they ought to be will apply with certain checks and balances to things as they are.

“Among the provisions relating to new streets and new buildings will be found some principles which have been adopted from modern continental legislation. The most important of these is embodied in section 365, which runs as follows :—

‘365. (1) The General Committee may give public notice of their intention to declare that in any particular streets, squares or quarters of the town specified in the notice, or in any specified portions of such streets, squares or quarters, —

Power to regulate future erection of certain classes of buildings in particular streets, squares or quarters.

- (a) continuous building will be allowed subject to the provisions of this Act relating to continuous building, or
- (b) the erection of any detached buildings will be allowed, subject to the provisions of this Act relating to buildings, or
- (c) the erection of shops will not be allowed without the special permission of the General Committee, or
- (d) the erection of buildings of the warehouse class will not be allowed without the special permission of the General Committee, or
- (e) the erection of buildings of the warehouse class will be allowed subject to the provisions of this Act relating to such buildings, or
- (f) the elevation and construction of the frontage of masonry buildings thereafter erected or re-erected shall, in respect of their architectural features, be such as the General Committee may consider suitable to the locality, or
- (g) the erection of huts will not be allowed without the special permission of the General Committee.

‘(2) Every such notice shall be published in such manner as the General Committee may think fit, and shall specify a period within which objections will be received.

‘(3) The General Committee shall consider all objections received within the said period, and may then prepare a declaration relating to the streets, squares or quarters referred to in the notice, and submit the declaration to the Local Government, together with the said objections (if any) and their report upon them.

‘(4) The Local Government, after considering the said objections (if any), may confirm the declaration, and before doing so may modify it, but not so as to extend its effect.

‘(5) When any such declaration has been so confirmed, it shall be published in the *Calcutta Gazette*, and shall take effect from the date of such publication.’

“This principle has been accepted and acted upon in a number of continental towns, notably in Vienna, which in 1890 took in a large area of suburbs, as Calcutta did in 1889, and at once appointed a Building Commission to consider the probable results of the change. The report of this Commission and the draft Bill annexed are most instructive documents, and I have made much use of them in drafting portions of the Bill. The section I have quoted departs, however, from the continental principle in so far as it does not attempt to fix outright and embody in the law the streets and quarters in which particular sorts of buildings shall or shall not be allowed. That, I submit, would be impossible at present. We cannot foresee with certainty the details of the future development of Calcutta. One can say in a general way that a European residential quarter is likely to be formed in Alipore and Ballygunge, and may extend southward as far as drainage and water-supply permit. A native residential quarter may also develop on the north of the town towards Barrackpore. The area round the Docks will probably come to be taken up for warehouses and business premises generally, while the river bank on both sides above and below Calcutta will be occupied by mills, docks and wharves. Years ago one would have located the residential quarters along the river bank, but the waterway is too valuable commercially for that to be possible at the present day, and the glories of Garden Reach are now a thing of the past. Beyond these general propositions it is at present impossible to go, and obviously no precise differentiation of quarters can be based upon what I have just said. I venture to think, therefore, that the expedient adopted in the Bill is in principle a sound one. I trust that the clause as to architectural features will be accepted. The idea is not a new one. It is at least as old as the Renaissance when the people of Siena created a special department for beautifying their city, the *ufficiali del ornato*, the decorative department, whose influence on the streets can be traced even now. I have no doubt Calcutta architects will rise to the occasion when the temptation to sacrifice everything to gaining an inch of space is withdrawn.

“Another point for which I am indebted to continental practice is the distinction between continuous building, that is to say, building in rows of houses like a London street and detached buildings of the villa type. It is a convenient distinction, as it enables you to formulate distinct rules for the two classes of buildings. Thus in the case of dwelling-houses built in streets where continuous building is allowed, the Bill provides for clear space at the back equal to half the height of the house, while a dwelling-house built in a quarter reserved for detached building must have a clear space all round equal to the height of the house. So far as new streets and new buildings are concerned, the rules will, I believe, work well, but my friend Babu Kally Nath Mitter pointed out to me the other day that their application to existing streets will require very careful consideration, where you have streets of continuous building separated by large spaces filled up by detached buildings. In connexion with continuous building, I may add that the Bill proposes to introduce the continental system of fixing a building line four feet behind the street alignment. Both terms are defined in the Bill. Practically it means this, that a man building on a street cannot put his main front wall on the alignment. He must put it four feet back. But he may use this four feet for verandahs, porticos, oriels, balconies, steps and decorative projections of all kinds. It is claimed for this system that it gets rid of a host of vexatious disputes about projections, that it adds to the air space, and that it encourages decorative methods of domestic architecture.

“The Bill follows the Vienna draft proposals in respect of a third point of considerable importance. It distinguishes between provisions relating mainly to sanitary considerations, such as ventilation and the like, and provisions relating to construction. The former it proposes to embody once for all in the law, on the ground that they rest upon permanent principles which are matters of settled doctrine and are not liable to vary from time to time. The latter it relegates to a schedule as being liable to change, and provides a procedure by which the schedule can be altered. This, I think, is reasonable. Illustrations will occur to every one. For instance, a new process in the manufacture

of iron might greatly increase the strength of iron beams, and in that case the prescribed dimensions might be reduced. But it would be absurd to have to amend the Act for that purpose.

“ Finally, before leaving this part of the Bill, I must draw attention to sections 364 and 439 to 450, which introduce in two different forms the continental principle of the re-allotment of building sites. In a great many cases the alignment of a new street, whether designed on the radial, the rectangular, or the circular system, divides the blocks of land owned by individuals irregularly so as to leave a number of odd pieces, triangular, segmental and the like, which cannot be fitted into any orderly system of building. In such cases, if the frontage of the buildings is laid on or parallel to the alignment of the street, their plan must be more or less-oblique ; while conversely, if the houses are built on a rectangular plan, their frontages will run obliquely to the line of the street. If the proprietary blocks are entirely irregular, the difficulty of utilising them for building is proportionately increased. In order to get over this difficulty power has been taken in some continental Acts, the best known and most successful of which is the Act passed by the Free City of Hamburg in 1890, for the reconstruction of the suburbs on the right bank of the Elbe to throw together all the proprietary sites in a building block, cut them up into suitable building sites, and give them back to the proprietors. The division is to be made in such a manner ‘ that every ground proprietor shall get a share in the aggregate value of the re-allotted plots of land proportionate to the share which he had in the aggregate value of the plots before re-allotment.’ It sounds at first rather intricate, but it is nothing like as puzzling as a *batwara*, which is a familiar thing, and it has been worked successfully, with the consent of the proprietors concerned, at Basel in Switzerland, at Mainz, in Hamburg and at Cologne, and it is proposed to extend it by special legislation to the whole of Prussia. Obviously it must add materially to the value of the land. As applied to *bustees*, it seems to offer a ready means of getting over the practical difficulties of remodelling them without compelling the Corporation to acquire the entire land and without any hardship to the proprietors. The cost of the procedure would be the value of the huts, less materials given back to the owners, and the value of the land taken up for roads, less the value of existing roads surrendered.

“ An alternative procedure borrowed from the scheme for Vienna and embodied in section 364 provides on the application of the owners of not less than half the area affected for throwing together unsuitable plots, dividing them into suitable building sites, and selling them by auction. This is said to have worked well in several continental towns.

“ Both procedures seem to deserve consideration. It is obvious that some special powers are necessary to secure regular building sites on new streets, and that the value of regular sites will be greater than that of irregular ones.

“ CHAPTER XXXIV.—REGISTRATION OF BIRTHS AND DEATHS.

“ In connexion with the question of securing the early reporting of deaths from plague, the Government has been led to consider the desirability of improving the entire system of registering deaths in Calcutta. Owing to the fact that the registrars and sub-registrars are mere clerks who have no medical knowledge, the entries relating to the cause of death in column 8 of the form in the eleventh schedule of the present Act are in a large proportion of cases wholly untrustworthy. Of the 70 persons who on an average die every day in Calcutta, the returns show that from one-third to one-half have had no medical attendant, and in all these cases the cause of death is more or less a matter of conjecture. The evils of this state of things are obvious, more especially in view of the increasing tendency on the part of foreign nations to restrict privileges in respect of quarantine vessels coming from ports which can show accurate vital statistics. In order to comply with these requirements, the chapter relating to the registration of births and deaths has been entirely recast in the Bill. The important points are the following :—

- (1) by section 552 no corpse can be removed from a building for burial or cremation without a certificate in the form of amended Schedule XI ;
- (2) section 555 requires the relatives and friends of the deceased to procure the certificate ;
- (3) section 556 obliges the registrar of the district to give a certificate free of charge ;
- (4) section 557 obliges medical men to furnish this certificate of their own motion within 24 hours of the death of any one whom they have attended ;

- (5) section 562 provides that if a corpse is brought to a burial or burning ground without a certificate, it shall be detained there till the friends procure certificate, or the registrar in charge of the district satisfies himself by enquiry as to the cause of death ;
- (6) section 563 prohibits the examination of any corpse in opposition to the wishes of the relatives or friends of the deceased ;
- (7) section 564 gives the Local Government power to make rules and to prescribe the qualifications of registrars and sub-registrars ;
- (8) section 553, authorises the Chairman to license medical practitioners as registrars.

The above scheme is calculated to bring about a great improvement in the mortuary statistics of Calcutta, and to prove useful, not only in respect of grave epidemic diseases such as plague, but as a measure of sanitary administration. The only danger to be apprehended is that the poorer classes who do not employ licensed medical practitioners may have difficulty in procuring certificates. This, however, is merely a question of organisation. Section 556 obliges the District Registrar to attend free of charge for the purpose of granting such certificates, and if enough registrars are appointed no delay should occur. Under section 546 (2) the Local Government has power to determine the number of districts, each of which must have a registrar whose qualifications will be laid down under section 564. In case of epidemics the Chairman may appoint additional registrars under section 546 (3). The system will no doubt cost more than that now in force ; but, having regard to the large number of medical men in Calcutta, and the keen competition between them, it seems possible that qualified medical practitioners will be willing to accept the position of district registrar on a small salary for the sake of the practice which the office will bring with it.

Chapter XXXVIII, which is based on the recommendations of the Calcutta Building Commission, modifies the Land Acquisition Act in some material points. Section 584 extends the power of the Corporation to acquire land and buildings ; section 585 creates a presumption, which in the case of unhealthy areas may be conclusive, that the market value of property so acquired is twenty-five times its annual value as entered in the municipal assessment book. Section 588 further empowers the Corporation to transfer land acquired by them to a company or a private individual for the purpose of carrying out improvements in accordance with a regular scheme.

The procedure proposed for the framing of bye-laws in Chapter XXXIX of the Bill is new. It will give both the public and the Corporation ample opportunity of expressing their views, and will leave the final decision, as it is left by the present Act, to the Government.

The scheme of Chapter XL, which brings together in one place all penalties imposed, is borrowed from the Bombay Act. The Bill makes no material changes in the existing scale of penalties.

Chapter XLI, dealing with procedure, has also been adapted from the Bombay Act. Power has been taken to appoint special Magistrates for the trial of offences against the Act, as experience has shown that the Honorary Magistrates, before whom a large proportion of municipal cases come, are dilatory in their procedure and impose merely nominal penalties. Provisions have also been introduced for the purpose of securing the more active co-operation of the Police in the administration of the law.

Chapter XLII reproduces the provisions of the present Act relating to the alteration of the limits of Calcutta and contains an important section (659) giving power to extend to Howrah, by notification, any specified portion of the Bill, subject to such restrictions and modifications as may be thought fit. Of the necessity of some measure of this kind I believe no one who is acquainted with the facts will entertain any doubt.

The sanitary condition of Howrah is indeed in its way quite as deplorable as that of Calcutta. Although the town as a whole is not overcrowded, some of the *bustees* in it furnish examples of the worst forms of overcrowding. The number of public latrines is insufficient ; the 26,000 private latrines, both *kutchas* and *puckas*, are as bad as those of Calcutta ever were, and the staff of sweepers is too small to clean them properly. Besides the privies, there are in Howrah about 2,500 cess-pools which receive sullage and urine. It is believed that only one-eighth of this liquid sewage is removed by the sullage carts, and that the remainder sinks into the soil, drains into tanks and road-side channels or disappears by evaporation. The drainage of the town is at present effected by about 3 miles of *pucka* and 80 miles of *kutchas* drains, most of them badly aligned and faultily constructed.

A regular system of sewerage and drainage is greatly wanted, but the difficulty of finding a suitable outfall is extreme, and the Municipality is not at present in a position to borrow the amount, roughly estimated at about 25 lakhs, which a suitable drainage scheme would cost. A supply of filtered water was introduced recently, and is said to have already greatly reduced the mortality from cholera, but it must be materially extended before its full benefit can be felt. Effective building regulations are greatly needed, particularly in the *bustecs*, where the large and increasing population of mill hands finds lodgings. The stables and cowsheds throughout the town are in a terribly insanitary condition, and are reported to be the most fertile source of surface pollution. The municipal law in force in Howrah is the Bengal Municipal Act of 1884, which is altogether inadequate to meet the wants of the town, and contains no provisions whatever for preventing the spread of dangerous diseases. From the sanitary point of view, Howrah is virtually a suburb of Calcutta; its population in 1891 was 116,606, representing an increase of 28·4 per cent. on the population recorded in 1881; it is the headquarters of the East Indian Railway, and contains a large number of factories which attract operatives from the neighbouring districts; and any outbreak of disease in Howrah would almost certainly spread to Calcutta. Owing to the constant intercourse between the two towns, the people of Howrah are familiar with the system of taxation and municipal administration that is in force in Calcutta, and it will be simpler and easier to extend portions of the Calcutta Act from time to time, in accordance with the growing needs of Howrah, than to enact a special statute for the latter town. The Bill provides for notice being given of the intention to extend any portions of the Act and for the hearing of objections.

“That, Sir, is the Bill. It is a large measure, and the introduction in the constitution of the proposed General Committee of the principle of proportionate representation is, I allow, a new departure. But it is an honest attempt to solve a problem which at all times and in all countries must remain a difficult one—that of giving to a numerical minority the rights to which it is entitled, not merely in its own interests, but in the interests of the community of which it forms part. I appeal to those who in this Council represent the dominant majority on the Corporation as it now exists to accept it in the spirit in which it is meant and to accept it the more cordially as it seeks to realize the ideal set before us by their great predecessor, the Hon'ble Kristo Das Pal—the ideal of uniting Europeans and Natives in the wise, progressive and energetic government of this City.”

The Motion was put and agreed to.

The Hon'ble Mr. RISLEY applied to the President to suspend the Rules of Business for the purpose of introducing the Bill.

The Hon'ble BABU SURENDRANATH BANERJEE said :—“I desire with reference to this Motion to say—

The Hon'ble THE PRESIDENT said :—“It is a point of order for the President, and I cannot hear any discussion upon it.”

The Hon'ble BABU SURENDRANATH BANERJEE said :—“I desire to enter my protest, and I ask that it be recorded.

The Hon'ble THE PRESIDENT said :—“I will take a note of the Hon'ble Member's intervention, but I cannot allow a point of order to be discussed. There is no protest against a point of order. I think the Council will have seen from the very exhaustive speech with which the Hon'ble Mr. Risley has instructed us, that this Bill, although it is a large Bill, involves really only one large point of principle, and that the rest of it consists mainly of a mass of details. I cannot conceive it possible that the most able and anxious speaker and defender of the present state of things can wish to discuss, on the motion for referring the Bill to a Select Committee, all the details to which Mr. Risley has been referring to-day. As a matter of fact the introduction of the Bill has been from various causes long delayed. We have lost much time during the present cold weather, partly because the report of the Building Commission was not ready and partly because we were not able to get the whole time of our Assistant Secretary, although he has worked very hard on the Bill. But we are anxious to have the Bill laid before the public as soon as possible, and to have it referred to the Corporation and to all the Associations and to everybody who can give advice to the Select Committee. The main principle of the Bill is perfectly well understood by every one in Calcutta whose opinion is worth having in the matter. Hon'ble Members present could stand up now, if they chose, and discuss the whole principle of the Bill, and therefore there is no reason whatever, from the point of view of the public

interest, to object to the suspending of the rules to enable us to get through the purely formal stages of introducing the Bill and moving that it be read in Council and of the Secretary reading the title of the Bill. This will enable us to circulate the Bill for opinion at once. When the Bill comes to be referred to a Select Committee, Hon'ble Members will have full opportunity to discuss it to their heart's content, and I am prepared to sit *de die in diem* until they have been heard. In the meantime I see no reason why the rules should not be suspended for the purpose of introducing the Bill and reading the title, and I suspend the rules accordingly."

The Hon'ble THE PRESIDENT having declared the Rules suspended—

The Hon'ble MR. RISLEY introduced the Bill and moved that it be read in Council.

The Motion was put and agreed to.

The Bill was read accordingly.

***The Speech of the Hon'ble Babu Norendranath Sen, delivered at the
Bengal Legislative Council, on the 2nd April, 1898, at the
Second Reading of the Calcutta Municipal Bill.***

"When asking for leave to introduce the present Bill in Council, the Hon'ble Member in charge of the Bill, with a view to explain the necessity for an amendment of Act II of 1888, pointed out how during the nine years the Act has been in force 'it has given rise to more doubt and difficulty as to its construction and operation than any Act that has been passed by this Council. It has been condemned on material points by the Courts, by the many learned Counsel who have advised on its interpretation, and by most of the officers who have had to do with its working.' So far, there is hardly any difference of opinion, and I am prepared to give my cordial support to a Bill which seeks to remove the uncertainties and supply the deficiencies of the Act, and to give the Corporation and the Calcutta public, in its place, a well-considered and effective Code with clear and unambiguous provisions.

"I regret, however, that the present Bill goes much further, and seeks to introduce radical changes in the constitution of the Municipality which are of a distinctly retrograde character, and entirely subversive of the principles of Local Self-Government in the Municipal Administration of Calcutta.

"In fact, Sir, I do not think that a measure of a more reactionary and revolutionary character has ever been introduced in this Council, and not only the Indian rate-payers of this City, but also all Indian inhabitants outside the limits of Calcutta, have been struck with dismay and consternation, and there is quite a panic among them. I am not in the least exaggerating the popular feeling on the subject. With all the pains that the Executive Government has taken to find a plea for the justification of its action in moving the Legislature in this matter, I submit, Sir, that not a shadow of a case has been made out against the Calcutta Municipal Corporation for striking a blow at its constitutional independence. So far as the principle of the Bill is concerned, I may be pardoned for characterising the measure as a great mistake. It is unnecessary, unjust and uncalled for. Nearly fifteen months have been spent in rummaging the old records of the Corporation to justify the present legislation. The Plague, which is answerable for many of the ills from which India has been suffering for nearly two years, came in, in time, to strengthen the hands of the Government. And here we are now in the midst of a crisis, such as has not visited Calcutta during the whole period of its municipal history. There would have been some intelligent reason for the proposed measure if it had been preceded by a visible deterioration of health or an exceptional kind of unhealthiness in the city, or by a well-grounded agitation against the administration of our municipal affairs. But we see no such thing. The present Bill is introduced on the mere assumption that 'Calcutta is in a terribly insanitary condition.'

"At the present stage of the Bill I have no intention to make any reference to the details of the measure, some of which are open to grave objection, and will prove greatly oppressive to the rate-payers. These are matters which can more fitly, and with greater advantage, be discussed at a later stage.

"Originally the town was divided into a small number of wards. Each ward elected its own Commissioner, who received a monthly salary of Rs. 250. The elected Commissioners, generally one

European and three Indians, took their morning rounds daily to satisfy themselves of the condition of the roads and drains. This system was replaced by a Government triumvirate, consisting of the Commissioner of Police as Chairman, the Surveyor-General of Calcutta, and a whole-time Vice-Chairman, who conducted the Municipal Administration of the City up to the year 1863, when the Corporation was constituted under a body of Justices, appointed by Government. In 1876, the Corporation was re-constituted on an elective basis, two-thirds of its members being elected by the rate-payers, and the remaining third being nominated direct by Government. In the legislation of 1888, the proportion of Commissioners, elected by the rate-payers, remained the same, but the Government conceded to the Bengal Chamber of Commerce, the Calcutta Trades' Association and the Port Commissioners the privilege of electing two-fifths of the one-third to be nominated by Government.

“ The success of the elective system, introduced in 1876, was the made the basis for demanding an extension of the elective element in the Corporation, when the present Act was before the Council, for giving the Commissioners a voice in the appointment and removal of their Chairman, and for larger powers and greater independence in other matters, and although all the privileges asked for were not granted, some substantial concessions were made, and, among other things, the privilege of fixing the pay of the Chairman within certain limits, as also of demanding his removal from office, was granted to the Commissioners. On the whole, the policy of the Legislature in this matter has been liberal and progressive.

“ During the last twenty-one years or so that the present system of Municipal Government has been in force, immense improvements in various directions have been carried out; the old complaint of chronic financial embarrassment has entirely disappeared under the wise and judicious administration of the Commissioners, and in spite of the enormous outlay on works of improvement and the extension of the drainage system and of water-supply, both filtered and unfiltered, the finances of the Corporation during the last few years have never been in a more prosperous state, nor did its credit ever stand any higher than in the last few years.

“ It is very much to be regretted that just at the very time when the system of Municipal Self-Government in Calcutta has been working smoothly and efficiently, and when the successful result of its working has shown itself in various directions, that this most objectionable legislative measure should be introduced in this Council. Authoritative testimony has been concurrent as to the good work done by the Corporation under the present elective system. It is useless for me to refer to the decided testimony borne by the Sanitary Commission, appointed under Section 28 of Act IV (B. C.) of 1876 to enquire into certain matters connected with the sanitation of Calcutta, that ‘ real and solid progress has been made ’ by the Corporation in the path of sanitary improvement; or to what was said by Dr. Kenneth Macleod some years ago, that ‘ to sight and sense Calcutta has, within living memory, undergone a revolution, ’ and that the policy of the Corporation has been attended with ‘ gradual and progressive reform. ’ I am afraid that the initiation of the present measure is due more to a misapprehension of the actual state of things than to anything else, for it is well known to those who can speak from personal knowledge and experience that the truth is, that if the Municipal Government has in this City suffered now and then, it is because of the apathy and negligence of the Executive. Many of the shortcomings of the Corporation, as set forth in the letter of the Government of Bengal, dated the 7th March, 1898, to the Government of India, rightly belong to the Municipal Executive, but they are sought to be laid on wrong shoulders. I think, Sir, that it is not right to make the Corporation responsible for any imperfections, unless it is empowered to appoint and remove its Executive Officers. At present it is impotent, in many instances, to enforce its orders. The Commissioners are now unjustly held responsible for what is the result of the *insouciance* or negligence of their Executive Officers. In many instances, the Executive Officers require watching and control, so that they may be kept up to the work. Already the Municipal Executive possess large powers, and it is not at all desirable that those powers should be increased still further. And yet the Bill seeks to throw larger powers into the hands of the Executive. This is the most objectionable feature in the Bill, and I strongly protest against it. The powers, possessed by the Executive, are so large indeed, that some of the former Chairmen of the Corporation were looked upon as nothing short of autocrats. When the existing Act was passing through the Council, there was great opposition to the proposed enlargement of the powers of the Executive. For the proper working of the Corporation, it is desirable that its Executive Officers should be made as little independent of it as possible, except in the matter of details.

“The irregular proceedings of the Municipal Executive in many matters have become a by-word among the inhabitants of this City. The Executive have failed repeatedly in the discharge of their most important duties, and to place larger powers in their hands would be most dangerous, indeed. I contend that the Executive have not shown that they are fit to be entrusted with still more extensive powers. It is a vicious system which obtains in Calcutta to combine administrative, executive, and deliberative functions in one and the same person, who happens to be the head of the Municipal Executive, when such person is answerable to the Commissioners for many things done by him in his executive capacity. Such a system does not exist at least in Bombay. It is a strange anomaly that the Calcutta Municipal Chairman should be allowed to preside over meetings, called to judge of the shortcomings of the Executive Officers, of which he is the head. The Municipal Commissioners in consequence not unoften feel powerless to cope with many evils. No City probably suffered more from giving extensive powers to the head of the Municipal Executive than Bombay before 1872. ‘Before that time,’ to quote the words of *Maclean’s Guide to Bombay* for the current year, ‘the municipal administration had been conducted by a Commissioner and the Bench of Justices; but the powers of the Commissioner were so extensive that he became practically irresponsible, and though he did excellent service to Bombay, he expended the rate-payers’ money so lavishly that in 1871 something like a popular revolution was accomplished, and the Government felt itself compelled to create a new municipality in which the rate-payers themselves should by their representatives have an authoritative voice.’ The instance of Bombay, I think, ought to be a sufficient warning to Calcutta, and to put us upon our guard against the abuses which always result from absolutism. For, practically, the Bill gives absolute powers to the Municipal Chairman, subject to the control of what I should call a packed General Committee of twelve members. If the Bill be passed into law, we shall simply revert to the ‘good old rule, the simple plan of absolutism,’ which prevailed in Bombay at one time, and proved the ruin of that city. I cannot too much dwell on the magnitude of the injustice of extending the large powers, already possessed by the Executive, when such powers have shown a frequent liability to be abused.

“The Commissioners, as a body, and also individually here and there, have probably many shortcomings to answer for, but their worst enemies cannot deny that theirs is a record of work which any body of administrators may very well look back upon with pride and satisfaction. On the whole, I maintain that the Commissioners have deserved well of Government and the Calcutta public for the success of their administration, which is in no small measure due to the time and energy devoted by individual Commissioners, unstintingly and ungrudgingly, and in many cases at considerable personal sacrifice, towards the work of the town. One might naturally have expected that when this Council next undertook the revision of the existing Act, it would show its appreciation of the work done by the Corporation, by an extension of the principles of Self-Government both in the constitution of the Corporation and in the powers conferred upon it. It is sad and disheartening to find that the Government has come forward with condemnation of the Commissioners, instead of thanks, and with proposals to practically destroy self-government instead of extending it

“The Bill treats, I am sorry to find, with scant courtesy that element in the Corporation which has hitherto been the most predominant and most useful element in it, and which has contributed so greatly to the success of Municipal Self-Government in Calcutta, and made it more a reality than a name. What has it done, that it should be practically kept out of the proposed General Committee of 12, and why should that particular element, which has hitherto done the least for the Corporation or for the rate-payers, be allowed to have a potential voice in the deliberations of the General Committee? One of the most magnificent boons that England has conferred upon India is Local Self-Government, and since its introduction into this City the Indians have shown themselves to be in earnest in exercising fully and freely all rights of citizenship, accorded to them by law, and in making municipal institutions a reality in Calcutta. Whether in Bombay or in Calcutta, the Europeans have not cared to trouble themselves much about municipal affairs, or to take ordinary pains even to be represented on the Corporation. Not only have the European wards failed to return to the Corporation European Commissioners to represent their interests in Calcutta, but some of these wards have even sometimes failed to elect any Commissioners at all; and in such cases the Government has stepped in, and by reason of default on the part of those wards, nominated, under the law, fit persons to represent them, at the expiration of the time, allowed by the Act. I distinctly remember one such instance in which, about 17 years ago, Dr. Cayley and my friend, Maulvi Mahammad Yusuf, Khan

Bahadur, were nominated by Government to seats on the Municipal Board by reason of default on the part of wards Nos. 15 and 16. I do not know, Sir, on what principle of justice such treatment, as is contemplated by the Bill, should be meted out to the Indians who have done so much to further the cause of Municipal Self-Government in Calcutta. If the Europeans have not been such a strong element in the Corporation, it is their own fault. If they have been in a minority, there is no help for it. And what the Bill in effect seeks is to enable a minority to control a majority. If the voters of Calcutta have elected so many Hindu Commissioners, it is because they have preferred them to others, and it is because the Hindus form numerically the largest ratio of the population, that is, over two-thirds of it. It is better by far that the semblance of free institutions we have got in Calcutta should be altogether swept away than that there should be such legislative interference as to restrain and hamper the elective system so much. People look upon the present measure as a sort of class legislation, trying to introduce the domination of a minority over a vast majority, though the minority may have no abiding interest in the city. No one would deny the importance of the commercial and trading interests, so far as the municipal administration of Calcutta is concerned. The Indian Municipal Commissioners of Calcutta have been always too glad of the help and co-operation of their European colleagues. The energy and zeal of some of the European Commissioners have contributed much to the sanitary improvement of the City, and to the merciless exposure of many irregularities of the Executive. The obligations of the Indian inhabitants of Calcutta to the local non-official European community are as great as they are numerous. Whatever of political life the Indian inhabitants of this City have acquired, they owe chiefly to their non-official European fellow-subjects. They know, too, that they can carry out many municipal reforms effectually and promptly with the assistance of their European friends. But it is their misfortune that they have fallen upon evil times, that they do not often get such assistance as they did in the past. The fact is that the present generation of non-official Europeans are too much engaged in their own business to be able to give any portion of their time and attention to public affairs. These are days of keen competition in the commercial and trading world. The Bill proposes to tempt them from their work by offering a fee of Rs. 32 for attendance at each meeting of the General Committee. But this will hardly be a sufficient inducement to the higher class of Europeans. And so the proposed measure will fail in its object in this respect, while it will have the appearance of importing a race question, for the obvious object of the measure is to break the preponderance of the Hindu element in the Corporation. I know that the great sin of the Corporation is its Hindu majority, and however useful work the elected Hindu Commissioners may have done since the year 1876, they are at present the best abused men in the City, for whom no sneer or ridicule is too bitter or scathing.

“The present Bill seeks to reduce the Corporation to a nullity by depriving it of all powers of control which it has exercised during all these years, to the eminent advantage of the administration, while it concentrates all powers in the Executive and a Committee of twelve, on which the representatives of the rate-payers would be in a standing and hopeless minority, and makes them to a certain extent independent of each other, and answerable to none. Nothing can be surer than this, that if the Bill be passed into law in its present shape, the popular element in the administration of the town, with all its safeguards against Executive high-handedness and extravagance, would entirely disappear, and give place to a system of administration which would be a curious admixture of despotism and oligarchy with all the attendant dangers of both.

“The explanation of the attitude taken up by Government in this matter was shadowed forth in your speech, Sir, at the opening of the current session, and has since been given in an amplified form in the speech of the Hon'ble Member in charge of the Bill, when asking for leave to introduce it in Council, and in the published correspondence between the Governments of India and Bengal on the subject of the present Bill.

“From these speeches and the correspondence, it appears that, in the opinion of the Government of Bengal, the Municipality has no constitution, that ‘everything is fluid and indefinite;’ that it is impossible to say in what part of the system the Executive resides, or indeed whether there is any Executive at all; that there was ‘a complete breakdown of the conservancy of the town at a critical period’ (referring obviously to the autumn of 1896, when the plague first appeared in Bombay), ‘and serious confusion in many other departments of the municipal administration without the possibility of determining with any approach to certainty where the responsibility for such a state of things lies.’

"The proposed remedy for all these evils is to define in many matters have become a bye- to vest in the Chairman almost all powers which, under the present Act, have failed repeatedly in the discharge of Chairman can exercise on behalf of the Commissioners, so that his hands would be most dangerous, indeed. and control, and thus make him accountable to no one; he be entrusted with still more extensive which, under the present Act, are reserved to the Commissioners, to be the head of the Municipal which two-thirds would be nominated by Government and by the Bench for many things done by him community and the Port Commissioners, while only the remaining one-third remain in Bombay. It is a strange anomaly Leaving out the general body of the Corporation, which, if the present Bill it is now sought to reduce the proportion of elected members from one-third to one-half, and to increase the proportion of the nominated Commissioners from one-third to one-half, to Bombay for the

"Now, let us examine the position a little carefully. Under the present Act, the Bench certain powers reserved to him. Certain powers are vested in the Commissioners, and certain powers are reserved to the Commissioners-in-meeting. Under the express provisions of law, all powers, vested in the Commissioners, can be exercised by the Chairman. But he cannot act in opposition to, or in contravention of, any orders passed by the Commissioners-in-meeting, and if any order, already passed by him, is brought before a Meeting, and modified or disapproved, he has to modify or cancel his action accordingly.

"The Hon'ble Member in charge of the Bill sums up these provisions in the following words:— 'The Chairman, as such, has virtually no powers under the Act. Whatever he does, he does on sufferance with the knowledge that the power he has ventured to use may be withdrawn from him by a Resolution, or that the action which he has presumed to take may be upset with retrospective effect,' and suggests by implication that if in these circumstances the Chairman is apathetic or inactive, he has good reasons on his side. Now, I maintain that this is not a fair summary of the situation at all. This would practically amount to saying that a person cannot exercise any powers, unless he is to be made absolutely unaccountable to any one. Such a proposition would be preposterous. Where are the grounds for assuming that the Commissioners are a set of perverse men, who cannot be trusted with powers of control with judicious discretion? Where are the instances of reckless and irresponsible exercise of the powers of control, and in the face of the protests of the Chairman?

"Far better it would be for the rate-payers and residents of the town that the Municipality should be administered as a department of Government as it was before 1863, rather than its government should be made over to a handful of men, accountable to no one for their actions.

"The present Act has been in force for nine years. There have been three Chairmen during the first seven years of this period—the late Sir Henry Harrison, the late Mr. Harry Lee and Mr. Ritchie. Not one of them ever complained of the reckless interference of the Commissioners, so as to seriously hamper Executive action. They worked with the Commissioners generally in a spirit of harmony, and there was no complaint. During the next two years there have been two Chairmen—Mr. Williams and Mr. Bright. Neither of them was sufficiently long at the head of affairs to make themselves thoroughly acquainted with the work. Moreover, they were both in indifferent health, and have been obliged to go on furlough within a short time of their appointments to the office on the score of failing health, and if these gentlemen or any of them have thought fit to complain of the undue interference of the Commissioners, such complaints ought to be rated at their proper value, and not allowed to override the opinion of equally able, if not abler, men, who have been longer connected with the administration of the Municipality.

"The next point which requires consideration is what has been said about the breakdown of the conservancy of the town at a critical moment, and the existence of serious confusion in many other departments of the municipal administration without the possibility of determining where the responsibility lies. With the utmost deference to your opinion, Sir, I would submit that it would be quite possible to fix the responsibility on proper investigation, and I am strongly of opinion that in justice to the Commissioners, as well as in the best interests of the town, such an investigation ought to have preceded any legislation for providing a remedy for the state of things referred to by Government in this Council. It is my duty to tell you, Sir, with the utmost emphasis at my command, that there is a very strong feeling among the Commissioners that they have been condemned unheard.

Bahadur, were nominated by Government to it departments in which confusion is said to have pre-part of wards Nos. 15 and 16. I do not know any proof to the contrary, it is obviously the Executive contemplated by the Bill, should be meted such confusion. To the credit of the Commissioners, it cause of Municipal Self-Government in Calcutta it was mainly through their efforts, and sometimes, in spite element in the Corporation, it is their credit that attention has from time to time been drawn to irregularity. And what the Bill in effect seeks is to re-organise the departments of the Corporation. It was the Commissioners who Calcutta have elected so many Hindu Members. In recent years, the irregularities and malpractices in the and it is because the Hindus form the majority in the Sanitation Department and in the License Department many years thirds of it. It is better by far than the present moment, a strong Committee is engaged in making enquiries be altogether swept away than the present moment, a strong Committee is engaged in making enquiries hamper the elective system of the Corporation. The Executive have no abiding interest in making enquiries by Committees, as when irregularities and malpractices are eventually established, they indirectly reflect on the want of proper supervision by the Executive heads. As I have already said, instances are not rare in which the Executive have supplied the brake-power, and the Commissioners had to supply the motive-power, in bringing departmental irregularities and malpractices to light.

“With reference to the neglected state of the conservancy, I would merely draw attention to some of Dr. Banks’ reports. He removed 14 tons of refuse from one privy in Harrison Road, and he reported that another privy in Burtola Street was full of night-soil, and choked by 50 old shoes. This proves that the Commissioners were perfectly justified in their reiterated complaint that the Health Officer and his supervising staff were not doing their duties, and that the Executive required a rude awakening and stricter interference from the Commissioners.

“Dr. Banks reported that some of the night-soil depôts were in bad repair, and that in one of them, the floor was completely broken up. This proves that the Executive failed in attending to what was urgently required for the purposes of sanitation.

“If, as Dr. Banks reported, the refuse-carts are so badly constructed that the bullocks and ponies are needlessly knocked about, the Executive alone can be considered at fault. If the surface drains are badly aligned, and if the Conservancy Department throw urine from cowsheds into drains, instead of emptying it into the sewers, the inevitable conclusion ought to be that the Executive are inefficient, unless it can be shown that the Commissioners prevented them from doing their duties.

“As regards the construction of insanitary buildings, it is an open secret that the Executive, instead of taking vigorous steps as soon as the construction of such a building is commenced, defer taking any action till it is too late. It is a fact that the Commissioners on several occasions ordered the demolition of houses, constructed in contravention of the existing building regulations. Is it not worth enquiring why the resolutions of the Commissioners were not carried into effect? Only two explanations are possible. Either the building regulations are bad and unworkable, or the Executive are inefficient. If the Building Committee, in a few cases, permitted slight deviations from the by-laws, and sanctioned plans, they dwindle into insignificance before the deviations taken no notice of, or permitted by the Executive.

“On the first alarm of the Plague in Bombay reaching Calcutta, the Commissioners at once placed the sum of Rs. 3,000 at the disposal of their Health Officer for the adoption of precautionary measures against the plague—*vide* Proceedings of the 26th Meeting of the General Committee held on 25th September, 1896. At the same time, the Commissioners requested the Health Officer to pay daily visits to different parts of the town instead of three visits in the week, and to issue strict orders to his subordinates to pay particular attention to the cleansing of the town. The Commissioners did more. In addition to this, they individually visited different parts of the town with the acting Chairman to see how the work was going on. At their next meeting, held on the 28th September, 1896, the Health Officer asked for an allotment of Rs. 36,000 for six months and Rs. 6,000 for the cleansing of certain filthy parts of the town, and for the adoption of precautionary measures against the plague. The Commissioners immediately consented to vote a grant for the extra carts and coolies required, but declined to appoint any Medical Inspector or Chief Superintendent on Rs. 1,000 a month, since they contended that the Health Officer with his existing supervising staff ought to be able to do the work. Eventually, at a special meeting of the General Committee, held

on the 5th October, 1896, the proposal of the Health Officer to entertain a certain number of additional Medical Inspectors was sanctioned, and it was decided to apply to Government for the services of an officer on a pay not exceeding Rs. 1,000 a month for three months, to superintend the cleansing of the town, and introduce a system of organisation, under which the town would get the fullest benefit of the amount spent on its conservancy, it being the general opinion that through the incompetency of the Executive in the Health Department, the Commissioners did not get sufficient work out of the men employed

“Besides this, the Commissioners granted Rs. 1,000 for sewer flushing, Rs. 31,449 for the construction of flushing chambers in ward No. 2, and Rs. 1,221 for connecting the bathing platforms with the filtered water-supply with a view to relieve the unfiltered water-supply for sewer flushing.

“The following passage is an extract from the letter of the Government of Bengal, dated 7th March, 1898.—‘Although on the 30th November, the Medical Board addressed to the Corporation a number of specific recommendations for the cleansing of the City, it was not till the 22nd of January, and then under the strongest pressure from Government and the Medical Board, that they sanctioned a grant of Rs. 30,000 towards a further temporary establishment for cleaning up the town.’ Nothing could be more unfair to the Commissioners than this. The Commissioners had long before this resolved on spending any reasonable amount of money for thoroughly cleaning up the town, and it was entirely due to the Executive that a definite scheme was not laid before the Commissioners until January, 1897

“The Bengal Chamber of Commerce have a potent voice in the Corporation, if they only choose to exercise it. They have in their individual capacity a large property vote, and besides have the privilege of sending four representatives directly to the Municipal Board. The representations of the Chamber, whether made directly by them or through their representatives, have always received the respectful and prompt attention of the Commissioners.

“I would here take the liberty of quoting the opinion of a European gentleman who has sat on the Municipal Board, ever since the present Act came into operation, as a representative of the Calcutta Trades Association.—‘It is taken for granted that because we European Commissioners are in the minority that we can do nothing, and that in any attempt at reform, we are outvoted and sat upon by an overwhelming majority. This is not my experience, and I have been a Commissioner for seven years, and I can honestly say, and I feel it my duty to say, that in all my attempts at improvement in the special subject I have taken in hand, I have received the readiest assistance and no opposition from the natives, but the difficulties I have been confronted with have always been from the Executive. Improvements have been initiated, passed without opposition, funds found and voted, and yet owing to the inaptitude of the Executive, nothing has been done

“The weakest part of the Bill is that it makes an indirect attempt to undermine the independence of the Corporation, and to reduce it to a non-entity. It deals almost a death-blow at Local Self-Government. If Self-Government in Calcutta has failed, let it be abolished by all means. But while it lasts, its integrity and independence must be respected.

“Municipal Self-Government is an important political experiment in this country. Not many years ago, Her Majesty the Queen-Empress attached particular significance to the successful development of this movement, on which depends the chance of any further extension of the representative system of government in this country. The success of the experiment is now an admitted fact. To use some of the words and arguments of a Bombay petition from the municipal body of that City, submitted to Government some years ago, ‘such general success is compatible with occasional blunders and miscarriages.’ Municipal Corporations in India have been established in pursuance of a policy which aims at fostering habits of self-government among the people of this country. Habits of self-government cannot be acquired or usefully exercised without freedom of action. The danger of a Municipality lies in its liability to too much interference of Government with its duties and responsibilities, however wholesome Government interference sometimes may be. Too much of such interference will deprive a Municipality of that independence, so essentially necessary to its successful working. Government should not be allowed to usurp the functions of Municipal bodies, except when they are proved to be wrong. This Bill is essentially opposed to the principle on which the Corporation is constituted. It is calculated to destroy the sense of trust and responsibility reposed in the Commissioners. It will make the

Corporation self-governing only in name. This Bill goes against some of the fundamental principles, enunciated in the Resolution of the Government of India on Local Self-Government, dated the 10th October, 1881. Some of these principles are :—

‘The Governor-General in Council has no hesitation in stating his conviction that the only reasonable plan open to the Government is to induce the people themselves to undertake as far as may be the management of their own affairs, and to develop and create, if need be, a capacity for self-help in respect of all matters that have for imperial reasons to be retained in the hands of the representatives of Government.

‘The non-official members must be led to feel that real power is placed in their hands, and that they have real responsibilities to discharge. It is doubtful whether they have, under present arrangements, any sufficient inducement to give up their time and attention to the transaction of public business.’

“In giving his qualified assent to the existing Act, Lord Ripon, as Viceroy of India, said :—

‘Having regard to the great importance attaching to the development of municipal and other similar institutions in India, it appears to the Governor-General most desirable to avoid as far as possible taking any step which may have the appearance of arresting the growth of such institutions or of unduly restricting their liberty of action.’

“In another place, he remarked :—

‘It must be remembered that the introduction of municipal institutions into India is only of comparatively recent date, and that even in England, where such institutions are of long growth, and are consonant with the habits of the people, many instances might be adduced from the records of Town Councils and other local bodies not only in the past, but also in the present day, of proceedings little, if at all less, open to criticism than the most noticeable of the cases which have given ground for complaint in this country.’

“The fate not only of the Calcutta Corporation, but the development also of Local Self-Government in this country, will depend very much upon what ultimately awaits this Bill. I have no hesitation in saying that the Bill is a direct menace to the existence and extension of Local Self-Government in this country.

“In the Statement of Objects and Reasons, appended to the Bill, we are told that it is sought to attain the ends of the Bill by re-constructing the existing Act more or less on the lines of the Bombay Municipal Act with certain material changes, &c. But it is most curious that while the Bill copies some of the sections of the Bombay Act, more or less important, it eschews altogether some of the redeeming features in the Bombay Municipal system. It would have been a decided gain to our City if the constitution of the Calcutta Corporation had been assimilated somewhat to that of the Bombay Corporation. The Standing Committee of the Bombay Corporation, corresponding to the General Committee of the Calcutta Corporation, has its own separate Chairman. It consists of 12 members, of whom 8 are appointed by the Corporation and 4 by Government, the Chairman holding his office for a year only, and is elected by the members of the Committee. The Corporation has also its own separate Chairman, who also holds his office for a year, and is elected by the members of the Committee. The Corporation has also its own separate Chairman, who also holds his office for a year, and is elected by the members of that body. The entire Executive power and responsibility are vested, for a renewable term of three years, in the head of the Municipal Executive, who is known as the ‘Municipal Commissioner of the City of Bombay.’ He is entitled to be present at all the meetings of the Standing Committee and the Corporation, to take part in the discussions at those meetings, but he is not allowed to vote upon, or to move any Resolutions. The head of the Bombay Municipal Executive does not possess such uncontrolled authority as the Calcutta Municipal Chairman does. While the head of the Executive of the Bombay Municipality is not allowed to vote at any of its meetings, the Chairman of the Calcutta Municipality is allowed a casting vote, and also to move any Resolution he likes. The system is wrong in principle, and leads to much abuse. The bill gives no power to the Calcutta Commissioners to elect their own Chairman, either of the General Committee or of the Corporation itself, while the Chairman is allowed to be the Chairman of the Corporation as well as of the General Committee, and to be at the same time the head of the Executive. If the Calcutta Chairman, therefore, is not an autocrat, I do not know who is. And yet the Bill seeks to make him a greater autocrat still ! A more dangerous state of things

can hardly be conceived, and the worst of it is that while the 72 Commissioners, of whom 50 are elected, are allowed to remain untouched, they will be all dummies, excepting the fortunate twelve within the charmed circle of the General Committee. The elective system will remain only in name, while everything will be done by the Municipal Chairman or rather the Municipal autocrat, in the sacred name of that system! The General Committee will be a packed body altogether, for out of the 12 members, constituting the Committee, not 8, as in Bombay, but only 4 will be returned by the Corporation; and with the help of this packed body, the Chairman may at any time execute his sweet will and pleasure."

***The Speech of the Hon'ble Mr. Turner, delivered at the Bengal
Legislative Council, on the 2nd April, 1898, at the Second
Reading of the Calcutta Municipal Bill.***

"On behalf of the body which I have the honour to represent, the Bengal Chamber of Commerce, I beg to express my entire satisfaction at the introduction of the Bill now under discussion, which aims at the improvement and partial re-construction of the municipal body as it now exists in Calcutta, and I congratulate the Hon'ble Member in charge of the Bill on the very able, clear and exhaustive statement which he made on the occasion of introducing the measure into this Council. The Chamber of Commerce has addressed the Government of Bengal on the shortcomings of the Calcutta Municipality at various times, notably in July, 1895, September, 1896, and January, 1897. In July, 1895, the Secretary of the Chamber had occasion to call the attention of the Secretary to the Government of Bengal to the increase of fever of a typhoidal character throughout the City and the insanitary construction of the City generally. The letter also referred to the possible danger of, and the very serious consequences which would follow from, the introduction of plague into Calcutta, which at the time had appeared slightly at Singapore. Mr. Clarke, the then Secretary, went on to say: 'The Committee have reason to believe that there is a very strong feeling on the part of a section of the community that efforts should be put forth by those responsible for the health of the City to grapple with its insanitary evil, and I am to say that as the Municipal Commissioners have failed to do so, the Committee consider the time has arrived when the Government of Bengal should lend its influence and help to rectify the state of affairs I have alluded to.' The attention of Government was also drawn to the terrible state of the trenching ground to the south of the city at Goragacha in the midst of the populous suburbs of Alipore, and the Committee appealed to Government to take action under the controlling section of Act II of 1888.

"In 1896, the Committee of the Chamber had again occasion to call the attention of the Local Government to the necessity for taking special precautions to prevent the importation of plague into Calcutta, a misfortune which the Committee considered was beyond the power or capacity of the Municipal Corporation to deal with.

"In January, 1897, the Secretary to the Chamber addressed a long communication to the Secretary to the Government of Bengal, Municipal Department, dwelling earnestly on the very serious state of the city of Calcutta, which was a source of danger and apprehension in the face of the plague existing in Bombay. The Committee referred to the report of the Medical Board, dated 28th October, 1896, on the sanitary condition of Calcutta, especially to the complaints of the bad working of the sewerage system of the City, the want of sufficient water for flushing drains, and the consequent tendency for the sewers to 'become elongated cess-pools.' The letter referred to the disgraceful condition in which certain portions of private houses were kept and the terrible state of insanitation which constituted a permanent and standing threat against the health of the inhabitants and the prosperity of the City. The Committee considered that the report called for more than the attention of the Municipal Commissioners, as the matter concerned not only the Government of Bengal, but the Supreme Government. They called upon the Government to consider the question of legislation for the improvement of the Municipal Act so as to make it more readily effective.

"As regards the question of the sanitation of Calcutta, I think it must be admitted by all parties that it is a matter which not merely concerns our Local or Imperial Government, but it is a matter of International importance. For some years past the attention of Foreign Powers has been directed towards the health of India. I remember some few years ago, when an outbreak of cholera occurred

in Bombay, how certain Continental Powers at once took fright and issued stringent orders in regard to the quarantine of all vessels sailing from Bombay. The rules were strictly and rigidly enforced. After a time the former stringent restrictions against an ordinary epidemic such as we look upon cholera in this country, were generally modified, but with the advent of plague to India, Foreign Powers have become more alive than ever to the necessity for watching carefully the sanitary condition of India as a whole. But as the Hon'ble Mr. Risley observed, Diplomacy and Science joined hands, and the famous Venice Convention of 1897 was an all-important result. Clear and absolute rules were drawn up in regard to the treatment of cargo and passengers arriving from infected ports. Disinfection and observation were substituted for quarantine, and the regulations agreed to were fair and reasonable. But a stricter watch than ever is kept on the sanitary condition of India, and it is therefore not only necessary, but the duty of Government to take such steps as will provide for an efficient and complete working of the municipal bodies in all Presidency towns. It is difficult, it is almost impossible, for us to realise what would be meant if plague appeared in Calcutta, and Foreign Powers blocked the importation of merchandise from Calcutta, Bombay and Kurrachee. It would mean that the foreign export trade of India would cease; disaster to the commercial classes would follow, and a financial crisis might have to be faced by the Government itself. Now I think it cannot be denied that in view of all this the commercial interest in Calcutta is not one to be disregarded. Further, I would remark that the total value of imports into Calcutta amounts to no less than 38 crores per annum and our exports to 51 crores, so that the commercial class has surely a great and reasonable claim upon Government to have its representations considered, and also to have a reasonable share in the management of municipal matters in this great City.

"It has been urged in some of the Anglo-Vernacular papers that the present constitution of the Municipality is a complete popular representation, that enormously good work has been done in the past, multifarious improvements have taken place in the City by the construction of new roads, the opening of congested areas and *bustee* reclamations; and one particular journal goes on to say: 'the Commissioners are elected representatives of the people, who do their work from a sense of pure public spirit. But the head of the Government is not on their side, nor are the members of the Anglo-Indian community. And do you know what are the Commissioners for? It is to keep the Europeans in comfort and luxury at the cost of the general body of rate-payers. They, the Europeans, must have more water, more gas, wider and cleaner streets and better conservancy, all at the cost of the Indian tax-payer. In short, the Commissioners exist not to do duty to their constituents, but to pander to the convenience of the European community.' Now, Sir, if an educated journalist can write in this unfair and absurd manner of matters which vitally affect the city and the country at large, is it possible for us to convince him or his friends of the necessity for absolutely perfect sanitation and for improvements which no human being of ordinary intelligence can deny are sadly and urgently needed? It must be known that the supply of pure and filtered water is an enormous benefit to the people at large. It must be admitted that wider and cleaner streets and better conservancy must improve the health of the very humblest of the citizens of Calcutta. Europeans as a rule can get away from the dangers of insanitary Calcutta, but the poor people are obliged to remain and to suffer in silence from I will not say the incapacity but the indifference of their fellow-citizens, who comprise the majority of the Municipal Commissioners.

"Now I quite admit that some good work has been done in the past few years, although on some occasions it has taken years instead of months to work out matters of vital importance. I understand the drainage work which were commenced some two years ago were for seven years under consideration. Now I will undertake to say that had this matter been in the hands of a compact body of picked men, such as I hope and expect the new Standing Committee will be, this matter of drainage, a matter of supreme importance, would have been decided upon and completed in as many months as it took years under the present system. As regards the shortcomings of the Municipality, I am bound to say that I do not think they fully appreciate the intense necessity for sanitary improvement. I do not blame the Municipal Commissioners entirely for the result, rightly described as the appalling disclosures of the Medical Board enquiries in 1896. The Executive seem to have been partially responsible, but it must be remembered that the Executive were trained to consider each Commissioner as his master, and how can any man serve 75 masters? 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 favour of having the appointment of Chair

man made a permanent one. This will mean either that the salary of the post must be made sufficiently high to retain the services of a Civilian with brilliant prospects before him, or Government must go outside the Civil Service for their selection. This is a matter which I would ask Government to seriously consider. But apart from this consideration, it must be allowed that at times the Municipal Commissioners have proved seriously obstructive and have opposed various improvements for reasons which are inexplicable. I would refer, for instance, to the Harrison Road scheme, which has opened up one of the most congested localities in Calcutta. It was in 1888 vigorously opposed by all the Hindu Commissioners with the exception of six. Eventually, the scheme was carried through by the European and Muhammadan Commissioners plus six Hindu representatives supporting the Chairman, and in connection with this Harrison Road improvement, I would read the following extract from the closing remarks on the debate by the Chairman, the late Sir Henry Harrison:—

‘The question lay between Calcutta as a whole and the land-holders. Who should reap the profits earned from an important and costly improvement like this—private owners or the rate-payers in general? Those were the two conflicting bodies. On the one side was the whole of Calcutta which would be taxed to pay for this road: on the other side were the land-holders. What was the value of land before Calcutta became a City? Probably from Rs. 50 to Rs. 200 a bigha, and what now was the value of that land? From Rs. 10,000 to Rs. 40,000 per bigha was not at all an exaggerated estimate. The value of land was increased two hundredfold by the trade and commerce of Calcutta. And now, when the Municipality was unable to make a road, except on a principle of this kind, and they would give the whole increased value of the land and also 15 per cent. in addition, the land-holders turned round and said that private rights must for ever be respected, notwithstanding that the most important streets of the town remained hopelessly clogged. That showed their absolute failure to realize what were the rights of the City, as compared with the rights of individuals. And it was because that was the very view taken by every capitalist that they were the very persons who failed to appreciate what was the meaning of the life of a City, that what Mr. Cotton said acquired such immense importance. Was it possible to entrust the lives and health of the people to a body of Commissioners, whoever they might be, who so little appreciated the enormous and transcendent importance of making improvements of this kind?’

“Again in 1896, when the Health Officer's proposal for increased expenditure to provide for precautions against the plague was under discussion, Maulvi Abdul Jubbar declared that ‘pestilence and famine were a divine chastisement for our sins, and like the Excise Revenue in Bengal are yearly on the increase, and keep pace with the advancement of what you call civilization. No human agency can fight against a decree of heaven.’ On the same occasion another gentleman, who, I believe, has been educated at Oxford, also opposed the proposal and said, ‘though there might be overcrowding among natives, and though they might live in insanitary conditions, their fathers and grandfathers had lived in the same way and under very much more insanitary conditions, and had attained great age.’ These quotations go to show that some at any rate of our present Municipal Commissioners entirely fail to appreciate the absolute necessity of keeping pace with modern requirements in matters sanitary or the gravity of questions brought up for their consideration.

“Now as regards the Bill itself, it has been objected that too much independent power will be given to the Executive, and that the Municipality will be too much in the hands of Government. Section 22, which empowers Government to step in and act on certain occasions, expressly stipulates that such action will be taken only if the Municipal Commissioners neglect their duties, and if the Corporation fail to comply with the orders which may be given after due enquiry has been made by a Commissioner or by a special officer deputed for the occasion. As to the question of Government interference, generally we overlook the fact that in cases of breakdowns at important crises, the Government of India look to the Local Government and not to the Corporation. The eyes of the world in fact are fastened on the Government and not on a municipal body in case of shortcomings.

“Now in England where municipal bodies exist I suppose in almost every town, it is not an uncommon occurrence for the Local Government Board to interfere in questions where Municipal Boards are unable or unwilling to carry out urgent necessary improvements. I may quote the Thames Valley drainage works. At one time the sewage from most of the riverine towns on the banks of the Thames was discharged into the river, this was always an objectionable feature, and at length they, the Conservators of the river Thames, took action and obtained an injunction against the practice. After considerable delay the Local Government Board stepped in and insisted on the river drainage works being effected, failing which the town to which I refer was to be heavily penalised. Action was ultimately taken, and the sewage disposed of by a chemical process. The Local Government Board also, I believe, goes to the length of insisting upon loans being raised to carry

out necessary works, so that in taking action to put the Calcutta Municipality in order the Government of Bengal merely follow the practice adopted in England.

“ Then again it has been said that this is a serious interference with Local Self-Government and the declaration of Lord Ripon in 1882. In this connection I would like to read an extract from a speech made by His Excellency the Marquis of Ripon on the 8th November, 1882, when he addressed the Municipality of Lahore. While deprecating any attempt to drive those who are to manage local institutions too hard and fast, he went on to say that :—

‘ Though I desire to see great patience exercised, and though I deprecate haste or undue and overeager expectations of immediate results, I, on the other hand, am firmly determined that this experiment shall not fail through the pertinacious neglect, through the sloth or through the continued incompetence of the local bodies that are about to spring up. Not to do so would be to betray the policy which we are advocating and to abandon those interests that we have most near at heart. We must, therefore, retain sufficient control over these local bodies, a control varying in different parts of the country according to the advancement of the people and the circumstances of each district. We must maintain, I say, sufficient control over those local bodies to see that they do not permanently, obstinately or slothfully neglect their duty towards their fellow-citizens, and that control, Gentlemen, I for my part am determined to maintain, and I trust that it will be applied patiently, but still firmly, by Local Governments.’

“ But I contend that it is no interference with the principle of self-government at all, nor can it be described as a retrograde measure when a representation of all sections of the community is more fully and equally ensured than under the old system. The essence of Local Self-Government is, I take it, the fair representation of all classes. I cannot imagine that it was ever intended that one section of the community or one class of that section should be the predominant power and in fact control the working of the Municipality. This is the case under the present *regimé*, and it is a state of things which most decidedly justify Government in its present legislation. I have no doubt it will be said that Europeans will take no more interest in municipal matters than of old, but I absolutely deny this. As regards the Chamber of Commerce, even though some of the leading members may have their time too fully occupied to attempt to take up municipal matters, there are many men of excellent business qualifications fully equal to the task of assisting in the administration of the municipal conduct of the City, who are, I believe, sufficiently public-spirited to give up some of their time when they see that the General Committee is really a workable and businesslike body, and that time will not be wasted in fruitless discussions.

“ It appears to be taken for granted that the Members of the Chamber are so indifferent to the municipal administration of the City that they tacitly consent to being represented by native members. At one time, however, when the 1889 Act came into force, the Chamber was represented by European members, and for many years these gentlemen were regular attendants at the meetings of the Corporation, but each in turn withdrew in disgust after finding out that the meetings were an utter waste of time and that the native majority swamped their proposals and obstructed their reforms.

“ So, too, Europeans will no longer stand for the wards in the European quarter of the town, because they find that they are of no use to their constituents against the overwhelming majority of opposition to reform.

“ Once the new system has been inaugurated and is in fair working order, there will be no lack of Europeans quite ready to come forward as of old to represent the various interests of the wards in which the Europeans chiefly reside.

“ As regards the new laws and regulations relating to the buildings and streets of Calcutta, I have not had time to examine them in detail, but I think there can be no disputing the fact that our first requirement is enlargement of a number of the main thoroughfares, especially those leading through the native town, and that these main thoroughfares should be intersected by streets running at right angles, so that the town itself should, as it were, be split up into a number of squares. I would also urge for the provision of open spaces, not on behalf of the Europeans (as some of my native friends might think), but on behalf of the poor, especially the children, who, under present circumstances, seem to take their enjoyment by playing over the open drains of the streets and *bustees*. There is no doubt that Calcutta is extending rapidly towards Alipore and Ballygunge, and care should be taken that *maidans* be preserved for the use of the public. If necessary, they should be acquired by Government under the Land Acquisition Act, and so provision be made for open air space, which, like the *maidan* of Calcutta, will prove the lungs of the district in which they are situated.

“On behalf of the mercantile community, I would tender to you, Sir, our grateful thanks for having grappled with the great and important question of municipal reform and the improved sanitation of Calcutta. You have done so at the risk of losing a certain amount of popularity with a section of the community, but your sense of duty and responsibility has overcome all sentimental feelings and you have now, as you have always done, acted fearlessly and uprightly, regardless of possible censure from those who disagreed with your convictions, and happy in the feeling that you are doing the greatest good for the greatest number.”

The Speech of the Hon'ble Babu Surendranath Banerjee, delivered at the Bengal Legislative Council, on the 4th April, 1898, at the Second Reading of the Calcutta Municipal Bill.

“SIR,—My first duty is to congratulate the Hon'ble Member in charge of the Bill on the lucid and exhaustive statement with which he has prefaced his introduction of the Bill. Greatly as I differ from him with regard to his views about the Bill, and strongly as I condemn the measure, I am bound to recognize the tact, judgment and ability, and above all the conciliatory attitude, which are so conspicuous throughout the speech. My hon'ble friend rests his case not so much upon the failure of the Commissioners as upon the alleged inherent weakness of the system under which they had to work. It is the system rather than the men that he attacks. I commend this part of his speech. He has thus endeavoured, so far as it lay in his power, to clear the atmosphere and relieve the controversy of those personal elements which at one time threatened to darken the issues involved; for I can conceive no greater misfortune than that we should in approaching this grave consideration allow our minds to be perverted—our judgments to be warped—by any sentiment of personal or party bias or by any lingering recollection of a controversy which I hope and trust has now been forgotten. We should endeavour, in considering this question, to rise to the height of judicial impartiality and level-headedness, for the issues involved are of grave and far-reaching importance. If this Bill should unhappily become the law of the land, and if its principles are to be engrafted upon the system of Local Self-Government which prevails in the Mufassal, then I have no hesitation in saying—I say it with regret, but say it I must—that one of the greatest blessings which we enjoy under British Rule, and with the inauguration of which, Sir, your name is so honourably associated—the inestimable boon of Local Self-Government—will have become a thing of the past.

“Well, Sir, if I have rightly understood the attitude of my friend—and it is an attitude which challenges the system rather than the men—then the question which we have to ask ourselves is this—what are the grounds upon which he bases his conclusions? My hon'ble friend says in substance that the municipal system of Calcutta has been tried and has been found wanting, that the conservancy arrangements have broken down, that the constitution does not ensure prompt and continuous Executive action, and that it is unequal to the strain of a grave and sudden emergency. This represents the sum and substance of his indictment against the Corporation. Great as is the authority which undoubtedly belongs to my hon'ble friend as the Head of the municipal administration of these Provinces, I think we shall be guilty of no disrespect towards him, if we ask him to produce his evidence and to place before us the materials upon which he has based his opinion and upon the strength of which he invites this Council to endorse his judgment. Sir, if we examine the matter a little closely, we shall find that my hon'ble friend has undertaken a task beset with serious difficulties. It will not be enough for him to show that in regard to the municipal administration of Calcutta there has been a failure here—a defect there—a break-down elsewhere. He must carry his evidence much further than that. He must show that the system has so completely failed—the situation is so desperate—that no partial remedy will suffice—that there must be a radical and fundamental change—that the system must be broken up, the site cleared for the erection of a new and a totally different superstructure. Nay more—he must advance a stage yet further. My hon'ble friend must show that in the actual circumstances of Calcutta, menaced by the plague, the only remedy that is left open to us as sensible and wise men is to adopt the discredited municipal system of Bombay which was not able to keep out the plague. A more desperate position—one more entirely at variance with the dictates of reason and sound sense—it would be difficult to conceive. My friend may well feel staggered, I will not say at the temerity of the enterprise, but at the gravity of the task which he has imposed upon himself, and if he is not able to do justice to it, his great ability will not be at fault—the badness of the cause will be responsible for it.

“Well, Sir, my hon'ble friend has laid before the Council the Report of the Sanitary Inspectors appointed by the Plague Committee. I have not the smallest desire to whittle down the evidence of these distinguished experts; but I have a complaint to make—a complaint with which I am sure the Council will sympathize—as to the procedure which my hon'ble friend has thought fit to adopt. The Hon'ble Member has not done the Corporation the justice which the Corporation is entitled to receive at his hands. My friend has read out the indictment but not the explanation—the charge but not the answer of the Corporation. It is not for one moment to be supposed that the Corporation allowed judgment to go by default. At more than one meeting did the Corporation consider the Report of the Sanitary Inspectors—more than one explanation did they submit with regard to that report. Some of the allegations were admitted, others were challenged, with regard to the rest explanatory notes were submitted. I crave the indulgence of the Council to be allowed to proceed with the details of the explanation submitted by the Corporation.

‘(a) *Overcrowded and badly-built houses.*—The general statements made under this head are mainly correct, but it is to be noted that most of the houses and huts attended to by the Medical Board were constructed before the present rules came into force.’

“I maintain therefore that the Commissioners are not responsible for this defect. But let us proceed :—

‘(b) *Defects of public latrines.*—These defects are fully admitted and will be remedied as soon as the unfiltered water-supply is increased. It is to be hoped that this will be accomplished in six to nine months.’

“The unfiltered water-supply has now been increased :—

‘(c) *Defects of private latrines.*—In the opinion of the Commissioners, the state of things described by the Medical Board is not common in *pukka* houses, except in those of old standing, and as regards privies in *bustees* they would remind Government that previous to 1884 there were practically no privies in *bustees* at all. As soon as the unfiltered water-supply is increased notices will be served upon the owners of houses in which there are bad privies to have them connected with the sewers. The Commissioners think it also necessary to add that in the case of some people the Commissioners have paid from Municipal Funds for the connection of their privies with the sewers. Paragraph 3 of the Health Officer's Note deals fully with this subject.’

“Now, Sir, there are 50,000 latrines in Calcutta. Could the Sanitary Inspectors have seen one-tenth or even one-hundredth part of these latrines? In some quarters and among a certain class of experts, I am afraid, there is too great a disposition to jump to sweeping conclusions when they happen to be in harmony with their preconceived ideas. Could the laws of induction have been more openly set at defiance by scientific men who ought above all to be scrupulously careful of them?—

‘(d) *State of house drains and drain-pipes.*—It is fully admitted that these are in many cases choked and out of repair, but an establishment of Inspectors is kept up for the inspection of house-drainage.’

“Now I come to statements that are challenged by the Commissioners.—

‘(e) *State of surface drains.*—The Commissioners are not prepared to admit the general statement that latrines are allowed to discharge into surface drains. Occasionally it is found that such a practice exists. With reference to paragraph 3 of the Sanitary Officer's report, they would call attention to paragraph 5 of the Health Officer's Note (a copy of which is sent herewith) on the surface drains, and to paragraph 20 of the Chief Engineer's Note sent (herewith).

‘(f) *Neglect of road scavenging.*—As regards the sufficiency of the staff, there is a considerable difference of opinion, and the whole question has attracted the careful attention of the Commissioners. As regards the question of the pollution of the subsoil, although there is no doubt that in certain places this is the cause of many most noxious smells, yet it is a matter of doubt whether in many cases it is not the sewers which are mainly responsible. As to the means suggested to minimize the evils of pollution, it will be observed from paragraph 12 of the Health Officer's Note that he is strongly opposed to the use of perchloride of mercury, and that in the face of such opposition the Commissioners have not hitherto thought it advisable to give this experiment a trial.

‘(g) *State of compounds and courtyards.*—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 5 and 7 (Burra Bazar and Jorabagan) as a whole, and for this reason have allotted to those wards a special establishment. Action is being persistently taken under section 318.’

“I would in this connection call attention to the remarks which the Commissioners make on this head in a subsequent communication dated the 21st April, 1897. They say :—

‘With regard to the remarks in this paragraph, the Commissioners would point out that it is not apparent whence the Board got its information about the number of coolies, &c., employed, but from the Health Officer's report dated 15th March, it appears that on that day 1,588 men were on the roll, of whom 1,317 were present at work, and also 329 carts. The whole of the sum allotted has now been spent. As regards the question of the supervising staff living in or near the wards where they work, the Commissioners fully agree with the remarks of the Medical Board, but they would point out that the cost of providing quarters is very expensive.

‘(h) *Pollution of wells.*—With regard to this, the Commissioners wish to point out that in recent years a very large number of wells has been filled up, and this filling up will be proceeded with as soon as the water of the wells has been analysed and the increased supply of unfiltered water provided. The Commissioners are of opinion that if the existing wells are filled up before this is done, that very great hardship will be suffered by many house-holders.

‘(i) *State of cow-sheds and stables.*—Although a great deal undoubtedly remains to be done in the question of improving them, 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.

‘(j) *The state of hackney carriage stands.*—The Commissioners are fully aware of the bad state of these stands, and scarcity of money has alone prevented them from making many of the improvements required.’

“It is the old question of the eternal want of pence from which Administrations higher than that of the Municipality suffer even more grievously than the Municipality does :—

‘(k) *Conditions of bustees.*—The Commissioners fully admit that there is a great deal of room for improvements in bustee, that they would call attention to the fact that a great deal has lately been done and that improvements are being steadily pushed on. More money than is required by the law to be spent on this head has been spent.’

“In ten years’ time the Commissioners have spent 13 lakhs of rupees upon bustee improvement. When I joined the Corporation in 1876, a sum of only Rs. 10,000 was set apart for bustee improvement. Since then it must be admitted there has been an enormous growth in expenditure upon this most important sanitary purpose—

‘*Disposal of house-refuse.*—With reference to this the Commissioners would invite attention to paragraph 13 of the Health Officer’s Note. Considerable difficulty is experienced in inducing native house-owners to allow the retention of the refuse food on their premises during the day, and it will be probably necessary to amend the Act on this subject.’

“Now here are statements and counter-statements—statements made by high authority and counter-statements made by authority equally high and equally entitled to weight. What are we to do in the midst of this conflict of testimony—this divergence of opinion—this war of opposing views? We are left in a dilemma, and we have a complaint to make against the Government that it has not lent us a helping hand to rescue us from this uncertain and dubious position. 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. That would have been in accordance with precedent, for when in 1884 a complaint was made by some of the rate-payers of Calcutta regarding the sanitary administration of the town, a Commission was appointed with Mr. Justice Beverley as President. If such a Commission were appointed and it found in favour of the views of the Sanitary Inspectors, why, Sir, that would have silenced all criticism, removed all doubts and would have enormously strengthened the hands of the Government in any legislation which it might have thought fit to undertake. I cannot conceive any possible objection to the appointment of a Commission except on the score of delay. But, Sir, the constitution of the Calcutta Municipality has now been allowed to exist for a period of thirty-five years, extending over the lifetime of a generation, and if it were allowed to survive for a year or two longer, no great catastrophe would have happened, the world would certainly not have come to an end. Further, a Commission might have been appointed with instructions—with the mandate—to report within a definite time. The Beverley Commission to which I have referred was appointed in August, 1884; it reported in January, 1885. The Building Commission submitted its report with praiseworthy promptitude. Is a public body—I ask—like the Calcutta Corporation to be condemned unheard—a public body with a brilliant record of active and useful service for the good of the town? Such a proceeding does not recommend itself to one’s sense of justice and fair play, and will not, I am sure, be endorsed by this Council.

“In judging of the report of the Sanitary Inspectors and of its effect upon the course of legislation, the fact must not be overlooked that there is scarcely any European town, be it the richest or be it the most perfect in regard to its sanitary arrangements, to some portion or other of which these or similar remarks might not apply. Take London, the capital of the British Empire, the richest city in the world. London and Calcutta cannot of course be compared in regard to their sanitary arrangements. They cannot be mentioned in the same breath; but not many years ago, in 1883, an account appeared of the back-slums of London in a well-known book, ‘The Bitter Cry of Outcaste London,’ which would put to shame the most vivid description of the insanitary condition of the worst parts of Calcutta. I will, Sir, with your permission read an extract from the book:—

‘We do not say the condition of their homes, for how can those places be called homes, compared with which the lair of a wild beast would be a comfortable and healthy spot?’

‘Few who will read these pages have any conception of what pestilential human rookeries are, where tens of thousands are crowded together amidst horrors which called to mind what we have heard of the middle passage of the slave-ship. To get into them you have to penetrate courts reeking with poisonous and malodorous gases arising from accumulations of sewage and refuse scattered in all directions and often flowing beneath your feet ; courts, many of which the sun never penetrates, which are never visited by a breath of fresh air, and which rarely know the virtue of a drop of cleansing water. You have to ascend rotten staircases which threaten to give way beneath every step, and which in some places have already broken down, leaving gaps that imperil the limbs and lives of the unwary. You have to grope your way along dark and filthy passages with vermin swarming. Then if you are not driven back by the intolerable stench, you may gain admittance to the dens in which these thousands of beings, who belong as much as you to the race for whom Christ died, here live together. Have you pitied the poor creatures who sleep under railway arches, in carts or casks, or under any shelter which they can find in the open air ? You will see that they are to be envied in comparison with those whose lot it is to seek refuge here.’

“ Sir, in judging of the system of municipal government which it is now proposed to supersede, we must take into consideration the sanitary condition of Calcutta such as it was in 1876, when the municipal system of this City for the first time came under the control of the elected Commissioners. This was what Dr. Payne, the Health Officer, said of the sanitary condition of Calcutta in 1876 :—

‘On the evidence of its mortuary record the town is surpassed in fatality by many eastern towns and by some in the west, and yet it is impossible to conceive a more perfect combination of all the evils of crowded city life in the primitive filthiness and disorder than is presented in the native portion of Calcutta. Dirt in the most intense and noxious forms that a dense population can produce covers the ground, saturates the water, infects the air and finds in the habits and incidents of the people’s lives every possible facility for re-entering their bodies, while ventilation could not be more shunned in their houses than if the climate were arctic instead of tropical. If then Calcutta be not a deadly place, filth in its utmost intensity must be innocuous and sanitation a pretentious sham.’

“ Going back to a point of time still earlier in the history of the municipal administration of Calcutta—to a point of time when the municipal system was entirely controlled by the Government, we have revealed to us a state of insanitation which, in the words of Mr. (afterwards Sir) John Strachey, constituted a scandal to a civilized administration ; and yet it is now, seriously proposed to establish a form of municipal administration which makes the nearest approach to complete Government control ! Let me read an extract from the report to which I have referred :—

‘For many years past the sanitary condition of Calcutta has been a constant subject of complaint, and this condition has probably never been much worse than it is at the present time. The state even of the southern division of the town, which contains the fine houses of the principal European inhabitants, is often most offensive and objectionable, while with regard to the northern or native division of Calcutta, which contains some hundred thousand people, it is no figure of speech, but the simple truth, to say that no language can adequately describe its abominations. In the filthiest quarters of the filthiest towns that I have seen in other parts of India or in other countries, I have never seen anything which can be for a moment compared with the filthiness of Calcutta. This is true not merely of the inferior portions of the town or of the bye-ways and places inhabited by the poor classes, but it is true of the principal thoroughfares and of the quarters filled with the houses of the richest and most influential portion of the native community. If a plain unvarnished description of the northern division of Calcutta, bordered by their horrible open drains in which all the filth of the city stagnates and putrefies, were given to the people of England, I believe that they would consider the account altogether incredible.’

“ And again :—

‘It is not my wish to attempt to describe in detail the condition of Calcutta. To all who are here upon the spot the facts are notorious. The state of the capital of British India, one of the greatest and wealthiest cities in the world, is a scandal and disgrace to a civilized Government.’

“ Such was Calcutta in 1863—such was Calcutta in 1876—such was the legacy which the Justices received from the Government, and which, with the sanitary arrangements somewhat improved, they bequeathed to the elected Commissioners. And what use, let me ask, did the elected Commissioners make of this filthy bequest ? Why, Sir, they turned it to splendid account. They introduced sanitary improvements which have converted a city which from a sanitary point was a scandal to a civilized administration into a city which is one of the healthiest in India, to which our countrymen flee in hundreds and thousands, driven from their malaria-stricken homes in the mufassal, as to a health-resort. The elected Commissioners completed the drainage and water-works which had been initiated by the Justices. They have taken in hand the drainage and the water-works of the suburban area—they have reclaimed *bustees*, filled up foul tanks and have opened out new roads. The net result of their sanitary works has been that the price of land has been doubled within the last few years ; and this, Sir, not owing to the expansion of trade and commerce,—for the growth of trade during the last

five years shows a falling off, according to the statement of the Hon'ble Mr. Allan Arthur before the Supreme Council, as compared with its growth in the five years preceding—but to the advance of sanitation and the consequent improvement in the health of the people. The position which I have ventured to assume as regards the great sanitary improvements which have been effected under the present municipal system is supported by high and competent official authority. To the testimony of these distinguished men I desire to refer. Let me quote what Mr. Cotton, now Chief Commissioner of Assam, said as a Member of the Beverly Commission :—

'I have devoted myself at considerable length to this historical retrospect in order to demonstrate once for all how utterly unfounded is the charge brought against the Corporation that the action taken by it is fitful, spasmodic and at haphazard. It is true that at one time there was a period of inaction, but the reason for that is fully explained. The policy of the Corporation is rather, as Dr McLeod described it, one of gradual and progressive reform. The whole case is, as the Army Sanitary Commission describe it, as complete as it well could be. I do not think the true friends of Local Self-Government, who are watching with unconcealed anxiety the struggle for existence which marks the infant growth of a great principle, could find anywhere in this country more satisfactory tokens of encouragement and hope than exist in the metropolis. The small tree is here firmly planted. I am not careful to enquire whether a better practical administration of the affairs of the town might not be possible. It is possible that the municipal work of the city might be more efficiently administered under the ideally perfect control of a benevolent despotism. But be that as it may, the policy of Government is now cast in another mould. We have another object in view, the education and training of the people, and for this end we are content to put up with many failures in practical administration. And so even if there had been failure in Calcutta, if the Municipal Commissioners had been found wanting, if there had been shortcomings, I would have appealed to the Lieutenant-Governor in his consideration of the Report of this Commission to deal with those imperfections tenderly and with patience. But I have shown, and my colleagues have shown, that there has been no failure. The Corporation of Calcutta as a representative body commands the confidence of the vast majority of the rate-payers; it has already done very much in the direction of sanitary reform, it has not retrograded in giving effect to a single sanitary improvement; stimulated by the healthy action of public opinion and profiting by the greater experience gained year by year, it has afforded, by the systematic enterprise of the past three years, the most solid guarantee that it will continue to advance on the path of progress.'

"I will not refer to the acknowledgment of the work of the Corporation made by the Commission itself. My hon'ble friend the member representing the Corporation quoted it at length; but I will pass on to the evidence of Mr. Henry Lee, the Chairman of the Corporation, who thus observed in the Administration Report for 1891-92 :—

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

"One other quotation I desire to make in this connection, and that will be from the Government Resolution dated the 20th November, 1893; it is a Resolution of the Government of Sir Antony MacDonnell :—

'Sir Antony MacDonnell has perused with much interest the report reviewed in the preceding paragraphs, it records the execution of much useful work, especially in the direction of sanitation and of structural improvements, such as the extension of drainage and water-supply and the improvement of *bustees*, and for their share in carrying out these measures the thanks of the Lieutenant-Governor are due to the Executive officers of the Corporation, the Engineer and the Health Officer. The Commissioners themselves have, as a whole, displayed a care and attention to their duties which is very meritorious, and has in some cases risen to the level of devotion. The year, though not actually one of straitened resources, was yet clouded by the shadow of impending pecuniary difficulties, and the policy of the Commissioners has doubtless on some occasions been guided by this circumstance, which has induced them to shrink from expenditure on objects which have strong claims upon them. In executive matters the Lieutenant-Governor perceives an occasional want of vigour, especially in the collection of rates, the enforcement of the law in regard to license fees, and the recovery of expenses from the owners of *bustees*. But these defects admit of remedy; and on suitable opportunities they will no doubt be remedied. Leaving them out of consideration, Sir Antony MacDonnell very cordially acknowledges the services the Corporation have rendered to the City, and thanks them for the careful control which they have exercised over the various departments of the municipal administration.'

"From the testimony of high officials, let us pass on to the testimony of facts and here is a statement which, to save the time of the Council, I will not read, but will hand over to the

Reporters. It shows the outturn of sanitary work done by the elected Municipality which it is now proposed to supersede :—

	Calcutta of 1876.	Calcutta of 1888.
Brick sewers in miles	39 21	42 57
Pipe sewers in miles	47 34	144·50
Amount spent in drainage...	Rs. 69,10,972	Rs 96,97,724
Average quantity of water supplied to the town	6,541,154 gallons per day.	16,000,000 gallons with 4,000,000 gallons for the Suburbs
Total number of houses connected ...	9,675	17,580
Amount spent in filtered water supply	Rs 71,56,986	1,22,86,485 including unfiltered supply.
Unfiltered supply was ..	721,675 gallons per day.	2,501,830
Length of roads was	132 miles	147 miles, besides 34½ miles of public lanes over sewer ditches.
Watering of streets	12,237,941 feet.	16,173,033 feet.
Gas lamps	2,718	4,488
Oil lamps	700	303
Tanks which remained to be filled up ..	331	Tanks which were filled up 240
Conservancy	Rs. 1,55,100	Rs. 3 lakhs.
Bustee conservancy	Nil	Refuse is removed and the roads and drains swept in the interior of <i>bustees</i> just as well as anywhere else
All refuse was thrown into open ditches filled with putrifying matter and a black greasy slime of several feet in depth.		All the open ditches sewered, everything is swept once a day The refuse is all removed once a day The greasy slime of the ditches gone
Bathing platforms	Nil	86
Public squares	14	19

“ The foregoing synopsis shows the vast improvements the Commissioners effected up to 1888, and since the amalgamation further improvements have been effected, which are enumerated below—

	Rs.
Drainage and miscellaneous	7,86,686
Suburban improvement	13,97,087
Bustee and town Improvement	8,98,785
Net cost till 31st March, 1896, of Harrison Road	27,43,346
Water-supply extension	34,10,071
	<hr/>
	29,38,975
	<hr/>

“ But it is said that the Corporation is unequal to the strain of a grave and sudden emergency. I dispute the proposition. There is absolutely no evidence in support of this view of the matter. Whatever evidence there is, distinctly negatives it. Well, Sir, there never was a greater crisis in the history of Calcutta than when it was feared that the plague would spread into the Capital. How did the Corporation act on that occasion? It acted with vigor and promptitude. It was on the 24th September, 1896, that it was reported in the newspapers that the bubonic plague had appeared in Bombay. The same day, there being a meeting of the Corporation, the matter was considered by the Commissioners. On the following day, the matter was again discussed by the General Committee. The Commissioners did not indulge in mere talk. That was not a season for talk or declamation, but for vigorous and decisive action. The Commissioners at once placed themselves in communication with the Government of Bengal, which at that time was staying at Darjeeling, with the Commissioner of Police, with the Port Trust and the Railway Authorities. The Government was asked to enforce a strict system of inspection in respect of all passengers coming from Bombay to Calcutta. Dr. Simpson, the Health Officer, was directed to visit different parts of the town daily instead of three times a week—his subordinates were to pay special attention to the cleansing of the town, for which they were authorized to entertain special establishments, and suspected cases were forthwith to be reported to the Health Officer. At my instance, a sum of three thousand rupees

was placed at the disposal of the Health Officer for any preventive measures which he might think fit to take. An extra Conservancy establishment was entertained at an outlay of Rs. 5,500 a month. This establishment was eventually raised to 1,500 coolies and 329 carts. Eight Medical Inspectors were appointed and the services of a Chief Superintendent of Conservancy were entertained on a salary of one thousand rupees a month. Nor was this all. Arrangements were made for an isolation hospital, and ambulance carts were provided. The operations of the Commissioners in this respect cost them a sum of two lakhs of Rupees. Sir, the late Health Officer, Dr. Simpson, was always a severe critic of the Corporation, but the measures of the Corporation elicited praise even from him. This was what he said in his Administration Report:—

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

“But, Sir, it has been said—and I regret to have to remark that the statement appears in the letter of the Local Government addressed to the Government of India, and it has been repeated by the Hon’ble Member representing the Chamber of Commerce—that the Commissioners did all this under pressure. The Government letter says, ‘it was not till the 22nd January, and then under the strongest pressure from the Government and the Board, that the Commissioners sanctioned a grant of Rs. 30,000 towards a further temporary establishment for cleaning up the town.’ Sir, I venture to challenge this statement. It is not in accord with the facts of the case. Instead of the Commissioners being pressed by the Government, they were pressing an indifferent Executive, strangely insensible to the exigencies of the crisis, to do their duty. This view of the matter will be amply supported by a reference to the proceedings of the Commissioners. A question was asked at the meeting of the Commissioners on the 19th January, 1897, by my friend, Babu Nalin Behary Sircar, one of the ablest and most active among the Commissioners, whom I am glad to see here, and the answer given by the Chairman will leave no doubt on the mind of any one that the Commissioners were fully alive to the exigencies of the situation, and they did not need any pressure from the Government or from any one else. Babu Nalin Behary Sircar asked:—

‘What special measures have been taken by the Corporation since October last to remove these *accumulated deposits of past years* ? If no special efforts have been put forward, will the Chairman kindly explain why this has not been done ? (3) Is not the Chairman aware of a Resolution passed by the General Committee and unanimously confirmed by the Commissioner-in-meeting, to the following effect:—“That having regard, however, to the prevalence of the disease in Bombay, and to the intimate business relations that exist between the two Cities, the Commissioners are decidedly of opinion that a thorough cleansing of the town should be effected as soon as possible by employing a special establishment, and that they are prepared to spend any reasonable amount for the purpose.” (4a) What action has been taken by the Executive on this Resolution of the Commissioners passed so long ago as 25th October, 1896 ? (b) If nothing has been done, will the Chairman kindly explain why this Resolution of the Commissioners has not yet been given effect to, particularly when the chances of an outbreak of plague in Calcutta are not so remote now as they were in October last ? (5a) When does the Chairman propose to bring forward before the Commissioners specific proposals for entertaining other special establishments for the speedy and prompt removal of accumulations of dirt from *all* such parts of the town as a bound in them ? (b) Will it be next week ?”

“I will not take up the time of the Council by reading in full the answer that was given. I will confine my attention to the part which bears upon the point I am endeavouring to explain. Mr. Williams said:—

‘Before asking the Commissioners for extra establishment beyond the Special Cleansing Staff granted in October, the Health Officer considered it desirable, in order not to put the Commissioners to unnecessary expense, to ascertain what the existing staff could do under the excellent and energetic supervision of Dr. Banks. Dr. Banks, after making himself thoroughly acquainted with the capabilities of the existing establishment and of the local insanitary condition of the City, which of course required time, came to the conclusion that the establishment was inadequate—an opinion with which the Health Officer agrees. Dr. Banks has now placed before the Chairman a carefully considered statement, in which he proposes a very considerable increase on the present establishment, and amounting to an extra expenditure of over two lakhs per annum. But the discussion of the proposal is likely to take up some time.’

“These proceedings took place on the 19th January. The Medical Board addressed the Government on the 20th, probably after having seen the proceedings of the Commissioners which appeared in the newspapers of the 20th. What the Commissioners did on the 19th January, it is very obvious could not have been prompted by any communication which the Medical Board addressed to the Government on the following day.

“Now contrast the proceedings of the Bombay Corporation with those of the Calcutta Corporation which it is to supersede. The acting Chairman, Babu Nilamber Mookerjee, addressed a telegram to the Municipal Commissioner of Bombay making enquiries about the suspicious cases reported in the Calcutta newspapers. What was the answer that he received? Well, Sir, the Municipal Commissioner reported from Poona that there had been one or two suspicious cases. Here was the plague, the deadliest and the most insidious enemy which Bombay has had to fight against in the whole course of the century, slowly making its way through the doomed City, and the Head of the Executive of the Corporation—and that Executive is to be our model—was at Poona, from where he suspected one or two cases! Sir, I have no hesitation in saying that such a thing would have been impossible on the part of the Chairman of the Calcutta Municipality under the existing constitution. The supineness of the Bombay Executive in the earlier stages of the plague recently formed the subject of a motion for a vote of censure by the Commissioners, and the motion was carried in a modified form. What therefore is proposed is this—that the municipal system of Calcutta, which was tried by the stress and the strain of the plague, and which on the whole was not found wanting, is to be superseded by a municipal system which notoriously failed to meet the crisis! Well, Sir, I have always thought that experience was the guide of the practical administrator; but we are now going to discard the lessons of experience, and take a big jump into the unknown with results that are unknown. We are truly fallen upon evil times and evil tongues and by darkness and danger compassed round.

“But, Sir, it is stated that our municipal constitution is unequal to the requirements of modern sanitation. Where is the evidence in support of this view of the matter? Here, again, the lessons of experience raise a strong presumption in favour of the Commissioners being well qualified and of the municipal system being well-adapted to meet the sanitary requirements of a large city like Calcutta. It is admitted that the scavenging is pretty well done; and you were good enough to say in your Palmer’s Bridge speech that in the lanes and streets where municipal carts can have access, the cleaning is fairly well done. Whatever insanitation there is, is largely due to defects in the structural arrangements of the City, and for those defects neither the Commissioners nor the system under which they work is responsible. The Commissioners did not create Burra Bazar—they did not make the filthy *bustees*—they did not open out the narrow lanes. All that came as a legacy to them from the Justices and the Government. The building regulations did not come into force till 1889, and we have it on the testimony of Dr. Simpson and of the Building Commission that if these regulations had been fully given effect to, even then they would not have gone very far. Whatever building regulations you may now pass, based on the most advanced continental models, which the extensive researches of my hon’ble friend may open up to him, they cannot be permitted to have any retrospective effect. The sentiment of a civilized community would rise in revolt against any retrospective legislation. Whatever laws you pass cannot affect the existing *pukka* buildings of Calcutta. It is not laws, but funds that are needed. You have to open up the congested areas of Burra Bazar and Jora Bagan. The Government ought to recognize its responsibility in the matter. Calcutta is the capital of the Province and of the Empire, and the responsibility of the Government to open up the congested parts of the Metropolis was fully recognized, so far back as 1805 by Lord Wellesley, but it has merely been a recognition in name—no practical effect has been given to it. The question of structural improvements is a financial and not a constitutional question, and it is to be solved, not by depriving the Corporation of its constitution, but by providing funds. My hon’ble friend, the Member representing the Chamber, was good enough to express much sympathy with the building regulations. Will the mercantile community consent to the imposition of the Octroi? In Bombay the Octroi duties come up to about nine lakhs of rupees a year. If we had such a fund at our disposal at Calcutta, the financial difficulty, which is the difficulty in connection with this and most other problems, would have disappeared.

“But, Sir, it has been said that the constitution of the Municipality does not ensure prompt and continuous Executive action. Sir, if there has been any failure in this respect, I have no hesitation in saying that the Government is responsible for it. The Government appoints the Chairman. Since 1890, we have had five Chairmen—in eight years we have had five Chairmen. How can you possibly expect prompt and continuous Executive action when the Head of the Executive is being constantly changed? And, Sir, the duties of the Chairman of the Corporation are of an

onerous description. They are very different from the duties that ordinarily appertain to district administration. They have to be learnt, and by the time the Chairman has learnt them, a new incumbent appears on the scene to relieve him of his responsibilities! How can you possibly expect Executive vigour and efficiency under such a state of things? Did the great and distinguished men, who in the past have filled the office of Chairman, ever complain of the weakness of their position—was ever such a complaint uttered by men like Sir Henry Harrison, Mr. Beverley, Mr. Cotton or Mr. William Souttar? If Sir Henry Harrison at all thought that his position was weak as Chairman, nothing could have been easier for him than to have amended the law when he was in charge of the Bill in 1888, on the lines now suggested.

“Further, it has been observed that the Municipality has no constitution, and that it is all fluid and indefinite, and that it is impossible to fix responsibility. Sir, I must be permitted to express my surprise at this statement. Why, Sir, in section 4 and in subsequent sections of the Municipal Act we have sketched out for us the outlines of a firm, clear and consistent constitution. You may not like it—you may disapprove of it. All that I can understand, but the constitution is there, set forth in clear and definite lines which any one who runs may read. Equally extraordinary is the statement that it is difficult to fix responsibility. Well, Sir, I have been connected with the Corporation for the last 22 years. I have been associated with numerous Committees of enquiry connected with various departments of the Corporation, and speaking for myself, and I may add on behalf of my colleagues, I will say this—that we have never had the smallest difficulty in fixing responsibility for the various sins of omission and commission that were discovered. Why, Sir, only the other day we had a Committee enquiring into the Warrant Department, and we had not the smallest difficulty in finding out who were to blame and who were not to blame. In this connection, I would desire to call attention to a Note issued by Sir Henry Harrison, delegating his powers to his subordinates and fixing their responsibility. For the first time under the Act of 1888, the Chairman was empowered to delegate his powers to his subordinates—he did not possess this power under the Act of 1876 or under the still earlier Act of 1863. On the passing of the Act of 1888 Sir Henry Harrison drew out a statement assigning duties and fixing responsibility with that statesman-like breadth and sagacity for which he was so conspicuous. I will read an extract or two from this statement :—

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

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

‘*Drainage Inspector*.—Section 290 (inspect drains, &c., issue one hour’s notice of intention to clean out drain and remedy defect).

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

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

“Now I ask, could there be anything more clear and definite than this delegation of duties and the responsibility which such delegation necessarily involves, and yet it is said that it is difficult to know where the responsibility resides?”

“Thus it will be seen that the grounds upon which it is sought to justify the supersession of the Calcutta Municipality will not stand the test of scrutiny. When tried in the crucible of reason and common sense, they vanish into thin air. You propose to give us the constitution of the Bombay Municipality. But the fact is overlooked that the entire system of Local Self-Government in Bombay is retrograde when compared with the system which prevails in these Provinces. You, Sir, very well remember the attitude of the Bombay Government in regard to Lord Ripon's scheme of Local Self-Government, and the remonstrance which has become historical which as Home Secretary you addressed to that Government. I will read an extract from your letter:—

‘The Governor-General in Council is at a loss to conceive what can have led the Government of Bombay to suppose that the Government of India had any intention either of subverting altogether the existing system in Bombay, or of conferring unlimited powers upon Municipalities and local boards. In the separate communication to the Government of Bombay noted on the margin, stress is laid upon the advantages which the existence of a widely spread system of municipal and local fund boards gave to that Presidency in following out of the principles advocated by the Supreme Government. Not subversion but adaptation and expansion of existing arrangements was what the Government of India desired. Furthermore the powers which it is proposed to entrust to local boards are not in any sense unlimited, but are in fact most strictly limited.’

“In such an insalubrious atmosphere, with the weight of official opinion arrayed against it, the tender plant of Local Self-Government could not thrive, and the whole scheme is conceived upon lines far less liberal than what we find in Bengal. Here, Sir, in Bengal, in most Mufassal Municipalities two-thirds of the members are elected; in Bombay, only one-half of the members are elected. In most Mufassal Municipalities in Bengal, the Chairmen are elected; in most Mufassal Municipalities in the Bombay Presidency, the Chairmen are nominated. As in the interior, so in the Presidency town, the system suffers by comparison with that of Bengal. In 1865 the Bombay Municipality was constituted upon a basis which made the Chairman the autocrat, or as my hon'ble friend, the Member for the Corporation, said the other day—‘the despot of the situation.’ The system hopelessly broke down after a short trial. It brought the Corporation to the verge of bankruptcy, and this autocratic system had to be abandoned, and the Municipal Administration was re-cast in 1872 upon more liberal lines. The Act of 1872 was amended by the present Bombay Act, and it was passed on the clear understanding, at any rate, on the part of the Indian Members of Council, that the Corporation was to exercise general control over the Executive, that it was to supervise, direct and guide the Executive. This was what the Hon'ble Mr. Telang said—

‘Mr. Pheroazshah and myself are most anxious that there should not be any interference with the Executive functions of the Commissioner. We only want that it should be subject to the general control of the Municipal Corporation, and that is substantially provided for in the present Bill. I am not prepared to admit that, under the sections of the Bill as we have passed them, the Commissioner is what is called a co-ordinate authority. I do not think he is. That is not a correct description of his position under the Bill. I understand he is a subordinate in every respect except as regard the details of Executive work, in which he is untrammelled and not to be interfered with. That is his position, and that is what it ought to be.’

“The Hon'ble Mr. MEHTA expressed himself very much to the same effect:—

‘The greatest work that the Corporation has yet undertaken—the construction of the Tansa Water Works—was undertaken by it, not at the initiation of the Municipal Commissioner, but of one of its own Members. I could multiply these instances; but I think I have said enough to show that the credit of this remarkable success justly belongs, in the main, to the constitutional scheme under which the Corporation carries on the administration by the hands of its Executive Officer, constantly and continuously controlling, criticising, supervising and directing him. To revert from a scheme of such promise and performance to the discredited principles of the Act of 1865 would be a blunder indeed.’

“This idea of providing the Calcutta Municipality with the constitution of the Bombay Municipality is not a new one. History has a tendency to repeat itself. Human events move in cycles. So far back as 23 years ago, Mr. Schalch from his place in this Council proposed the adoption of the Bombay Municipal Constitution. The proposal was objected to by Rai Kristo Das Pal Bahadur as a half-measure—it was vehemently opposed by Mr. Stuart Hogg, then Chairman of the Corporation; and the opposition it elicited was so strong that the proposal was not even formulated in the shape of a definite resolution.

“Sir, it is worthy of remark that the Bombay Municipal Bill, which is to furnish the model for our Municipal Corporation, was stoutly opposed at the third reading of the Bill by Mr. Forbes Adams. Mr. Forbes Adams was afterwards knighted for his distinguished services, and was

the representative of the non-official European community in the Bombay Council. This was what he said :—

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

“ We deplore the want of interest on the part of the European community in our municipal concerns. We should rejoice if they could be persuaded to co-operate with us in our municipal work. But the Hon'ble Member in charge of the Bill completely misses the fundamental conditions of the problem. I cordially acknowledge that Calcutta owes its greatness to a considerable extent to European trade and commerce ; but it is not to be forgotten that European merchants come here for a particular purpose, *viz.*, their business ; and it is no part of their business to feel an interest in the insanitary drains and *bustees* which may abound in Burra Bazar and Jora Bagan. Their business is all-engrossing, and in these days of keen competition leaves them no time for other and weighty public affairs. Our laws indeed bear traces of the efforts of the Legislature to enlist the sympathies and to secure the co-operation of the European community in the municipal work of the town. Under the Act of 1876, the southern wards of the town inhabited by Europeans had each the right of sending three Commissioners to the Corporation, while the northern wards each sent only two Commissioners. The experiment did not succeed. Under the Act of 1888, special constituencies were created for the benefit of the European community. The experiment again did not succeed ; and now we are embarked upon another experiment, upon somewhat different lines, but in the same direction. Well, Sir, I am not a prophet. Prophecy is a dangerous art. No one ought to prophesy unless he knows ; and for myself, from my place in this Council, surrounded by the legislative wisdom of this Province, I have no desire to assume the prophetic function. But if our experience of the past is any guide for the future, then I have no hesitation in saying that as our experiments in this direction have not hitherto been attended with success, we cannot hope for a better result from the new one which we are about to try. My hon'ble friend, the Member representing the Chamber of Commerce, is confident of success. He is more fortunately situated than myself. To him has been vouchsafed the gift of the seer which is denied to the less-gifted children of the 19th Century. Sir, I am not singular in the opinion which I hold as to the hopelessness of the task which the Hon'ble Member in charge of the Bill has undertaken in legislating with a view to secure the co-operation of the European community in the work of the Municipality. Let me place before the Council the views of two high officials in this connection. This was what Sir Henry Harrison said from his place in the Bengal Council :—

‘ 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'ble 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 they are in a minority, but at the same time they have also found that it was 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 among 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. Now, is it possible to hope that we can get European gentlemen who have business to attend, to whom time is money, to attend and take part in work of this nature ? ’

“ A higher authority than even that of Sir Henry Harrison, the then Lieutenant-Governor of Bengal, spoke in the same strain. Sir Steuart Bayley, as President of the Council, observed :—

‘ 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. ’

“ What do we find in Bombay under the operation of the Act which is to supersede our law and which, it is said, is calculated to ensure the co-operation of the European community in our municipal affairs? Why, Sir, the average attendance of the Indian element is higher than the average

attendance of the European Members of the Corporation. Here is a statement which I have obtained from Bombay :—

' There were 59 Corporation meetings in 1895-96. The rate of average native attendance at these meetings was 64 against 54 of Europeans.

' In 1896-97 there were 56 Corporation meetings, the rate of average native attendance was 56 against 41 of Europeans.'

" It will be seen that the attendance of Europeans was much higher for 1895-96 than for 1896-97. The difference is easily explained. Dr. Blainey, one of the most active European Members of the Corporation, resigned in 1896, and there was a perceptible falling-off in the average attendance.

" And now, Sir, with your permission, I desire to advert for a moment to the speech of the Hon'ble Member representing the Chamber of Commerce. I must deprecate the tone and the style of that speech. My Hon'ble friend professed great admiration for the speech of the Hon'ble Member in charge of the Bill. Admiration is best expressed by imitation. The Hon'ble Member representing the Chamber did not, however, imitate the conciliatory attitude of the Hon'ble Member in charge of the Bill. His speech, I regret to have to say, is objectionable both in matter as well as in manner. Many of the statements which he put forward as facts are not facts, and the whole drift of his speech is misleading. I am sure when my hon'ble friend has heard me, he will come to the conclusion that he has done scant justice to the Corporation, and I have no doubt he will see his way to modify his opinions. I desire to invite the attention of the Council to his statement of facts. My hon'ble friend observed in regard to the drainage scheme of the added area that a standing committee of business-men would have finished in seven months a work over which the Corporation spent seven years. Surely my friend could not possibly have known all the facts when he hazarded this prophecy. The scheme embraced an area of 15 square miles, and was originally estimated to cost one crore and seventy lakhs of rupees. The Commissioners consulted Mr. Hughes and Mr. Baldwin Latham, the greatest drainage expert in the world. They carefully considered the matter, with the result that they reduced the estimate from one crore and seventy lakhs to seventy-six lakhs—they saved nearly a crore of the rate-payers' money. My hon'ble friend will admit that any business-firm which, after seven years' deliberation, could save a crore of rupees would be justified in congratulating itself upon the result. Seven years' deliberation terminating in the saving of a crore of rupees is deliberation fruitful of economy, of which any business-firm might well be proud. It is perfectly true that the Commissioners were censured for their delay in this matter by the Government of Sir Charles Elliott; but it is equally true that they were absolved from all blame by the Government of Sir Alexander Mackenzie.

" Let me read to you an extract from the Resolution of the Government :—

' For this reason, although the subject has been discussed in the newspapers and incidentally referred to in the Administration Reports of the Commissioners for the last five years, no continuous history of the various phases of the discussion, and no final expression of the views of the Corporation as a whole, has yet been laid before Government. Had such a record of facts and opinions been before Sir Charles Elliott, when he recorded his Resolution of the 8th November, 1895, it seems to the present Lieutenant-Governor to be doubtful whether the general condemnation of the supposed inaction of the Commissioners in respect of the drainage question, which is contained in the first paragraph of the Resolution, would not have been qualified by some reference to the intrinsic difficulty of the problem and the conflicting opinions expressed by the technical advisers of the Corporation.'

" And again :—

' In their joint report on the drainage question Messrs Hughes and Kimber, after full consideration, and with a knowledge of the facts necessarily much more minute than Mr Latham could have acquired during his brief visit to Calcutta, reject as based upon incomplete or erroneous data, the main feature of his scheme, and conclude that it is impossible to construct an open low level reservoir for the discharge, by gravitation, of the combined sewage and rainfall of Calcutta. In the Lieutenant-Governor's opinion this fact, taken with the reduction of the estimate made by Mr. Kimber from 170 lakhs to less than 79 lakhs, is in itself sufficient to show that, so far as the drainage question is concerned, neither the Corporation nor their Chairman can fairly be charged with unreasonable delay in arriving at a decision on an engineering problem of exceptional difficulty. Had they accepted and proceeded to carry out Mr. Baldwin Latham's scheme, with no more deliberation than was enjoined on them by irresponsible opinion in Calcutta (The Hon'ble Babu Surendra Nath Banerjee here said —"You, Sir, referring to the Hon'ble Mr. Turner, the Member for the Chamber, have made yourself the exponent in this Council of this irresponsible opinion") they would have committed themselves to a project which would have been more than double of that now put before them, and which might not in certain essential features have fully met the circumstances of the case.'

" Then, again, my hon'ble friend referred to the reduction of Rs. 30,000 in the Health Officer's budget. If he knew all the facts in connection with this reduction, I am sure,

instead of blame, he would have bestowed praise upon the Commissioners. The facts are these:— The year was a year of unusual financial depression. Mr. Lee, the Chairman, of his own motion and without any pressure from the Commissioners, asked the Heads of Departments to reduce their budgets. The Assistant Health Officer, who was then officiating for the Health Officer, cut down his budget by Rs. 56,000. In the meantime Dr. Simpson returned to his duties. He thought the reduction had been carried too far, and cut it down to Rs. 46,000. Now mark what the Commissioners did when the matter came up before them for consideration. They raised the expenditure of the Health Department and would not consent to reduce it to below Rs. 30,000. Now let me ask my hon'ble friend whether after this explanation he does not think that the Commissioners were worthy of praise rather than of blame for the part they took in this matter? Reference has been made to the reduction of Rs. 16,000 for road-scraping. It is perfectly true the Commissioners cut down this amount, but surely not on the ground of economy. They insisted upon the road-scraping being removed by their own conservancy carts. They objected to this work being done by hired carts, for which Rs. 16,000 had been provided, on the ground that the work was badly done and the Corporation did not get an adequate return for the money spent. Subsequently the Commissioners granted a sum of Rs. 7,000 for road-scraping. My hon'ble friend has referred to a sum of Rs. 8,000, which had been disallowed for the conservancy arrangements of the added area. Here again the Hon'ble Member is ignorant of the facts of the case. A sum of Rs. 13,000 had been provided for the conservancy arrangements of this part of the town. In the middle of the year, after the budget had been framed, a further sum of Rs. 8,000 was asked. Mr. Ritchie, the Chairman, himself said that the Commissioners could not grant this extra sum. In judging of the policy of the Commissioners in connection with the Health Officer's Department, it is not surely fair to pick out an item of expenditure here and an item there, and say that the Commissioners have not done their duty. The whole expenditure on the Health Officer's Department extending over a series of years can alone give a correct view of the policy which the Commissioners have followed in this matter. I have drawn up a table of expenditure extending from 1889-90 to 1896-97; and what do we find from it? A scale of expenditure progressively increasing with the growing sanitary requirements of the town and the financial ability of the Corporation to meet them. In 1889-90, the expenditure on the Health Officer's Department was Rs. 9,27,947; in 1890-91 it was Rs. 9,27,446. Now take the last two years of the period. In 1895-96 the expenditure was Rs. 10,19,739; in 1896-97 it was Rs. 10,96,357 or nearly 11 lakhs of rupees. Thus the expenditure has been steadily progressing with the expansion of the sanitary needs of Calcutta. One item more, and I have finished my examination of the distinct allegations my hon'ble friend has thought fit to make against the Corporation. He has referred to an item of Rs. 50 which the Commissioners disallowed, although the money had been paid by the Chairman, Mr. Ritchie, to Mr. Wilson, who was then a candidate for the Gowkhana Superintendentship. The Hon'ble Member possibly referred to this matter as an instance of financial meanness on the part of the Commissioners. Here, again, he displays only a superficial knowledge of the facts of the case. The Commissioners had no option left in the matter. Under the law they were bound to disallow the sum, and Mr. Ritchie himself admitted that the Commissioners were in the right and that he was in the wrong. This was what he said about the matter at the meeting of the Commissioners:—

'Since the Resolution was passed (by the General Committee) he had enquired what would have been done in Government service under similar circumstances—what view would the Accountant-General take of an item such as this, and Mr. Ritchie was bound to say that the answer was it would probably not have been sanctioned. He thought that in most matters he as well as the Commissioners could not do better than to follow the procedure of the Government who dealt with many similar cases, and he had therefore caused the amount to be refunded.'

"Sir, my hon'ble friend has referred to a communication of the Chamber of Commerce addressed to the Government, dated the 10th July, 1895. In that communication the Chamber complained of the increase of typhoid fever in Calcutta. On the matter being inquired into, it was found that there had been no increase of typhoid fever, and the Government in its reply to the Chamber censured the Health Officer for lending the weight of his name to the spread of a false rumour. I will read an extract from the letter of Government:—

'It is a matter of much regret that after lending the weight of his authority to the statement that typhoidal fevers are largely increasing in Calcutta, the Health Officer should have neglected to comply with the request that the grounds of that opinion might be fully set forth. Owing to this omission it is impossible, as the matter now stands, to arrive at any certain or even probable conclusion on the important question whether the increase in fever mortality which has occurred during the last three years in Calcutta is due to purely

local causes which admit of being diminished or removed, or to general causes affecting the whole surrounding country, which it would be vain to attempt to cope with. The position is a very unsatisfactory one, and illustrates the damage that may be done to sanitary progress by making vague general assertions and withholding the evidence upon which they are based.'

"One other remark I desire to make in connection with the speech of the Hon'ble Member representing the Chamber. He observed that the present Bill provided for a fair representation of all sections of the community in the Corporation. Does he regard it as a fair representation of the rate-payers that on the General Committee they should be represented by only one-third of the entire number—is it fair that those who pay the maximum of taxation should have the minimum of representation? Such an arrangement, I am sure, will not recommend itself to our sense of justice and fair play.

"Well, Sir, we have been told that under the proposed law there will be 75 Commissioners as before, and that the conditions of the franchise and of the distribution of the wards will remain unaltered. The Commissioners will vote the Budget, fix the rates and then—I was going to say—go to sleep. Their function will be like that of the gods of the Epicureans of old as described by Cicero in his *De Natura deorum*—they created the world and then went to sleep. The gist of the proposed changes may be summarized as follows :—The transfer of all authority from the representatives of the rate-payers to the official representative of the Government and to the representatives of the European mercantile community. The supreme power of the Corporation will be gone—Local Self-Government will be gone. Far better would it be to do away with this semblance of a show—this mockery of Local Self-Government—and convert the Calcutta Municipality into a Government bureau, controlled and directed by the Government.

"Let me observe that in all European countries which have any form of Municipal Government, the supreme authority is always vested in the Corporation. This is what Mr. Albert Shaw says in his well-known book :—

'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 bye-laws at all, their authority is complete, and nobody obtrudes a veto. They appoint and remove all officials. They have entire charge of Municipal Administration, distributing the work of departmental management and supervision to Standing Committees of their own number, which they organize and constitute as they please. If such a Local Government cannot be trusted, the fault is with popular institutions. It is quite certain to be as good a government as the people concerned deserve to have. The location of responsibility is perfectly definite.'

"Municipal Government in America is differently constituted. It is organized upon lines which we are very unwisely going to imitate in the Bill before us, and the municipal system in America, according to Mr. Albert Shaw, is a failure. This is what he says in his book :—

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

"Here in Calcutta the authority of the Corporation has always been supreme since there has been a Corporation. This has been the constitution of the Municipality ever since 1863. Every time the constitution has come under consideration, this principle has been recognized. It was first affirmed by the Act of 1863; it was re-affirmed in 1876; it was again affirmed in 1888,

and under this constitution the Municipality has introduced those vast and stupendous sanitary works which have changed the face of Calcutta. If we had a *tabula rasa* upon which we might inscribe what we pleased, there might have been perhaps little room for complaint. But a constitution is a growth—in the words of Edmund Burke, the greatest political Philosopher the world has ever seen—it is an organic growth; and let me ask my hon'ble friend, the Member in charge of the Bill, whether he regards the Bombay Municipal Act as the natural and the most recent development of our municipal system? If not, it is a foreign body—an extraneous excrescence—sought to be engrafted upon our municipal system, and as such it is doomed—fore-doomed to failure.

“Sir, I base my objection to the Bill upon the highest considerations of expediency. The Bill, if passed into law, would lead to the dispersion of all sense of responsibility on the part of the Executive and would operate as a hardship upon the poorer sections of the community, whose well-being ought to be the supreme concern of all Governments. Under the existing law the authority of the Corporation is supreme. To the Corporation, the Chairman and the General Committee are responsible. To whom will they be responsible under the new law? To none—they will be responsible only to their own consciences—the divine monitor within; and, Sir, power vested in the best and the wisest amongst us is liable to be abused when adequate provision is not made for bringing home a sense of responsibility. There will, under the new law, be three co-ordinate authorities, forming part and parcel of the same system, moving in their own appointed spheres, without any central or controlling force. Why, Sir, the material universe could not endure under such a system. The same principle dominates the world of man's actions. The Bill, as I have remarked, will be a prolific source of oppression practised upon the poor. The Chairman cannot possibly perform all his vast and varied functions. He will have to delegate his duties to his subordinates in an endless chain. The Executive will thus include the municipal underlings, and we know who and what they are. They are just as unpopular as the police, and their purity is on a par with that of the police. But they are far more meddlesome and mischievous. Their duties affecting the daily lives and habits of the people afford them the amplest opportunity for black-mailing. Now a remedy is provided by the appellate and revisional jurisdiction of the Corporation which may be invoked by any Commissioner. But when this power is taken away from the Corporation, these underlings will be the virtual masters of the situation—the lords of all they survey—their right none to dispute,—and the lot of the poor man, hard as it is in Calcutta, will become harder still.

“Sir, I desire to say one word with regard to the constitution and the powers of the General Committee. Under the present law the General Committee consists of 18 members elected by the Corporation, and is responsible to the Corporation. Under the proposed law the General Committee will consist of 12 members, of whom only four will be elected by the Corporation. The General Committee will be entrusted with the details of administration in a variety of important matters. The Corporation will have to find the funds. The Corporation having under the new system no part in the actual work of administration and therefore unfamiliar with the requirements of the administration, may vote inadequate funds, and then the Government, like the *deus ex machina* of the old dramas, will descend on the scene to avert a crisis. Here we have an *imperium in imperio* with a vengeance, with all the worst evils of that system, accentuated in their gravest form. Let us hear what a Bombay paper, which you, Sir, very rightly described from your place in the Supreme Council as being distinguished for sobriety and moderation—the *Indian Spectator*—says with regard to this aspect of the bill:—”

‘The division is a queer one, involving a logical fallacy, for, are not merchants too residents? Our Standing Committee is elected by the Corporation, as a whole, and so there is no friction. The General Committee, as sketched out in the words of Sir Alexander Mackenzie, quoted above, would be, as it seems at first sight, an anomaly, an *imperium in imperio*, and the work of dividing the responsibilities between the two bodies to be created on the one hand, and between them and the Chairman, on the other, would surely tax ingenuity. If the Budget and the rate of taxation is to be fixed by the Corporation, if the strings of the purse are to be in their hands exclusively, we do not see how a body that is not their representative can help becoming often a stumbling block in the way of smooth working.’

“Sir, it has been said with regard to the Committees of the Corporation that they hamper work and cause delay. The statement is founded upon an entire misconception of the situation. These Committees facilitate work and avoid a good deal of discussion which otherwise would be inevitable at meetings of the Commissioners. ‘In 19 cases out of 20,’ said Sir Henry Harrison

from his place in this Council, 'the decisions of Committees are accepted without any discussion. Nor do these Committees cause any delay when the Chairman is in agreement with them, and this is usually the case; for then his proposals may at once be given effect to.' In this connection there is one aspect of the question which this Council cannot overlook and which I am sure Your Honour will not overlook when we bear in mind the eloquent words which you addressed as Home Secretary to the various Local Governments, impressing upon them the importance of fostering the beginnings of Local Self-Government, as an instrument of popular and political education. These Committees familiarise the Commissioners with the work of the Corporation, inspire them with a sense of responsibility and promote the ends of political education.

" Lastly the Government has assumed to itself functions which do not belong to it under the present law. I thought, Sir, that decentralization was the order of the day. But I presume it is decentralization when power is to be delegated to officials or official bodies, and it is centralization when power has to be withdrawn from popular bodies. Here is a statement which I have drawn up showing the powers and functions which the Government proposes to assume under the Bill:—

' Under the present law the Local Government can take action direct and of its own motion in 20 cases. Under the *proposed law* the Local Government can take action direct and of its own motion in 35 cases. The new powers given to the Local Government among others are:—

- (1) To appoint four members to the General Committee.
- (2) To fix the salary of the Chairman.
- (3) To appoint the Deputy Chairman and fix his salary.
- (4) To grant leave of absence to Chairman and Deputy Chairman.
- (5) To remove a Commissioner's disqualification by an order of the Local Government
- (6) To make rules prescribing qualifications of candidates for employment in the Health Department, Engineering Department, Conservancy Department, also make rules providing for occasional or periodical inspection of any Department of the Corporation by officers of Government
- (7) Resolutions of General Committee appointing Sub-Committees to be forwarded to Local Government
- (8) Minutes of all proceedings of Corporation, General Committee and Sub-Committees to be sent to Local Government.
- (9) The Local Government may require the Chairman to undertake the execution of any work certified by a Secretary of the Government to be urgent for public service, and for this purpose may make temporary payment from Municipal Funds.
- (10) If any difference of opinion arises between the General Committee and the Corporation touching Budget allotments, the Chairman shall refer the matter to the Local Government, and its decision to be final
- (11) To exempt the owner or occupier of any building or land from the payment of consolidated rate, if recommended by any two authorities.'

" Sir, I do not propose to detain you any longer. It is not for one moment to be supposed that I regard the present constitution of the Calcutta Municipality as perfect. Far from it. It is capable of improvement, but it does not lie in the directions indicated in the Bill. The Bill has been launched in the name of sanitation. Could we persuade ourselves to believe that it would promote sanitation and thus confer an unmixed benefit upon the people, what could be more natural than that we should support a measure, so wise in its scope—so beneficent in its intentions. For Calcutta is the city of our birth—it is the city of our sires—it is the city of our children—and it is to be the destined city of our children's children. We have a far more permanent and abiding interest in its sanitary well-being than any other section of the community could possibly have. We would welcome any rational scheme of sanitation which would bring to our people an accession of health and all the blessings which the possession of health implies. But we are persuaded that this Bill will not promote this great object. It is not laws but funds that are needed for the structural improvement of Calcutta. We have had of recent years too many laws. We want rest, peace, the repose of peace, freedom from the excitement consequent upon new proposals for the enactment of new laws. It is money and not a change in the constitution of the Municipality that is required for the sanitation of Calcutta. Sir, I speak not as an amateur or a theorist, but as one who has some practical familiarity with municipal work. I have spent the best part of my life-time in the service of the Corporation. I entered it when young. I have grown grey in its service. The work of the Corporation has been the pleasure and the pride of my life. I have behind me an experience of nearly 25 years. Fortified by that experience, I venture to make

an earnest appeal to you, Sir, whose name is so honourably associated with the great scheme of Local Self-Government, to abandon or at any rate largely to modify a measure which has filled the rate-payers of Calcutta with alarm, which will not promote the ends of sanitation, which will depreciate the value of property, disorganize the work of the Corporation and wreck the best prospects of Local Self-Government in the capital of the Indian Empire. Sir, I might put my case upon still higher considerations. Municipal institutions, said Mr. Gladstone, are the seed-plots upon which and around which are developed that political capacity and those habits of political thought which ought to be the supreme concern of all Governments to foster and to promote. Our municipal institutions are the gift of our rulers. We owe them to their beneficence. But they have taken firm root in our hearts and our convictions, for they are in entire accord with our ancient traditions and the inherited instincts of our race, fostered by the *panchayet* system and our time-honoured village organisations. We cherish them with reverence. The love and devotion of a people cling to them. They supplement our education; for what nobler school could there be than the school of public affairs! These noble seminaries inspire the people with a sense of responsibility, exercise a moderating influence upon their minds, and enlist their sympathies on behalf of the Government. It would be most unwise, most unstatesmanlike, in these days of political unrest and excitement, to do aught which would in the least impair the utility of these institutions or shake public confidence in them. We are the friends of sanitation; but the worship of sanitation may be carried to the verge of idolatry. We agree with Sir Ashley Eden in thinking that a single case where native society is persuaded by conviction to adopt a sanitary reform is worth hundred cases where such reform is forced upon it by the pressure of external circumstances. Sir, greatly as we value sanitation, we are not prepared to sacrifice our civic freedom for its sake, especially when such a sacrifice is unnecessary and uncalled for, and when it will prove disastrous to the fortunes of our people in other, higher and nobler directions."

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 Public Latrines. 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 *kutchha* 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 *kutchha* ones. There is one important sanitary feature in the construction of these mehter-service privies, whether *kutchha* 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 *kutchha* 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 *kutchha* 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.

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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.

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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:—
 Night-soil Depôts. “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 kerb 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 *bhistis* are employed only to supply water to the sweeper to wash these channel stones or surface drain. *Eight bhistis* 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 *bhistis* 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 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 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. Memorandum showing how far these recommendations have been carried out.

- 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.)
- 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 *Kahghdt*.

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 necessities 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,



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 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

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.

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

† 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 :—

"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. * * * * "

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 decrease of "motive-power." Cause of alleged decrease of "motive-power." 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 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 prophecy 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-honoured 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 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 than 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

It is alleged that "the Chairman and the Executive generally have far less power than they ought to have."

A Commissioner individually has no power; nor is any Committee all-powerful.

† 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.	Kutchas huts.	Pucca buildings.	Kutchas Huts.		Pucca buildings and Kutchas 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	1½%
	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 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 :—

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

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 Com-

The majority of the Commissioners also thought the regulations were vague, incomplete and uncertain in their readings.

missioners, 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 Charge of "talk," "far too much speech for the sake of speech." 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. Apcar 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. Apcar 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, 1895, 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 depôts.

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 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

What really constitutes "the every-day working of the Act"?



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 proceeding 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 pipe 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:—

"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

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

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 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 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 classification of the ten Commissioners returned by the mercantile and trading communities with the five 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

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
	Total 21 out of 72	27 out of 75

Mr. Risley evidently deplores 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:

"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, Chumimeries 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, *vis.*, 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 Dhurrumtollah 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 it is 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 Stuart 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 feel 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 shows 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.

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.

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 see that the European and other nationalities were fairly represented on the Corporation, but it took very good care 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 follows:—

Europeans returned being less rather than more than before, and it is assumed without any foundation that the new Act was expected to work in the opposite direction. When new legislation was on the tapis, it was proposed both in the Amalgamation Committee and in Council as well as by the Hindu Associations and organs to increase the proportion of elected Commissioners to $\frac{3}{4}$ or $\frac{1}{2}$. This I strenuously opposed, more especially in a note, dated 26th November, 1885, appended to the Amalgamation Committee's report, in which I shewed that the new suburban wards would tend to increase the Hindu majority, and strongly protested against any increase in the proportion elected by the wards. But I asserted in the clearest possible terms that this would



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	90	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:—

The European commercial community also has never properly exercised the privilege conferred on it.

* * *

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. 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. 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; whereas,

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 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, *vis.*, 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.

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

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 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

It is said "although radical changes are called for," no large changes are proposed.

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

But the change proposed is revolutionary, subversive of a fundamental principle of Local Self-Government.

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;



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.

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

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.

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!!

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

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

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 propor-

The principle of representation of three distinct interests on the General Committee in equal proportion, discussed.

tions * * * 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 bearings 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

The interest of Commerce is to secure better health and better sanitation of the city.

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

The interest of Government is the same as that of the European Commercial community.

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

In the administration of municipal affairs there can be only two interests—the interest of the party of progress and reform, and that of the party opposed to it.

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

Opinions of Sir Alfred Croft and Sir Stuart Bayley on this point.

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 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

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

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

one, now under consideration, had been originally included in the Bill. The Hon'ble 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 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

The third municipal authority will be the Chairman.

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 Hindu (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 Hindu, 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 Hindu 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.

***The Speech of the Hon'ble Mr. Spink, delivered at the Bengal
Legislative Council, on the 4th April, 1898, at the Second
Reading of the Calcutta Municipal Bill.***

“The chief among the interests to be maintained by the Municipality are those of the European community, and it assuredly never was intended that the management of the affairs of this great and growing City should pass into the hands of one section only of the community. Europeans have been reproached for not coming forward in the past to take an interest in municipal affairs and to share in the work of the Municipality. The accusation is an unjust one. The gradual falling off of the European element in the Corporation and in the General Committee can be readily explained. I need only refer you to the statistics furnished by the Hon'ble Mr. Risley to show how hopelessly Europeans have been placed in the minority by the operation of the existing laws. Even supposing they were more numerous, men of business cannot spare time to take part in the too often fruitless debates of a large talking body. They are always ready and willing to serve on business Committees, and I need only instance such bodies as the Port Commissioners, the Chamber of Commerce and its various Committees, and the Trades Association, to show that Europeans are willing to, and do devote their time to public questions. It is impossible, as things now stand, to get a sufficient number of Europeans to join the Corporation, and to give the Executive the benefit of their experience and their counsels. The one solution for the problem presented by this unsatisfactory condition of things is, in my opinion, to be found in the principle of the Bill now under discussion. It will secure for us a representative General Committee capable of performing its various duties in a prompt and businesslike way, and who, armed with a comprehensive and well-defined Act, will be able to carry out much-needed sanitary and structural reforms, and to administer the affairs of the town on sound and modern principles. Such a Committee, I take it, would represent more truly the voice of the people than the present one, and would be more truly based on the fundamental principles of Local Self-Government. It is not correct to say that the European community get better arranged streets and so on at the cost of the native rate-payer. If the native electorate had realised, as the Europeans did long ago, the advantage of wide, clean, and not too crowded streets, they would, in season and out of season, have striven to improve the insanitary conditions which prevail at the northern end of the town, and they would have insisted on their representatives paying attention to these matters rather than to others in which public time has been wasted in the discussion of questions concerning the erection of verandahs or the appointment of petty Municipal Officers. Once more it must not be forgotten that the introduction of the elective system into this country was an experiment with an educational object. Now, Sir, under the existing law, it is the return of Hindus, not of Europeans, that is really guaranteed. Whatever may be claimed on behalf of specially-gifted individuals, a people or a race cannot claim to be educated in the difficult art of Self-Government, in the brief space of some two decades. I venture to say that when regard is had to the commercial, trading and other interests implicated in the well-being of this great commercial centre, it is preposterous to put too large a measure of power into the hands of those who, it should be recognized, are still *in statu pupillari*. This object in view cannot be called retrograde. I confidently anticipate that when once this Bill becomes law, members of the European community will no longer be unwilling to take their place on the Municipal Board. Members of the trading firms of Calcutta who had previously withdrawn their names, have already come forward for election. The position of affairs will be completely changed, and Europeans who already recognise that their commerce and trade is threatened unless great sanitary and administrative reforms are introduced, will inaugurate the reforms which are so urgently needed.”

***The Speech of the Hon'ble Sahibzada Mahomed Bakhtyar Shah, delivered
at the Bengal Legislative Council, on the 4th April, 1898, at the
Second Reading of the Calcutta Municipal Bill.***

“Your Honour, it is quite needless for me to make a long speech in favour of the Bill. The Bill supports itself. I have much pleasure in adding my small measure of assistance towards such a salutary and necessary piece of legislation. I, in common with all those who have any experience of the present condition of the city and of Municipal Government, and who have the welfare

of the town at heart, most sincerely wish this Bill the completest success. And I wish publicly to thank our retiring Lieutenant-Governor for this Bill which will perpetuate his memory in Calcutta."

***The Speech of the Hon'ble Babu Kali Charan Banerjee, delivered at
the Bengal Legislative Council, on the 4th April, 1898, at the
Second Reading of the Calcutta Municipal Bill.***

"I oppose this motion and shall be as brief as I possibly can in stating my reasons for doing so. I may premise that the object of the Bill is not to introduce provisions into the existing law which might be availed of on occasions of emergency; the proposal rather is to make that the standing law which is adapted only to emergencies. The object of the Bill is ostensibly two-fold. First, to provide, as it is said, a responsible Executive, and secondly, to secure larger European representation. The Hon'ble Member in charge of the Bill, in clearing the way for his proposal, referred to certain discoveries that had been made, and argued that the only remedy that could be proposed, was a radical change in the law. He would not reflect on the work either of the Commissioners or of the Executive, as he thought such a change in the law did not necessarily imply any reflection. But, he said, times had changed, and so it had become necessary to change the law. Another Hon'ble Member has proceeded on the same lines and has referred to the age as an age of progress, and has justified the Bill on the ground that it proposes to keep pace with the progress of the times. If times have changed, the legitimate proposition to put forward in view of such change and progress would be that a further expansion of the principle of Local Self-Government was called for. The progress of the times could not by any means suggest that the principle of Local Self-Government should be *not* extended or developed, but hampered, if not crushed altogether. For although, as I have said, the ostensible object of the Bill is to provide a responsible Executive, if we read the Bill, we cannot avoid coming to the conclusion that the object really is to provide, not a responsible, but an irresponsible Executive, unless it be an Executive with autonomous responsibility. If the object is to secure larger European representation, the provisions of the Bill force on the conclusion that the object is not the legitimate one of the protection of minorities, but the illegitimate one of the dominance of minorities. Thus in reality the Bill seeks to secure an irresponsible Executive, and a dominant minority. Both these principles I have no hesitation whatever in characterising as unsound. For, starting from the discoveries to which reference was made by the Hon'ble Member in charge of the Bill, the question has to be raised, how is the state of things so discovered to be accounted for? Is the Act really responsible for it, or something else? Reference was made, in the course of the Hon'ble Member's speech, to the desirability of harmony between the Administrative and the Executive section of the Corporation. Might it not be that the Executive, although under the law responsible to the Corporation, were not at all in a frame of mind to accept their responsibility to the Corporation? Might it not be that they fretted under a sense of their responsibility to the Corporation, and there was frequent friction between the Executive and the Corporation, resulting in the Act not working so satisfactorily as it might otherwise have. That this represents the true state of things, one may suspect from that portion in the speech of the Hon'ble Member in charge of the Bill where he drifts somewhat into the pathetic and says:—'A Government officer specially selected for this difficult and important post is placed in a wholly false position by the present law, which makes him dependent on the good-will of the Commissioners for an addition to his pay which, owing to the great cost of living in Calcutta, is in most cases no more than is required to save him from positive loss while holding the appointment of Chairman.' This passage suggests, no doubt, a feeling on the part of Government officers so situated which they do not at all relish, namely, a sense of dependence on the Corporation or a majority of native Commissioners. I would deprecate any provision of the law which accentuates racial differences and racial feelings. One other provision in the Bill on the same lines, is that which transfers from the main body of Commissioners to the General Committee the power of appointing the Secretary, the Engineer, the Surveyor, the Health Officer, the Collector, the Assessor, and other officers, the initial salary of whose appointments is Rs. 300 and upwards. If there has been friction in the work of the Corporation, that friction, I venture to say, has arisen from a desire to assert irresponsibility on the one hand, and a desire on the other hand to hold people to their responsibility. The Corporation have interfered with the Executive whenever the Executive

have taken it upon themselves to do things which they were not entitled to do on their own motion, and with regard to which they were under the law subject to the Corporation. If that is the state of things, it will be disastrous to legalise the irresponsibility which has been the cause of the friction and has brought about a state of things which is to be deplored. It is said that the Bill defines the functions of the different municipal authorities which it brings into existence. It speaks of them as co-ordinate. Notwithstanding the statement that the Executive power is to be vested in the Chairman subject to the control of the Corporation where it is so expressly stated, the Hon'ble Member in charge of the Bill is perfectly correct in describing the authority sought to be conferred by this Bill on the Chairman as co-ordinate, because, if we go through the different sections of the Bill which the Hon'ble Member has been good enough to tabulate for us, and take up the sections in which the word 'sanction' or 'control' occurs, we find that it is *only in connection* with three or four points that any real control has been left in the Corporation, namely, the selection of the Bank, for example, in which Municipal Funds can be deposited, the taking of a census, the provision of new burial and burning places, and the establishment of markets, either municipal or private. These are, I believe, the only four matters in regard to which the Corporation will exercise anything like control over the action of the Chairman. Therefore, it is clear that the two authorities will really be co-ordinate, and I submit that it is an unsound principle to have two or more co-ordinate authorities of this description. Their functions are defined, it is said well, the functions of the Chairman are defined, but they are defined into a plenum. The functions of the Corporation are also defined, but they are defined into a vacuum

"Then, there is another object for which the Bill provides, namely, a larger measure of European representation. The object, I contend, is not to protect the interests of European minority, but to help the European minority to dominate. With regard to this, let us see what the Bill provides. There are to be 75 Commissioners altogether, out of whom 60 shall be elected as follows:—50 at ward elections, 4 by the Chamber of Commerce, 4 by the Trades Association, and 2 by the Port Commissioners. The remaining 15 are to be nominated by the Local Government. Then we come to the constitution of the General Committee. How is that provided for? The General Committee is to consist of 12 ordinary members and of the Chairman who shall be President of the Committee. They are to be Commissioners, and, therefore, these 12 Commissioners shall be 12 out of the 75 Commissioners. They are to be elected and appointed as follows:—4 by the Commissioners elected at ward elections, that is to say, 4 out of the 50 elected Ward Commissioners. Then 2 shall be elected by the Chamber of Commerce. It is not clear whether these 2 are to be elected by the Bengal Chamber of Commerce or by the 4 Commissioners who represent the Chamber of Commerce; any way these 2 must be 2 out of the 4 elected by the Chamber, because the provision is that the 12 members on the General Committee shall be Commissioners. Thus 4 of the Commissioners elected by the Chamber will elect 2 members for the General Committee. Then one member of the General Committee will be elected by the Trades Association; they return 4 members to the Corporation, and one of these 4 will be elected for the General Committee. One member of the General Committee will also be elected by the 2 returned by the Port Commissioners, and lastly, 4 members of the General Committee will be selected by the Local Government; that is to say, the proportion of Government nominees on the General Committee will be 4 out of 15; of the Chamber of Commerce, 2 out of 4; of the Trades Association, 1 out of 4; of the Port Commissioners, 1 out of 2; and of the Commissioners elected at ward elections, 4 out of 50. That is the constitution of the General Committee. Therefore, so far as the representatives of the elected Commissioners are concerned, there will be 4 as against 8 members. That is how the Bill provides, as I have said, not for the protection of minorities, but for the domination of minorities, and this has always been allowed to be an unsound principle. The principle of the protection of minorities is a sound principle, but in this Bill you provide for a dominant minority. It is complained that there is now a dominant majority, and it is proposed to go to the other extreme and have a dominant minority. Then, it is said that this has been done in order to remove the state of things in existence for a long time, in consequence of which Europeans, as a rule, refrain from taking any interest in the Municipality. With regard to this the Hon'ble Member in charge of the Bill has himself been pleased to say that the fact of Europeans standing aloof from the concerns of the Municipality is nothing new; they had kept aloof even under the old régime, and the explanation is that at that time the Executive was not hampered by the action of a number of Committees as at present, and therefore they thought their interests were quite safe in the hands of the Chairman. That is the

explanation offered by the Hon'ble Member. If he himself is satisfied with that explanation, then, of all men, he should be the last to expect European gentlemen to take any interest in the concerns of the Municipality when they know that they will have under this Bill an irresponsible Executive, more independent of, and unfettered by the action of Committees of the Corporation than ever. I have been asking myself whether the European community will take as a compliment all that the Hon'ble Member in charge of the Bill has so frankly said of its interest in, and criticism of, matters municipal, or be tempted to cry 'save us from our friend.' Although the Hon'ble Member who represents the Chamber of Commerce took it upon himself to say a number of things in disparagement of native Commissioners as to their ideas of sanitation, &c., the Hon'ble Member in charge of the Bill would warn us against laying much stress upon such criticisms.

"Europeans ought to have an influence on the administration of the town, not, however, by artificial provisions of law, but by really so using their influence in the Corporation as to gain the position which might well be assigned to them. The Bill would give them a predominant position, not on their own merits, but by an artificial provision of the law under which they will have that influence. The Hon'ble Member said:—'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, time is wasted in debate, and where they could not hope to command more than an insignificant minority.'

"The question is, why not? Why cannot they hope to command more than an insignificant minority? There have been European members of the Corporation who have, I believe, in their day led the Corporation, and there is no reason why European members should not again lead the Corporation by dint of their own merit, if they would divest themselves of their prejudices with regard to the conduct of meetings. There are some who rush into statements like these, that there is waste of time, that there is unlimited talking. Because other people cannot accept their *ipse dixit*, they are ready to put it down to a desire of talking, and complain of waste of time. When there is a disposition to talk, Europeans are quite as forward to talk as Hindus are. While admitting that Europeans should occupy an important position in the Corporation, I submit it should not be by means of an artificial provision of law, but on their own merits. Then the Hon'ble Member said:—'They prefer to stand aside and make themselves felt through the Chamber of Commerce, the Jute Association, the Health Society, or some other public body which now and then puts forward some very general proposal with an imperfect or no knowledge at all of the difficulties, financial and administrative, involved in the sanitation of a large Asiatic City.' There is the real difficulty in the way of Europeans sympathising with the deliberations of the Corporation. As regards the question of sanitation, I submit that the passage quoted with something like elation by the Hon'ble Member for the Chamber of Commerce, is an answer to his criticisms. He quoted my hon'ble friend to my left as having in the course of his remarks on the Annual Administration Report of the Corporation come down severely on the sanitary condition of Calcutta, thus showing that though a Native member, he was not blind to the interests of the sanitation of the city. But there is such a thing as sanitation run mad, of people having before their eyes the one thing, and not being able to realise what would be best for the town, not in connection with one particular interest, but with all the interests connected with the administration of the Municipality. The Hon'ble Member in charge of the Bill said further: 'It is one of the greatest evils of the existing state of things that, among the various critics of the Corporation, those who are most interested in the questions at issue and best able to make themselves heard, should at the same time be the worst informed as to the evils that exist, and the least responsible as regards the possible remedies for them.' If European gentlemen would profit by the picture thus drawn of them by the Hon'ble Member in charge of the Bill, there might be some hope of their understanding the action of the Corporation. Such being the history of their attitude towards municipal concerns, we have further to remember that notwithstanding the artificial provisions of the Bill, the Hon'ble Member for the Chamber of Commerce is doubtful whether the leading members of the mercantile community would come forward to take part in the work of the Municipality, although he said some competent men might be willing. With all this before it, I cannot understand why the Legislature should go out of its way to place a number of baits, so to speak, before a community which, on the admission of the Hon'ble Member in charge of the Bill, has, on the whole, shown no interest in the affairs of the Municipality. I object to the principle of the Bill as unsound. It seeks to provide an irresponsible Executive and to create a dominant minority, both of which objects should in my opinion be deprecated."

The Speech of the Hon'ble Babu Jatra Mohan Sen, delivered at the Bengal Legislative Council, on the 4th April, 1898, at the second reading of the Calcutta Municipal Bill.

"I desire to record my protest against this Bill. I am not familiar with the questions which form the subject of discussion before the Council, but from what I have read and heard, it appears to me that the passing of this Bill will be a blow to the principles of Local Self-Government, for which, as far as I am aware, no case has been made out. It will, moreover, take away from the Commissioners of Calcutta rights which they now possess. For these reasons I am opposed to the principles of the Bill."

A criticism and refutation of the Speech of the Hon'ble Mr. M. C. Turner at the Bengal Legislative Council on the 2nd April, 1898, at the second reading of the Calcutta Municipal Bill.

Mr. Turner is the representative of the Bengal Chamber of Commerce in the Local Legislative Council. Following the footsteps of Mr. Risley, he began his speech by

Mr. Turner refers to three letters of the Chamber addressed to Government regarding the Calcutta Corporation. But what kind of representations or complaints were they? Mr. Risley thus spoke of these and similar communications:—

It is one of the greatest evils of the existing state of things that among the various critics of the Corporation, those who are most interested in the questions at issue and best able to make themselves heard, should, at the same time, be the worst informed as to the evils that exist, and the least responsible as regards the possible remedies for them.

That Mr. Risley is not very far from the truth in saying that the Bengal Chamber of Commerce is about the "worst informed as to the evils that exist" will be apparent from the following:—

Chamber's letter dated the 10th July, 1895. The first paragraph of the letter of the Chamber, No. 851-95, dated the 10th July, 1895, runs thus:—

The attention of the Committee of the Chamber of Commerce has been directed, by representation from some of its members, to the highly insanitary condition of the town of Calcutta. Vital statistics prove that the residents are not only liable to the endemic ailments of the East, but that those waves of disease, which modern science in many other places has worked so successfully to stamp out, are recurring in Calcutta with greater frequency and increasing severity. After emerging from an alarming outbreak of small-pox, and from a period of anxiety from cholera, it is startling to learn that the residents have now to face another epidemic.

And in respect of the statements contained in the above extract, questions were formally put

Alleged "highly insanitary" condition of Calcutta. to Dr. Simpson, the Health Officer of Calcutta, whose replies thereto are given below:—

Question.—Will the Health Officer be good enough to inform the Commissioners whether he is aware of the existence of any special cause or causes which have lately rendered the condition of Calcutta "highly insanitary" beyond, of course, the original defects in the construction of the sewerage system?

Answer.—I am not aware of the occurrence of any special cause or causes of a new character tending to render the condition of Calcutta more insanitary lately than in previous years; nor do I think in analysing the development of the diseases which have recently prevailed in Calcutta, are there to be found any strikingly new features which would render the existence of such causes probable. The unusual mortality and sickness in Calcutta were due to the great prevalence of small-pox and of fevers. As regards small-pox, its epidemiology is characterised by a periodicity which manifests itself every 4 or 5 years in almost all unvaccinated and overcrowded centres of population. This has been the experience of Calcutta ever since statistics have been recorded. The origin of the periodicity and the causes which give rise to the severity of the disease in particular years, have not yet been elucidated by science.

Question.—Of the several epidemics to which Calcutta is periodically subject, will the Health Officer kindly state those which have recently recurred "with greater frequency and increasing severity?" What is the total number

of deaths from such diseases in each year, during 1891 and 1894, and the percentage thereof in relation to the population?

Answer.—The deaths and death-rates from fever and small-pox are to be seen in the following table:—

YEAR.	FEVERS.						SMALL-POX.			
	TOWN AREA.		CANAL AREA		SUBURBS.		TOWN.		SUBURBS.	
	No. of deaths	Ratio per 1,000 of population.	No. of deaths.	Ratio per 1,000 of population.	No. of deaths.	Ratio per 1,000 of population.	No. of deaths.	Ratio per 1,000 of population.	No. of deaths.	Ratio per 1,000 of population.
1891	4,614	10·5	586	17 0	2,580	14 4	13	02	.	.
1892	4,593	10·5	703	20·4	2,270	12·6	16	·03	5	02
1893	4,713	10·7	658	19 1	2,680	15 0	13	·02	18	08
1894	5,667	12·9	681	19·7	2,556	14 3	346	·74	59	27

Comparing the fever statistics of the town with those of the suburbs, we find the ratio of the town which is sewered fast approaching the ratio of the suburbs which is undrained, the ratios being now respectively 12·9 and 14 3.

Of other epidemics, the cholera ratio was high in 1891, the year of the 'Ardhadoya Jog,' when the deaths amounted to 2,955, but since then it has been below the average. There have been no other epidemics.

It should be noted here that though fever (of ordinary malarious type) has been shown to be on the increase, it is endemic, has seldom broken out in an epidemic form, and is not communicable. The explanation of the Local Government about this increase of fever mortality, as given in its resolution on the Administration Report of the Calcutta Corporation for 1894-95, No. 887 T. M., dated 8th November, 1895, is as follows:—

On comparing the Calcutta statistics with those for the surrounding country, a certain degree of correspondence between the two sets of figures may be traced, and the conclusion which they seem to indicate is that the prevalence of fever in both areas is determined in the main by the general causes, which produce fever everywhere in Bengal, but that the operation of these causes in Calcutta is counteracted to a varying extent by improved sanitary conditions, among which the reduction of subsoil moisture by drainage occupies a prominent place.

The Chamber, however, did not refer to the fever mortality as "recurring with greater frequency and increasing severity"; they only referred to the epidemic of small-pox and cholera and to "those diseases which modern science in many other places has worked so successfully to stamp out."

Then, in paragraph 2 of the same letter it was stated that "fevers of a typhoidal character are greatly on the increase throughout the city," and the question that was asked in this connection and the answer given are set forth below:—

Allegation that "fevers of a typhoidal character are greatly on the increase throughout the city."

Question.—Will the Health Officer kindly lay before the Commissioners statistics showing the total number of deaths from typhus and typhoid fevers in each year during 1891 to 1894, and specifying the localities in which these occurred?

Answer.—There were no cases of typhus fever recorded between 1891 and 1894. Of typhoid fever, there were 7 deaths in 1891, 4 in 1892, 8 in 1893 and 6 in 1894. A large proportion of these were reported from the Calcutta Hospitals. The Commissioner will observe that these numbers refer to mortality and not to sickness; and if there has been any increase of cases, the disease has not been of a fatal form.

And with regard to the alleged great increase of fevers of a typhoidal character throughout the city, the following appeared in the resolution of the Bengal Government on the Administration Report of the Calcutta Corporation for 1894-95:—

Views of the Government in regard to alleged increase of "fevers of a typhoidal character."

It is a matter for much regret that, after lending the weight of his authority to the statement that typhoidal fevers are largely increasing in Calcutta, the Health Officer should have neglected to comply with the request that the grounds of that opinion might be fully set forth. Owing to this omission, it is impossible, as the matter now stands, to arrive at any certain or even probable conclusion on the important question whether the increase in fever mortality which has occurred during the last three years in Calcutta is due to purely local causes which admit of being diminished or removed or to general causes affecting the whole surrounding country, which it would be vain to attempt to cope with. The position is a very unsatisfactory one, and illustrates the damage that may be done to sanitary progress by making vague general assertions and withholding the evidence upon which they are based.

The above will clearly shew how ill informed the Chamber was on these matters.

However, the first six paragraphs of this letter of 10th July, 1895, were mere preamble, the real complaint being in regard to the Goragatcha trenching ground, dealt with in the last two paragraphs, seven and eight :—

The complaint in this letter was really in regard to the Goragatcha trenching ground

They (the Committee of the Chamber) confine themselves to condemning the extreme thoughtlessness and want of appreciation of consequences involved in locating what, under any circumstances, must inevitably be a nuisance at a point where it must be most intensely felt. They protest against continuing this trenching ground, and especially against the opening of a new ground on the windward side of the city, and as the Municipality appear unable to appreciate the danger of locating a trenching ground in such a relative position to the city, the Committee would appeal to Government to take action under the controlling sections of Act II of 1888 (B. C.), and to cause the Municipality to remove trenching grounds entirely from the windward side of the city, and to place them in a locality where their ill effects shall either produce no harm, or produce the minimum of harm. Unless this is done, the opening of a new trenching ground will create a permanent danger to the health of the city, and especially to that of the southern suburbs.

The Committee of the Chamber should have known that for the location of the trenching ground at Goragatcha the Calcutta Corporation was not at all responsible. It was a legacy they received from the Suburban Municipality with the Amalgamation. However, to this portion of the representation of the Chamber, the Government of Bengal replied as follows :—

As regards the disposal of sewage in the area as yet unprovided with regular sewers, I am to say that

The reply of the Government to Chamber's representation in this matter.

the Lieutenant-Governor is unable to go with the Chamber in their general condemnation of the system of trenching sewage as such, nor can he admit the necessity of prohibiting the location of trenching grounds to the south or south-west of Calcutta. The practice of rendering sewage innocuous by mixing it with dry earth was hailed, not very long ago, as a great sanitary discovery, and it has been largely adopted in Europe. The Lieutenant-Governor is informed that the system is successfully followed in several towns in India, and it is the universal practice of Bengal Jails to dispose of fecal matter in this way, and no unpleasant results have ensued.

So much for the Chamber's letter of the 10th July, 1895.

In the Chamber's letter of the 25th September, 1896, there was no complaint against the Calcutta

Chamber's letter dated the 25th September, 1896, urging upon Government to take steps to guard Calcutta against plague.

Municipality, nor did it deal with any of its shortcomings, but merely asked Government to take steps to guard against the importation into Calcutta of the disease (Bubonic Plague) which had then just broken out in Bombay. At that time it was believed that the disease had been imported into Bombay from China. The Chamber said :—

Calcutta is closely connected with the ports of Indo-Chinese Peninsula as well as with the China Ports, and the Committee consider that the time has now come to appeal to Government to take precautions to prevent the importation of this plague. An outbreak of such a plague must, in the opinion of the Committee, be a misfortune beyond the power or capacity of the Municipal Corporation to deal with, and they would therefore urge upon Government the advisability of taking steps to guard Calcutta against the importation of the disease, and also the advisability of precautions to meet it, should it make its appearance.

Lastly, the letter dated the 4th January, 1897, was a careful and business-like review of that mis-

Chamber's letter dated the 4th January, 1897.

chievous and one-sided document—the well-known report of the Sanitary Officers. After summarizing that report, the Committee of the Chamber

observed :—

When viewed in this manner, the state of the city, as disclosed by the Report of the Medical Board, calls for more than the attention of the Municipal Commission entrusted with the ordinary care of the city: it is a matter which concerns not only the Government of Bengal, but the Supreme Government, and it is sure, the Committee think, to attract very special notice in England as well as in other countries. There would seem to be an urgent need for action to be taken of two kinds, one directed to the immediate cleaning of the city, and to the keeping of it clean; and the other to such permanent improvements as shall remove, to as large an extent as possible, the evils which have now been demonstrated to exist

The attention of the reader is specially drawn to this extract, in which the Chamber has frankly and honestly recognised the fact that "the Municipal Commission is entrusted *with the ordinary care of the city,*" but as plague is an extraordinary visitation, a filth-born disease, its propagation being greatly helped by overcrowding, ill ventilation and absence of sunlight in dwellings, which abound in certain parts of this city owing to inherent structural defects, the Chamber has very rightly observed that "the state of the city calls for more than the attention of the Municipal Commission, entrusted with the ordinary care of the City; it is a matter which concerns not only the Government of Bengal, but the Supreme Government."

It will be noticed how one sentence in the Chamber's letter has been cleverly twisted in Mr. Turner's speech, by dropping the words "entrusted with the ordinary care of the city," to suit his view of the case. Mr. Turner observed, "the Committee considered that the report (the words used by the Chamber are 'the state of the city,' not 'the report') called for more than the attention of the Municipal Commissioners, as the matter concerned not only the Government of Bengal, but the Supreme Government."

The Chamber, it will be observed, wanted two things to be done, one of a temporary and the other of a permanent character, *viz.* :— First, "(a) the immediate cleaning of the city," *i. e.*, "prompt removal of the accumulated deposit of past years" by "temporary increase" in the conservancy establishment; and "(b) the maintaining of the cleanliness" by "a better organisation and better supervision;" secondly, the effecting of permanent structural improvements. The Chamber suggested the amendment of the Municipal Act to make it more effective in sanitary matters, such as making provision for "strict legislative regulations for determining the width of streets, the construction of new streets, the limit of width for subsidiary streets, as well as for a better and more discriminating set of provisions to control sanitation." In regard to permanent improvements, the Chamber observed:—

In this direction there will probably have to be incurred a large outlay, and the Committee think that the Government might well take into consideration the question of the best means by which the Municipality may obtain the necessary funds without placing too heavy a burden upon the rate-payers. They bear in mind that taxation in the city is almost at a maximum, and that it presses very heavily upon all classes, so that the question of money is one as to which probably the Government may, in the general interest of the Empire, feel called upon to come to the assistance of the city

The above will now explain beyond the shadow of a doubt, the true significance of the Chamber's observation that "the state of the city concerns not only the Government of Bengal, but the Supreme Government." The financial help necessary for "permanent improvements" in the city, according to the opinion of the Bengal Chamber of Commerce, should come not only from the Local, but also from the Imperial Government. In connection with this question of "permanent improvements," it will not be out of place to quote here the fifth paragraph of the Chamber's letter, dated the 10th July, 1895, to shew what the Chamber deliberately thought of the structural defects that exist in Calcutta:—

The Committee recognise and frankly admit the physical difficulties that beset the whole question, and acknowledge that the *Municipal Commissioners* are in no way responsible for inefficient works to which they may have become heir. For such they must be exonerated

The Commercial Community and the Calcutta Corporation.

Like Mr. Risley, Mr. Turner has proceeded to emphasize the great importance, nay, the absolute necessity, of improving, for the sake of its vast and growing commerce, the sanitary condition of this city in accordance with the latest standard recognized in civilized countries. But, as mentioned before, no one has denied this, and Messrs. Risley and Turner seem, therefore, to have unnecessarily wasted their breath over a subject about which public opinion willingly or otherwise has long declared itself in clear and emphatic terms.

Amend then the provisions of the law in regard to all sanitary matters, and leave them to take their own course. But why subvert the constitution of the Corporation and its method of working, to which the people of Calcutta have become familiar for so many years, and which have admittedly worked so well in the past? Mr. Turner, however, does not go into the discussion of this important question. He evidently does not, at any rate, claim on behalf of the commercial community a "preponderating voice" or a "predominant influence" in the management of the affairs of the town; nor has it ever been claimed by the Chamber of Commerce itself; no mention of it has ever been made in any of the Chamber's communications to Government—not even in those letters to which such prominent reference has been made in Mr. Turner's speech. Not a word has ever been said by the Chamber about "the practical exclusion of European men of business from all share in the municipal government in Calcutta," about which Sir Alexander Mackenzie and Mr. Risley have made so much fuss, evidently to curry favor with the commercial community. The Chamber does not appear to have ever complained to the Government about the

The Chamber has itself never claimed "preponderating voice" or "predominant influence" for the commercial community

so-called "undue preponderance" of the Hindus on the Municipal Corporation, nor has it ever

The Chamber has never complained of the exclusion of European men of business from the Municipality nor of the undue preponderance of the Hindus on the Corporation.

minority"—at any rate there is not even the shadow of such a suggestion in the letters of the Chamber, referred to above. But these after all are really Mr. Risley's words put into the mouth of the commercial men, who, as a community, care not a pin about municipal affairs. Mr. Turner, however, in one portion of his speech has tried faintly to echo Mr. Risley's words about the "predominance of Hindus," about the "waste of time in fruitless discussion," and all that sort of thing, but evidently there was no heart in the complaint. Of all persons, none knows better than Mr. Turner that

The leading and really influential European men of business will never be able to take any active interest in the affairs of the Municipality.

complained that the representatives of the commercial community "are overridden." Never has the commercial community complained to Government that they "could not take part in the general meetings of the Commissioners, where they considered time was wasted in debate, and where they could not hope to command more than an insignificant minority" will never be able to take any active part in the administration of the municipal affairs of the city, so engrossing is their own business; in spite of the flattering manner in which the Local Government has put this aspect of the question before the Government of India, *viz.* :—

The Lieutenant-Governor cannot blame the merchants and tradesmen of Calcutta for the *rôle* they have adopted, but it is certainly a matter for regret in the interests of the town that the really influential Europeans among the non-official community should practically cut themselves off from municipal work.

Mr. Turner, however, has thought fit to make certain observations, so that the leading European merchants who are "really influential" may not afterwards be found fault with for the *rôle* they may still continue to adopt in regard to municipal matters, notwithstanding the radical amendment of the present Act for their sake. He observed :—

As regards the Chamber of Commerce, even though some of the leading members may have their time too fully occupied to attempt to take up municipal matters, there are many men of excellent business

Mr. Turner in one way admits this.

qualifications fully equal to the task of assisting in the administration of the municipal conduct of the city, who are, I believe, sufficiently public spirited to give up some of their time when they see that the General Committee is really a workable and business-like body, and that time will not be wasted in fruitless discussions

So, it is certain there is no hope of securing the active services of "leading, really influential and European merchants;" it is the second and third rate assistants in the European mercantile firms who may come forward and attend meetings, so long as the provision for payment of fees for such attendance will remain in force. If the clause about payment of fees is withdrawn from the amended Act, then it may be safely predicted that the "sufficient public spirit" in these European men of business will vanish into thin air, and their interest will not extend even to the attending of meetings.

Charge of dilatoriness against Commissioners in respect of the new drainage works.

Mr. Turner has been good enough to admit "that some good work has been done in the past few years," so have Sir Alexander Mackenzie and Mr. Risley; but Mr. Turner says "it has taken years instead of months to work out matters of vital importance," and in support of his contention he could not have chosen a worse example than the question of remodelling the outfall of the Calcutta sewers and the introduction of the sewerage system in the suburban added area. In this matter

In this matter Mr. Turner has fallen into the popular mistake that the Commissioners are to blame for not having decided upon the drainage question much earlier.

Mr. Turner has evidently fallen into the erroneous popular notion, now exploded, that the Municipality was greatly to blame for not having settled this drainage question much earlier. The Government of Sir Charles Elliott also had held that opinion. The whole question, however, among other matters, was fully explained to the Government in a special letter dated the 25th September, 1896, by the

Commissioners, setting forth a continuous history of the various phases of the discussion. If Mr. Turner had really wanted to acquaint himself with the facts of the case, he could have easily done so by enquiring of the Chairman of the Corporation. He could have found out that neither the Chairman nor the Commissioners were to blame in the matter. The

The Government of Sir Charles Elliott also once held the same wrong opinion

delay, if there was any, was with the experts consulted, who naturally took time to study and discuss facts, to make enquiries, to have surveys made, levels taken, tidal diagrams recorded, borings made and the soil examined. A short summary of the history of this question was given in paragraphs 28 and 29 of the Commissioners' letter, which run as follows :—

The cause of the delay was fully explained to the Government by the Commissioners in September, 1896.

28 To sum up: 1890, 1891 and 1892 were occupied in preliminary surveys

The question of suburban drainage was referred to Mr. Latham, a project for remodelling the outfall of the town and for extending the sewerage system to the suburbs, was proposed by Mr. Kimber, referred to Mr. Latham and thoroughly discussed by the Engineers.

1892-93. The time was occupied in obtaining the additional information required by Mr. Latham, which he considered essential for the preparation of the project and in recording the tidal diagrams at the outfall, in the rains of 1892-93 a project was prepared for the surface drainage of the suburbs, which was objected to by the Health Officer.

The estimates for this work aggregated Rs. 9,15,931, and took considerable time to prepare and discuss, and it was a work of considerable magnitude.

1893-94 was occupied in further discussing the suburban drainage project, and in referring the case to another expert Engineer, Mr. Hughes, C.I.E., and in referring his report to Mr. Baldwin Latham in December.

1894-95. Mr. Kimber went home to instruct Mr. Latham on the subject in July, and Mr. Latham submitted his report in September, so that the reference occupied nine months

29 It will be thus observed that owing to the magnitude of the work, the Commissioners thought fit to strengthen the hands of their ordinary engineering advisers, by employing the best experts available in England and India, and the process of reconciling the conflicting opinions, thus obtained, of sifting and threshing them out and focussing them into practical directions, has no doubt taken a considerable time. This result, however, the Commissioners are glad to find, has now been attained, and in reviewing the bulky proceedings in which these discussions are contained, they see no reasons to regret their determination to proceed with caution and with deliberation, and not to embark hastily in any ill-considered project for works, which for more than one generation must vitally affect the sanitary and financial interest of the town

After receipt of this letter, the following observations were made on the subject in the Govern-

ment resolution No. 927 T-M., dated the 10th October, 1896, on the Administration Report of the Commissioners of Calcutta for the year 1895-96 :—

On receipt of the Commissioners' full explanation on the subject, the charge of dilatoriness was withdrawn by Government

The deliberate opinion of the Local Government on the question.

The Report on the Calcutta Drainage work by Messrs. Hughes and Kimber makes it clear that the drainage question, in its present form, dates from October, 1890, when Mr. Baldwin Latham, a Sanitary Engineer of high reputation in England, was invited to inspect and report on the drainage of Calcutta. He arrived in Calcutta on the 11th February, 1891, and left on the 3rd March, after submitting a report in which he made certain proposals, the cost of carrying out which was estimated

by Mr. Kimber at Rs 1,70,69,000 From that time till the present Mr. Latham's suggestions, as further developed by himself in 1891 and 1895, and supplemented by Mr. Hughes' report on the suburbs in September, 1894, have been under examination, and the Corporation now have before them what may be taken to be the final conclusions of their professional advisers. In their joint report on the drainage question, Messrs. Hughes and Kimber, after full consideration, and with a knowledge of the facts necessarily much more minute than Mr. Latham could have acquired during his brief visit to Calcutta, reject, as based upon incomplete or erroneous data, the main feature of his scheme, and conclude that it is impossible to construct an open, low-level reservoir for the discharge, by gravitation, of the combined sewage and rainfall of Calcutta. In the Lieutenant-Governor's opinion, this fact, taken with the reduction of the estimate made by Mr. Kimber from 170 lakhs to less than 79 lakhs, is, in itself, sufficient to show that, so far as the drainage question is concerned, *neither the Corporation nor their Chairman can fairly be charged with unreasonable delay in arriving at a decision on an engineering problem of exceptional difficulty. Had they accepted and proceeded to carry out Mr. Baldwin Latham's scheme, with no more deliberation than was enjoined on them by irresponsible opinion in Calcutta, they would have committed themselves to a project which would have cost more than double of that now put before them, and which might not in certain essential features have fully met the circumstances of the case.*

After this, will Mr. Turner stick to his opinion that the drainage question "would have been decided upon and completed in as many months as it took years under the present system?" If "the compact body of picked men" had passed the project in seven months, they would have committed the Corporation to an expenditure of 170 lakhs instead of 79 lakhs, and what is worse, would have been obliged subsequently to undo a great portion of that scheme at a heavy loss to the Corporation.

Commissioners are alleged not to appreciate the necessity for sanitary improvement.

Mr. Turner says : "As regards the shortcomings of Municipality, I am bound to say that I do not think they fully appreciate the intense necessity for sanitary improvement." But there are the mercantile and trading men and other non-official and official Europeans; they ought to teach their less advanced and more conservative colleagues on the Corporation. Though they may be in the minority, they should still stand up and advocate the cause of improvement in sanitation. Have they ever done so and found themselves outvoted? No, they have always remained mute and unconcerned.

If the Indian Commissioners do not appreciate the intense necessity for sanitary improvements, why don't the European Commissioners advocate and ask for such reforms?

The Executive is both blamed and excused at the same time.

Mr. Turner says : "I do not blame the Municipal Commissioners entirely for the result, rightly described as the appalling disclosures of the Medical Board enquiries in 1896. The executive seems to have been particularly responsible, but it must be remembered that *the executive were trained to consider each Commissioner as his master, and how can any man serve 75 masters?*" This is one of those popular fallacies which the ill-informed and irresponsible among the Europeans are only too prone to commit. As pointed out before, no Commissioner, in his individual capacity, has any power over the executive under the Act. The Commissioners-in-meeting, that is to say the majority of them collectively, have no doubt great administrative powers, they sit together, discuss and pass resolutions, which alone are binding upon the executive. Such being the real position of things, is it right for Mr. Turner to

Mr Turner finds fault with the Executive for "the appalling disclosures of the Medical Board."

But he excuses them by saying "the Executive are trained to consider each Commissioner as a master"

This is a popular fallacy to which Europeans are an easy prey

assert that "the executive are trained to consider each Commissioner as his master, and they cannot serve 75 masters?" It is not the individual Commissioner, but the majority of them that the executive have to reckon with and serve; it is not each Commissioner, but the Commissioners in a body and assembled in meeting who are the masters of the executive.

Charge of "serious obstructiveness" against the Commissioners.

Mr. Turner next proceeded to give an example of how "at times the Municipal Commissioners have proved seriously obstructive and have opposed various improvements for reasons which are inexplicable." He refers to the Harrison Road scheme. No doubt it was opposed by a very large number of Hindu Commissioners, who were the representatives of the vast landed and house-owning interest in the city. But is Mr. Turner aware that the Harrison Road scheme involved the introduction, for the first time, into the

First example cited is regarding the Harrison (Central) Road project

The opposition of the Indian Commissioners was purely on principle

municipal administration of Calcutta of a novel principle—the principle of recoupment, as it is called? Mr. Cotton's resolution on the subject, moved at the meeting of the Commissioners held on the 29th December, 1887, ran as follows :—

That in taking up land for the new road the Commissioners should follow the principle of acquiring a considerable strip of land outside the regular line of the proposed street, the precise width being settled by the Committee. This course should be followed not only with the object of reselling the frontage land at a profit, owing to the enhanced value due to the new road, but also to enable them to re-distribute the frontage land in convenient building blocks.

While Babu Kally Nath Mitter's amendment was to the following effect :—

That the Commissioners under the law can only take up such land as will be *bond-fide* required for public purposes, and that it will be wholly inequitable, even if the law were different, to acquire more land than is necessary for the express purpose of reselling surplus land at a profit, and that the further consideration of Mr Cotton's amendment be postponed till the report of the Select Committee is received

Thus, there was no discussion on the merits of the proposed improvement; its necessity was recognised by all. The difference arose in regard to the manner of carrying out the improvement; about the "ways and means"—in short, about the financial aspect of the work. The controversy was about the legality of the proposal and the introduction of a new principle. At this time

The necessity and importance of the project as a sanitary measure was never questioned

Act IV of 1876 was in force, and section 190 of that Act provided that "for the purpose of this section, the Commissioners-in-meeting may purchase any land, houses

and buildings necessary to form any public street or for the improvement of any public street." That law has since been amended, and in the present Act the new principle has been introduced for the first time, thus proving beyond doubt that those who opposed the Harrison Road scheme towards the end of 1887 or early in 1888, were right on the ground of legality. The new section runs thus:—

The Commissioners-in-meeting may—

- (a) acquire any land required for the purpose of opening, widening, extending, or otherwise improving any public street, or of making any new public street, and the buildings, if any, standing upon such land ;
- (b) acquire, in addition to the said land and the buildings, if any, standing thereupon, all such land with the buildings, if any, standing thereupon, as it shall seem expedient for the Commissioners to acquire outside of the regular line of such street, provided that, without the special sanction of the Local Government, not more than one hundred feet shall be acquired on either side of the regular line of the street.

But why should Mr. Turner take such serious exception to the attitude taken up by the representatives of land and house property in Calcutta against the introduction of the principle of recoupment—a principle which they honestly and rightly believed was an encroachment on private rights? Such opposition was very natural, and has been witnessed all over the world, even among those who occupy the foremost rank among civilized communities.

Will Mr. Turner be surprised to hear that even in such an advanced country as England the intro-

There was strong opposition in England when the principle of betterment was first introduced there in 1895

duction of the sister principle—the principle of betterment—met with stronger opposition than what the much-abused educated Hindus in Calcutta could ever have thought of even attempting? The main principle was introduced for the first time in England in the preamble of the betterment clause in the London County Council (Tower Bridge Southern Approach) Act. A short history of the enactment is given in page 205 of Mr. Freeman's book on "The Law and Practice of Compensation," published in London year before last. It runs thus.—

This is the famous principle of betterment which, *after a chequered career, and after being on several occasions refused by Parliament*, finally became law in the London County Council (Tower Bridge Southern Approach) Act, and the Manchester Corporation Act of 1895. *Few recent proposals in private Bills have been so energetically resisted*. It was alleged by the opponents that the suggestion was unfair, because wherever the limits of the area of betterment were settled, they were certain to arbitrarily include some properties which were in fact not benefitted, and to exclude others which might derive advantage, that if it was to be assumed that some properties would be benefitted, it ought equally to be assumed that others might be injured, and that if betterment was to exist, its co-relative worsement should be admitted, that the improvement was not asked for by the owners, and therefore they should not be required to contribute, and that in practice the whole thing was unworkable, it being impossible for any arbitrator to trace so subtle a thing as the alleged improvement. *The very name of the measure was a rock of offence, and the cry was raised, with some measure of success, that the promoters were seeking to Americanise our institutions*. On the other hand, it was urged that betterment only meant the interception of a part of the benefit conferred on private owners by public moneys, and reserving such portion to the public which it was said was an eminently just and reasonable thing, that, in fact, under the name of injurious affection worsement already existed; and that there would be no greater difficulty for a skilled arbitrator to determine how much the property had been improved by the public than there had been ever since the Lands Clauses Act was passed in ascertaining to what extent such property had been depreciated. As a result Parliament accepted the principle of betterment, but modified the terms of some of the provisions in accordance with the criticisms of the opponents.

If all this was possible only recently in the British Parliament, with what face could Mr. Turner say that "at times the Municipal Commissioners have proved seriously obstructive and have opposed various improvements for reasons which are inexplicable?" Are the "reasons inexplicable" now? Let Mr. Turner reply.

Talking about the opposition to the Harrison Road scheme, Mr. Turner has made one observation which seems to be a complete answer and a practical contradiction to Mr. Risley's assertion that the Hindus have "a predominating voice" in the affairs of the Corporation, that they "outnumber all other nationalities," and carry propositions with their absolute majority. If that were so, the Harrison Road scheme would never have been passed. The question was decided at a meeting of the Commissioners held on 5th January, 1888, and the published proceedings of that meeting shew that 57 Commissioners

Mr. Turner's observation as to the result of the discussion on the Harrison Road scheme is a contradiction of Mr. Risley's statement about "undue preponderating voice" of the Hindu Commissioners on the Corporation.

voted—37 for and 20 against ; it was a substantial majority of nearly two-thirds of those present. Where then was the “ absolute majority ” of the Hindus ? As mentioned before, in actual working, the Hindus, though strong in number, never vote *en masse* ; the force of their number alone is never brought to bear upon the issues of any municipal question, however important and however opposed it may be to the interests of the Hindus.

Mr. Turner has given another example of how “ the Commissioners have proved seriously obstructive and have opposed various improvements.” He quotes from the speeches of two Commissioners. He says :—

The second example of “ how the Commissioners have proved seriously obstructive and have opposed various improvements ”

Again in 1896, when the Health Officer’s proposal for increased expenditure to provide for precautions against the plague was under discussion, Maulvi Abdul Jubbur declared that “ pestilence and famine were a Divine chastisement for our sins, and like the Excise Revenue in Bengal are yearly on the increase and keep pace with the advance-

ment of what you call civilization No human agency can fight against a decree of Heaven ” On the same occasion another gentleman, who, I believe, has been educated at Oxford, also opposed the proposal and said “ though there might be overcrowding among natives, and though they might live in insanitary conditions, their fathers and grandfathers had lived in the same way and under very much more insanitary conditions and had attained great age ” These quotations go to show that some at any rate of our present Municipal Commissioners entirely fail to appreciate the absolute necessity of keeping pace with modern requirements in matters sanitary, or the gravity of questions brought up for their consideration.

In the first place Mr. Turner is entirely wrong as to the occasion when these speeches were made.

Mr. Turner is quite wrong in citing the example.

There was no proposal under discussion for increased expenditure to provide for precautions against the plague. The proposal really was to pass special regulations under section 334 of Act II of 1888, which had been drawn up by the Health Officer and submitted for the approval of the Commissioners at their meeting held on 17th October, 1896. At this time, it may be remembered, there was serious difference of opinion between the Commissioners and the Health Officer. Dr. Simpson said plague had overtaken the city, and the immediate enforcement of special regulations was urgent, while the Commissioners refused to accept Dr. Simpson’s opinion, it being quite opposed to what was then held by experienced leading medical men—both European and native—of extensive practice in Calcutta. In view of the

There was no proposal under discussion for increased expenditure to provide for precautions against the plague.

The proposal was to pass special regulations under section 334, Act II of 1888

possibility of plague being imported from Bombay, the Commissioners had sanctioned the special cleansing of the town by a temporary staff, had engaged the services of a competent European Sanitary Officer to supervise and organise the Conservancy Department of the Municipality, had employed an extra number of Medical Inspectors, and in fact had taken all necessary and reasonable precautionary measures to guard against the importation of the fell disease into this city ; but what they had distinctly refused to do was to create unnecessary alarm. This is exactly what Moulvie Abdul Jubbur, Khan Bahadoor, said, and Mr. Turner has certainly done him great wrong in misrepresenting him by quoting only a stray sentence from his speech. The following is the Khan Bahadoor’s speech :—

The public are thankful to the Government, to the Commissioners and to their Health Officer for the special arrangements for prevention of the bubonic plague in Calcutta. Prevention, as the saying goes, is better than cure But, gentlemen, I would beg you not to create a giant

Extract from Moulvie Abdul Jubbur’s speech.

in order to kill him. You all know that individuals, especially children, not unoften suffer from glandular swellings attended with sympathetic fever, and among a large population it is not impossible that a diligent searcher will always find patients suffering from glandular affections. Therefore, to conclude from the discovery of a few cases of ordinary disease that there is plague among us and to make a noise in the city is neither reasonable nor safe An alarm of danger is worse than the danger itself Famine and pestilence are visitations of God for the chastisement of sins, which, like the Excise Revenue in Bengal, are yearly on the increase, and keep pace with the advancement of what you call civilisation No human agency can fight against the decree of Heaven I do not mean to say that sanitary improvement is not called for, but what I object to is too much fuss, useless fear and unnecessary trouble to the people. I am strongly opposed to Rule 12 of the Draft Regulations, and propose its omission. Ties of relationship are strong among the Indians—and when one is sick in a family, the other members of it are indefatigable in nursing him, and do not care for their own safety. No one will agree to the interference with or the segregation or separation of a sick relative. There are few native houses which a Health Officer with a European idea of comfort will declare fit for the proper accommodation of patients, and the visit of the Health Officer will be more dreaded than the disease itself. Pray do not place your constituents at the mercy of the Health Department.

Similarly Mr. Turner has done an injustice to Mr. N. N. Ghose by saying that he also opposed the proposal "*viz.*, the Health Officer's proposal for increased expenditure." Nothing of the sort. Mr. Ghose only wanted the draft regulations to be carefully considered and discussed by the General Committee before submission to the Commissioners-in-meeting; he commented upon several of these regulations, and pointed out the many practical difficulties that were sure to arise; he explained how these would work harshly upon poor people and upon Hindu and Mahomedan ladies in the Zenana, how the working of them, if left only with the Health Officer and his staff, would prove oppressive, and frustrate the very object for which the regulations had been framed. Mr. Ghose's was a long speech, dealing with a variety of matters, in connection with the proposed special regulations. The quotation made by Mr. Turner was only a stray observation of Mr. Ghose in connection with the most stringent and unworkable of these rules, which aimed summarily to turn a private house into a public hospital, and to abate the overcrowding in dwellings. This is what Mr. Ghose is reported to have said:—

Neither did Mr. N. N. Ghose oppose any proposal for increased expenditure for measures against Plague

So that, any person's dwelling-house might summarily be turned into a hospital, a whole family must leave the house on 24 hours' notice. It was not said that it must be a vacant house. If men were to have their wives snatched away from them, if mothers were to have their children torn from their bosoms, if people were to be cast into the street at a moment's notice then he was not sure that "the greatest good of the greatest number" would be established. No one would attempt to forcibly remove a European, who would thrash and turn out any one who attempted to do so. The native community included the high as well as the low; they had no European sweepers in this country, and the Europeans lived in the best parts of the town, and would be able to satisfy the Health Officer that they could be properly isolated in their own houses. It would be very different so far as the natives were concerned. Though there might be overcrowding among natives, and though they might live in insanitary surroundings, their fathers and grandfathers had lived in the same way, and under very much more insanitary conditions, and had attained greater age. They had not as yet a single attested case of plague here. He did not see why the draft regulations should not be passed through the General Committee. He did not think that a week's delay would cause the de-population of the country. In the meantime they could ask for opinions from the Chamber of Commerce, the Trades' Association, the British Indian Association, the Medical Board, and other public bodies usually consulted.

Mr. Ghose's observation, as interpreted by Mr. Turner, formed the subject of animadversion in the columns of the *Pioneer* in September last, to which Mr. Ghose made the following pertinent reply:—

My attention has just been called to an article on "Calcutta Municipal Reform" in the *Pioneer*, in which I read the following concerning myself—"Mr. N. N. Ghose, the accomplished Barrister and Editor of the *Nation* sadly thought aloud that 'though there might be overcrowding among natives and though they might live in insanitary surroundings, their fathers and grandfathers had lived in the same way and under very much more insanitary conditions, and had attained greater age.'"

Will you be good enough to allow me to explain myself? What I did say was to the following effect—"Though there might be *what Dr. Simpson considers* overcrowding among *certain classes of people*, and though they might live in surroundings *which he holds to be insanitary*, their fathers and grandfathers had lived, &c." The words in italics mark the difference between your version and mine.

I make no complaint, however, against the reporter from whose version you have quoted the passage. It is his business to report only the substance of the speeches made in municipal meetings. No persons, not even Municipal Commissioners, ordinarily care to read the reports of those speeches. I am sure those who heard me would never be misled by any report, however imperfect, and I was concerned in making myself understood only to my audience.

When I made those remarks I was not "thinking aloud", "sadly" or otherwise, but was making an indignant protest against certain proposed precautionary measures against the plague, which, however well meant, appeared to me, as they appear now, to be unpractical, uncalled-for, dangerous and insane. I do not remember all the regulations that were laid before the Commissioners, but, unless I am greatly mistaken, there were proposals to the effect that if the Health Officer considered a house to be overcrowded or insanitary, he might call upon all or any of its inmates to leave it upon a notice of twenty-four hours. There was then (1896) no plague in Calcutta, and the rules required that a house, though not plague-infected, might be compulsorily vacated if only in the Health Officer's opinion it was overcrowded or insanitary. Where the expelled men, women, and children were to go the rules did not say.

I hold, Sir, that considerations of common sense, humanity and social order, are higher even than those of scientific sanitation, and hence my protest. The remarks you have quoted were meant by me to express a simple truth, namely, that rules of sanitary living are not abstract and universal, but particular and relative, and must vary

according to the habits, the needs and the resources of the people whose living we seek to regulate. It would be evidence not of culture but of fatuity to deny this truth. And the practical application I had to make of it in my speech, should be obvious. Should men be turned out of houses,—in which, or in houses like which, they and their fathers have lived in perfect health,—merely, because a Health Officer holds them on ideal and abstract grounds to be insanitary? Fortunately, the rules were never passed or never carried into effect; but their enforcement, however disastrous to the people, would have carried its own moral, and relieved me of the necessity of stating my arguments in a formal way.

Is Mr. Turner aware that most of the regulations to which exception had been taken by the Commissioners were subsequently materially amended by Government on the lines suggested by the Commissioners?

Mr. Turner's defence of certain provisions of the Bill.

Mr. Turner has remarked:—

Now as regards the Bill itself, it has been objected (1) *that too much independent power will be given to the Executive,*

Mr. Turner attempts to explain away the objection that the Municipality will be too much in the hands of the Government.

and (2) *that the Municipality will be too much in the hands of Government* Section 22, which empowers Government to step in and act on certain occasions, expressly stipulates that such action will be taken only if the Municipal Commissioners neglect their duties, and if the Corporation fail to comply with the orders which may be given after due enquiry has been made by a Commissioner or by a special

officer deputed for the occasion

Of the two objections, he has however discussed the latter and dropped the former, feeling perhaps that it was the weakest point in the Bill to defend—particularly after having himself in the same speech found fault with the Executive.

Objection is not against section 22 of the Bill, but against Government *usurping* powers which hitherto were exercisable by the Corporation

With regard to the powers of the Local Government, Mr. Turner has evidently mistaken the scope and object of the opposition. Nobody has

objected to section 22, which confers on the Local Government powers of control, analogous to those exercised by the Local Government Board in Great Britain. The corresponding section in the present Act is section 38, which is much more summary and imperious than the proposed section 22. It is a decided improvement in favour of the Corporation.

Objection has been taken to the *usurping* of powers by the Local Government—powers which hitherto were exercisable by the Corporation will now be exercised by the Local Government. For instance, the power to appoint four of the members of the General Committee, to fix the salary of the Chairman, to appoint and fix the salary of the Deputy Chairman, and many others.

Mr. Turner's attempt to refute the charge that the Bill is a serious interference with Local Government.

Mr. Turner next proceeded to deal with the objection that "the Bill is a serious interference with Local Self-Government and the declarations of Lord Ripon in

Mr. Turner has wrongly quoted Lord Ripon in support of the proposed measure.

1882." He quoted the noble Lord's speech addressed to the Municipality of Lahore in November 1882, evidently with the idea that it is a

justification for the action of Government in bringing forward the present Bill. But if the speech quoted be correctly read and interpreted without any bias and prejudice, it will, instead of supporting Mr. Turner's view, greatly strengthen the hands of the opponents of the Bill. Lord Ripon said that although he would give the fullest liberty of action to the local bodies, untrammelled by official interference, His Lordship would not allow the experiment of Local Self-Government in this country "to fail through the pertinacious neglect, through the sloth or through the continued incompetence of the local bodies." He continued—"we must maintain, I say, sufficient control over those bodies to see that they do not permanently, obstinately or slothfully neglect their duty towards their fellow citizens, and that control, gentlemen, I, for my part, am determined to maintain; and I trust that it will be applied patiently, but still firmly by Local Government."

Now, if action is to be taken in accordance with the above declaration of the noble Lord, Mr. Turner must prove that there has been "*pertinacious neglect, through the sloth or through the continued incompetence*" of the Calcutta Corporation, and that the Corporation has "*permanently, obstinately or slothfully neglected its duty,*" or he must resile from the position he has taken in regard to the Bill.

Mr. Turner contends that the Bill "is no interference with the principle of self-government at all, nor can it be described as a retrograde measure," because, the "representation of all sections of the community is more fully and equally ensured than under the old system." This is, however, begging the whole question.

Mr. Turner's theory that the Bill is no interference with the principle of local Self-Government, refuted.

Why should the representation of all sections be equal, when in population or in the matter of payment of rates and taxes there is such wide divergence among the various sections? The population of Hindus is much larger than that of any other section, they own by far the largest share of land and house properties in the town, they pay by far the largest amount of rates, and they also pay the largest amount of the taxes; hence, on grounds of fairness and equity and in accordance with the fundamental principles of Local Self-government, the Hindus ought to have the predominating voice and their number ought to be the largest on the Corporation. The Bill proposes to do away with this principle and so far it must be admitted to be subversive of real Local Self-Government; it also proposes to restore the preponderance of Europeans at the sacrifice of the Hindus—a state of things that existed during the time of the Justices, from 1863 to 1875, it is therefore unquestionably retrograde.

Mr. Turner says "the essence of Local Self-Government is the fair representation of all classes,"

Is the representation of the ratepayers, who pay almost the whole income of the Corporation, in equal proportion with that the commerce of the city, which pays nothing to municipal coffers, fair and in consonance with the principles of Local Self-Government?

but what is "fair representation"? On the General Committee which will be the real *defacto* Corporation, provision has been made for the representation of only three classes or interests, and that in *equal proportion*. The representatives of commerce have been given *equal* voice with the representatives of the rate-payers, because the one pays almost the whole of the income of the Corporation and the other pays *nil*. Mr. Turner in an evidently boastful spirit says:—

Further, I would remark that total value of imports into Calcutta amounts to less than 38 crores per annum, and our exports to 51 crores, so that the commercial class has surely a great and reasonable claim upon Government to have its representations considered, and also to have a reasonable share in the management of municipal matter in this great city.

He talks of "crores" of imports and exports. But has he taken the trouble to ascertain how much money these imports and exports bring into the coffers of the Corporation? Is it in thousands or hundreds? No, not even a cowrie. In Bombay the Town duty (Octroi) brings in over 9 lacs, and the Tobacco duty Licenses, about 2½ lacs per annum to the Municipal Funds. The mercantile and trading firms in Calcutta, no doubt, pay rates in respect of houses occupied by them, and as such they are entitled to all the rights and privileges of rate-payers; they also pay license taxes, (each firm not exceeding Rs. 100 a year), and for that they are entitled, in common with lawyers, Doctors and other professional men to certain rights under the Act. But their merchandise—the crores of imports and exports—is not taxed at all; strictly speaking therefore the commerce of the City has no reasonable claim for special representation on the Corporation or its General Committee. But the Legislature proposes to give to the commerce of the City, not only *some* but *equal* representation with the rate-payers, and the proposal has the strongest support from Mr. Turner. Is he not however aware that one of the root-principles of Local Self-Government is that there should be no representation without taxation, clearly laid down as a canon by recognised English political economists. John Stuart Mill, in his book on Representative Government says:—"as the principal duty of the local bodies consists of the imposition and expenditure of local taxation, the electoral franchise should vest in all who contribute to the Local rates, to the exclusion of all who do not." Is not the Bill thus a serious interference with Local Self-Government, a retrograde and reactionary measure?

Mr. Turner says:—"I cannot imagine that it was ever intended that one section of the com-

There is sufficient provision in the present Law for fair representation of important minorities, such as the European men of business

munity or one class of that should be the predominant power, and in fact control the working of the Municipality." Certainly not, it was never so intended; on the contrary, as pointed out before, the Legislature took particular care to provide for safeguards against such predominance;

but the European community—particularly the men of business—never cared to interest themselves in municipal matters, hence the Hindus predominated in number. Under the amended Act what guarantee is there that the Europeans will take real active interest? If they do not choose to do so, the voice of the Hindus will necessarily control the affairs of the city, and the present condition of things will continue, in spite of the amended law.

Speaking about the representatives of the Chamber of Commerce, Mr. Turner says:—"At one time, however, when the 1889 Act (? 1888 Act) came into force, the

Mr. Turner says the European representatives of the Chamber of Commerce were regular attendants at meetings of the Corporation.

proposals and obstructed of the Municipality reply.

The records of the Municipality contradict that statement.

respective attendance during the three years:—

	1889-90		1890-91.		1891-92.	
	Invited.	Attended.	Invited.	Attended.	Invited.	Attended.
Mr. W J. M. McCaw ...	34	6	26	4	11	0
„ J. Dyce Nicol	34	32	29	19	5	1
„ C. H. Ogbourne ..	34	11	29	9	35	3
„ W. Wilson	34	24	26	17	0	0
„ C. C. McLeod	0	0	3	3	35	6

The figures given above are in respect of general meetings of the Corporation. As for committee meetings, none of these gentlemen ever cared to stand for election as members of any standing committee during these three years. Now do these figures shew that these gentlemen were "regular attendants"? Let Mr. Turner answer.

Then it is said that they "each in turn withdrew in disgust." Is it so? Mr. Wilson went home early in 1891, and Mr. McLeod was appointed in his place. Then Mr. Dyce Nicol resigned in May, 1891. No one, however, was nominated in his place by the Chamber during the whole of that year. Mr. Ogbourne's term of office expired, in March 1892 and he did not come forward for re-election. Mr. McLeod, however, came forward again and was re-elected in April 1892, and the following will shew what his attendance was in subsequent years:—

	1892-93		1893-94.		1894-95	
	Invited.	Attended.	Invited.	Attended.	Invited.	Attended.
Mr. C. C. McLeod ..	27	3	26	5	19	1

He resigned because he left for home in December, 1894. The above will shew that none "withdrew in disgust"; they were elected Commissioners by the Chamber, and they listlessly stayed on till they went home or their respective terms of office expired.

Mr. Turner says "the native majority swamped their proposals and obstructed their reforms."

The fact is none of the European representatives of the Chamber ever made any single proposal, much less a proposal for reform. How then can they be said to have been "swamped" and "obstructed."

by facts—assertions of things which never existed. After this, for the sake of truth and fairplay Mr. Turner should openly acknowledge his mistakes and withdraw the last statement, at any rate.

Mr. Turner says that under the present system "the poor are obliged to remain and suffer in

Mr. Turner posing as a friend of the "poor of the city."

silence from I will not say incapacity but the indifference of their fellow citizens" (meaning their Hindu fellow citizens). The present condition of the northern portion of the town, where the 'poor' live, compared with what it was before, will belie Mr. Turner's statement. If the 'poor' be appealed to, and if a proper

enquiry be held, it will be clearly seen what the 'poor' think and feel about their Hindu representatives; and also what they think of the Government and the municipal executive, whether they 'suffer' from the so-called "indifference of their fellow citizens" or from the heartless *sulum* of the subordinate executive and their unblushing exactions, in diverse ways. Recent events have clearly demonstrated in whom the poor of this city really repose their trust and confidence, and that fact, if nothing else, should open the eyes of Government who have lately been so unfavorably disposed towards "the educated Hindus," in the matter of Local Self-Government.

A Criticism of the Speech of the Hon'ble Mr. T. W. Spink at the Bengal Legislative Council on the 4th April, 1898, at the second reading of the Calcutta Municipal Bill.

Mr. Spink is the representative of the Calcutta Trades' Association. There is, however, nothing particular in his speech to comment upon. It is merely a bald reiteration of opinions already expressed by Mr. Risley, without any fresh arguments or citation of facts in support thereof.

Mr. Spink says "it assuredly never was intended that the management of this great and growing city should pass into the hands of one section of the community;" but has it really passed into the hands of only one section? And assuming that it has, who is responsible for it? Mr. Spink says "the Europeans have been placed hopelessly in the minority by the operation of the existing law"; but, as has already been explained, the law is not to blame at all, in fact the provisions of the law and the expressed intention of the Legislature have not been fully carried out. Mr. Spink would have done well to have himself studied the whole question and formed his own independent opinion, before re-echoing, from his responsible position in the Legislative Council, the opinion of the official member in charge of the Bill. Mr. Spink goes on to say "even supposing they were more numerous, men of business cannot spare time to take part in the too often fruitless debates of a large talking body."

The words in italics are Mr. Risley's. A body composed of educated men must 'talk,' if they are to discuss and interchange their views. Can Mr. Spink point to a single deliberative assembly in the world which transacts its business without 'talk,' in a mute and pantomimic fashion? But Mr. Spink and those of his thinking will say that their real objection is in regard to long, fruitless debates. This, however, is a common accusation made mostly by those outside the Corporation, who are most ill-informed and therefore the less qualified to form a just and correct opinion as to the real merits of any public discussion of a municipal matter by the Commissioners. To one who is not interested in the particular question under debate, however important and far-reaching its issues may be to the Corporation and to the town, the whole discussion may appear fruitless, involving an absolute waste of time; should he, however, ever become a Commissioner and begin taking any interest in it, he would perhaps be making the longest speech and talking the loudest of all. On this very point Sir Henry Harrison very sensibly spoke as follows:—

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.

Mr. Spink indulges in the fond hope that the representative General Committee "will be able to carry out much needed sanitary and structural reforms." Mr. Spink has evidently read to little or no purpose the Bill and the entire literature on the subject of the amendment of the present municipal law of Calcutta, if he has read them at all; for the Bill makes no provision whatever for any increased special income to carry out such 'structural reforms;' and it has been admitted both by the Bengal Chamber of Commerce and the Calcutta Building Commission, presided over by Mr. Justice Trevelyan, that with its present ordinary resources the Corporation is unable to carry out necessary, important, structural improvements. The Chamber said:—"As regard permanent improvements, there would seem to be

an urgent need for the close attention and consideration of Government. * * In this direction there will probably have to be incurred a large outlay * * *, and probably the Government may, in the general interests of the Empire, feel called upon to come to the assistance of the city." The 132nd paragraph of the report of the Building Commission runs thus:—"We are quite satisfied that it is impossible to raise money for this purpose," (*i.e.*, extensive street and other improvements, mentioned in para. 134) "by increasing the rate. * * * The funds available to the Corporation are barely sufficient for the ordinary working expenses and for such improvements as become necessary from year to year." Even Sir Alexander Mackenzie in his speech in Council admitted that:—

"The question of opening up the unhealthy and congested areas in Calcutta, in some of which 75 per cent of the space is occupied by solid masonry, is a very difficult one, and no attempt has been made to deal with it in this Bill

* * * * *

There can be no doubt that unless some means of raising funds can be devised, the prospect of improving the congested areas of Calcutta, must be indefinitely postponed.

Mr. Spink is, however, very sanguine; his faith in this Bill, as the true panacea for all municipal evils, is profound; he therefore expects the representative General Committee not only to do its legitimate work properly and well, but also to be able to effect 'structural reform,' no matter whether the Corporation possesses the requisite funds or not. He expects this Committee to make "bricks without straw."

Mr. Spink also says:—"Such a Committee, I take it, would represent more truly the voice of the

Mr. Spink's theory that the General Committee under the Bill would "represent more truly the voice of people than the present one" discussed.

people than the present one, and would be more truly based on the fundamental principles of Local Self-Government." The General Committee, under the amended Act, will consist of eight Europeans and four Indians. Thus constituted, it will, according to Mr. Spink, represent *the voice of the people* more truly than the present General Committee, which

consists of say 15 Indians and three Europeans. But, pray, who are *the people*? Not the Europeans or Eurasians, but the natives of the country. How outrageous, not to say absurd and preposterous, is this proposition—the Europeans to pose as representatives of *the people* of this country, of those with whom they have no community of interest whatsoever, and hardly any sympathy!! Mr. Turner has stoutly refused to recognise the present Corporation as a popular representation; perhaps like Mr. Spink, he, too, will regard the General Committee under the amended Act to be an eminently popular representative body!!

The Speech of the Hon'ble H. H. Risley, delivered at the Bengal Legislative Council, on the 4th April, 1898, at the Second Reading of the Calcutta Municipal Bill.

"I have to thank my hon'ble friend, Mr. Surendranath Banerjee, for the flattering terms in which he has referred to me, however unequal I may feel myself to meet so accomplished a speaker, who has, I freely admit, the advantage of me both as regards his knowledge of the facts, and his unrivalled talent for presenting them in the most attractive form. It is a pleasure to have to deal with so courteous an opponent, and in return I desire to compliment him on his admirable speech. In summing up the debate and replying to the criticisms on the principles of the Bill, I shall endeavour to separate and classify the arguments that have been brought forward so as to deal with them more distinctly than I should if I allowed the order of individual speakers. If in any matter I appear to criticise or find fault with the Commissioners, it will, I trust, be borne in mind that my remarks are directed at a system, not at individuals—at a bad law under which the counsels of the older and wiser men are liable to be over-ridden by the younger and more ardent spirits. As to the objection that the Bill is contrary to the principles of Local Self-Government and that, therefore, it is revolutionary, re-actionary, and retrograde, that, I submit, is a large and extremely vague general proposition, and before you can come to any conclusion about it you must know what it means. I will refer to that later on. For the present I take the phrase as it stands and assume that it means that the Bill somehow or other runs counter to Lord Ripon's famous Resolution of the 18th May, 1882. [THE HON'BLE BABU SURENDRANATH BANERJEE:—"October, 1881."] Hon'ble MR. RISLEY:—"Not at all. That letter only invited opinions. It was a sort of preliminary canter. Lord Ripon's final Resolution was issued on the 18th May, 1882. Against that Resolution, properly understood and applied with the necessary limitations, I have nothing to say.

One of its chief limitations, however, is that it does not apply to the Presidency towns. This is expressly stated in paragraph 4 of the Resolution which restricts its operation to the area 'outside the Presidency towns.' It is, in other words, a Resolution meant for the mufassal, and it recognises the essential differences between the mufassal and Calcutta. For our present purpose the chief differences are, first, that the population of the mufassal is fairly homogeneous, and except in the planting districts and in the mill areas round Calcutta, Europeans form a very small minority, whether you look to their numbers or to their proprietary interests. Secondly in the mofussal, sanitation, or the absence of it, concerns only the immediate locality; it raises no international questions, and does not affect the trade of the country. Calcutta, on the other hand, is the outlet for the exports, and the distributing centre for the imports of Bengal, Assam and Northern India. I cannot mark its importance better than by stating that we are bound by international agreement, in force since 1882, to report every week our statistics of mortality to the Boards of Health at Constantinople and Alexandria. I may add that when I was staying in Constantinople some three years ago, I made the acquaintance of the chief foreign expert on the Board, and was surprised to find what keen interest was taken there in the sanitation of Calcutta, and how jealously the returns were scrutinised. That of itself shows how peculiar the position of Calcutta is, and what excellent reasons Lord Ripon had for excluding it from the scope of the Local Self-Government Resolution.

"But I will go further and meet my friends on their own ground; I will assume, for the sake of argument, that the principles of Local Self-Government—to stick to that indefinite phrase—are applicable to Calcutta. Does it follow even then that the Bill infringes the principle? I maintain that it does not; on the contrary the Bill affirms and extends it. Some politician once said—I forget who it was—when you see five men of whom three are sitting upon two, you can hardly say that all five are enjoying the blessings of Local Self-Government. That fairly describes the state of things that has prevailed in Calcutta for the last twenty years—three Hindus sitting on one European and one Muhammadan. That is a state of things which the Bill proposes to change, and in doing so I contend that it proceeds on the true principle of Local Self-Government—the representation of interests—and applies it, moreover in a manner which Lord Ripon himself seems to have distinctly contemplated even in the case of the mufassal, where the problem, as I have already said, is far simpler than in Calcutta. In paragraph 14 of the Resolution of 1882 we read: 'Experience is wanting to determine the most suitable general system of election for each province, and it is desirable that a variety of plans should be tried in order to a future comparison of results. The simple vote, the cumulative vote, election by wards, election by the whole town and tract, suffrage of more or less extended qualification, election by castes or occupations—these and other methods might all be tried. New methods, unthought of in Europe, may be found suitable to India, and after a time it will probably be possible to say what forms suit best the local peculiarities and idiosyncracies of the different populations.' If that is not wide enough to cover the General Committee as proposed in the Bill, I do not know what is.

"The speeches of Hon'ble Members on the other side assumed throughout that the present system is a popular system. I should have thought the figures in Table C would have been sufficient to dispose of that fallacy. They show that the entire number of electors is only 13,000 or 2 per cent. of the population of Calcutta. The rest have no voice in the government of the town. Whatever you may call this, it is certainly not a popular government in any sense of the word. It is an oligarchy in which one section predominates—an ill-balanced oligarchy, in which the weight is all on one side. Even if we look to the Hindus alone, it appears to me—and many Hindu gentlemen have made the same complaint—that the working of the elective system is unsatisfactory. It 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 is, as many patriotic Hindus have often told me, a faulty and superficial method. It leaves the elder generation and those who follow in their steps out in the cold, and Government has to bring them in by way of nomination. It selects those who rise to the surface—the men who talk and canvass 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. In point of fact, in matters of this kind, you have to choose between two principles, neither of which can be stretched to justify the present state of things. If you follow the principle of numerical majority, you ought to enlarge the franchise; if

you wish to give weight to intelligence, business capacity, and pecuniary interest in the prosperity of the town, some mode of proportional representation such as is proposed in the Bill must be resorted to.

“A great deal has been made of the argument that whatever has gone wrong in the town is the fault of the Executive, that is to say, of the Chairman. This is an argument which my hon'ble friends are not entitled to use. In the first place the law vests all powers in the Commissioners; it gives them complete control, and imposes on them full responsibility. So far from attempting to shift responsibility on to the Chairman by making any reasonable distribution of duties, they have tied his hands in every way and kept hanging over him the possibility of constant interference. They might have done by resolution what the Bill is doing now; but they did not do it. They kept all power in their own hands, and they must now abide by the results. You cannot indulge in the luxury of interference in season and out of season, and retain the right of disclaiming responsibility. If people keep on poking their fingers into the works of a clock, they must expect to be taken to task if the clock goes wrong. Moreover, as regards the really grave question of the terrible state of things discovered by the Medical Board—the Commissioners expressly assumed entire responsibility. On the 1st of December, 1896, the Government asked the Medical Board to make a full and searching inquiry into the causes of the lamentable failure on the part of those responsible for the town conservancy. On the 9th of December the Medical Board addressed a very polite letter to the Commissioners, in which they asked certain questions, none of which imputed any neglect to the Commissioners. The questions were:— (1) Are the facts correctly stated? (2) Were they reported to the Commissioners by the Health Officer, and with what results? (3) Is the law, as it stands, sufficient? (4) Is the law enforced, and if not, why not? (5) What are the duties of the Health Officer, and have they been properly carried out? To this the Commissioners replied that, they respectfully declined to consent to the Medical Board being constituted judges between them and their officers. Can there be a more complete assumption of responsibility than that? In the face of that Resolution, is it possible for the Commissioners now at this distance either to dispute the facts or to deny or whittle away their responsibility for them? They were offered a full and fair inquiry by a body which, I believe, was absolutely impartial and free from prejudice and which, moreover, was on particularly friendly relations with the Commissioners, and had recently met the General Committee and discussed with them in the most amicable fashion the regulations to be framed under section 334 of the Act for the purpose of averting an outbreak of plague. My friend asks for a Commission. He might have had a Commission then, but he would not. I am aware, of course, that there was a great division and much searching of heart among the Hindu Commissioners. One party, headed by my friend, the Hon'ble Babu Norendra Nath Sen, wished to accept the offer of the Government and the Medical Board. But they were overborne by the younger men, who, actuated by what my friend Mr. James Bryce calls ‘the sensitive self-esteem of an assembly,’ insisted on standing on their rights or what they thought were their rights. No doubt they have since realised the mistake that they made. They were led away by the younger men. And I have no doubt that this was what my friend Babu Kally Nath Mitter had in his mind when he suggested to me the other day at the Building Commission two reforms more radical than I should have ventured to propose myself. One of them was an age qualification for Commissioners—that no one should be elected under the age of thirty-five; and the other a property qualification for Commissioners—the payment of Rs. 200 in rates.

“Next we have what I may call the historical argument which dwells upon the state of the town some 30 or 40 years ago, before its administration was made over to the Justices, and it is suggested that the Commissioners cannot be blamed for not having entirely put in order a heritage of neglect. Well, I am not greatly concerned to defend the Government of so many years ago; but I may observe that the standard of sanitation even in England was very different half a century ago. To say that the Government of that day was not in advance of the ideas of their day, does not justify the Commissioners in lagging behind the ideas of our day. Moreover, the position has now entirely changed. Fifty years ago Calcutta was practically isolated from the rest of the world by a long sea voyage. The danger of the town spreading infection to Europe was practically *nil* could be disregarded. Nor was it connected with the rest of India as it is now, a fact which doubtless explains its immunity from plague. In those days the limit of infection was the distance a man could walk with the seeds of disease in him; now it is the distance he can travel by rail at 40 miles an hour—a very different thing. The copious references are really irrelevant. No

one denies that much has been done and a great deal of money spent. I have every wish to do ample justice, and I admit that it is in their dealings with large issues that we see the Commissioners at their best. They passed the Harrison Road scheme, it is true only by a narrow majority, and under extreme pressure, but they did pass it, notwithstanding their strong feelings on the subject of the right of property in ancestral houses. They agreed to the drainage scheme much against their desire for economy as such and their fear of a rise in the rates of taxation, and I am not at all disposed to go behind what was stated in the Government Resolution as to the time they took over it. But that refers only to the combined drainage scheme. It refers to the scheme embracing both the suburbs and the town. If I am not mistaken the defects of the drainage system of Calcutta itself had been before the Commissioners for a very much longer period. The Health Officer claimed to have brought it forward as long ago as 1886, when he first came to Calcutta, and I am not aware that his statement has ever been challenged. In both cases public opinion, which can make itself felt in large issues, drove them at last to do something, the necessity for which many of them realised very imperfectly. But this is all beside the point. The large issues no one proposes to take away from them. The Bill will not withdraw from the general body of Commissioners the decision on these large issues, but it will give them an agency by which the large schemes will be prepared and digested. It will give them the initiative and driving power which they now want.

“In speaking of the action of the Commissioners and the attitude they assumed with regard to large schemes, I desire to give them full credit for the improvements they have effected in the town. But having said this, I fear it must be added that many large schemes have hung fire, and that the progress which has been made has not been as quick as it might have been. Look at the tramways for instance; for years past the whole thing has been a hideous scandal both as regards the state of his lines, the mismanagement and the display of cruelty to animals, and if there had been in the Corporation more initiative power, further progress would have been made in dealing with the tramways than there has been. Then take the state of the Warrant Department. That question dates really from 1886 and it descends, I may say, to the present time. Ten years later, in 1896, Mr. Williams discovered that, owing to the mismanagement of the department, two lakhs a year were written off as irrecoverable. There had been an accumulation of six lakhs of irrecoverable arrears in the three years preceding, and the Vice-Chairman, who showed the greatest possible energy in the matter, went into the subject, and found that there was a most inadequate establishment. They had 19 bailiffs on salaries varying from Rs. 20 to Rs. 8 at the bottom of the list, and besides this establishment there were also unpaid bailiffs who got no salary at all, but only a small commission for what they were supposed to collect. All sorts of peculation prevailed, as might be expected. A Committee was appointed in August, 1896, to investigate the matter, and I believe orders were passed on this report only the other day. But in looking through the correspondence, I found that, as long ago as 1886, Sir Henry Harrison urged upon the Commissioners practical reforms which would have tended to bring in the municipal revenues at a very much earlier period than under the existing system, and he resented very much what he considered to be interference with the independent action of the Executive. Then there was the large scheme of the establishment of a *dhobikhana* which had been under consideration ever since Sir Henry Harrison's time. There was also the disgraceful case of the trenching-ground at Goragatcha, which continued in Alipore from 1890—1895, a system of trenching of nightsoil, which was the subject of general complaint, and which caused the Commissioners and their Chairman to be prosecuted and fined Rs. 100 in a criminal proceedings. It was admitted something ought to be done, but there was no power in the Corporation to find out what should be done or to do it. Eventually, the matter was settled by making a temporary connection with the sewer in Circular Road, but there was no reason why that temporary connection should not have been made years before. Here again the system was to blame, because there was no business-like body to bring about the solution of practical difficulties as they cropped up.

“So far as to the large issues. But how often does it happen that the Corporation have large issues to deal with? The great bulk of their work consists of minor issues—minor matters of conservancy which do not attract attention—and it is in respect of these minor matters that the interference of the Commissioners with the Executive is most striking. We have had one case referred to—the withdrawal of the grant for removing road-scrappings by hired carts. My hon'ble friend, Babu Surendranath Banerjee, says that hired carts do not work well, and therefore the

Commissioners withdrew the grant. That is as much as to say that because the police are sometimes corrupt, therefore there should be no police. Then for a long time past there had been a series of proposals, which anybody can look at in the proceedings of the Commissioners' meetings, made by Dr. Simpson for the improvement of the scavenging establishment of the town, and intended to put it on a proper footing, and the way in which these proposals were dealt with was to refer them to a Committee which was appointed to consider the question of the amalgamation of the Conservancy with the Road Department under the Engineer. This Committee has been sitting since 1894, and I believe it is sitting still. This has been a great feature of the Commissioners' administration, the perpetual reference of all kinds of minor questions to Committees and Sub-Committees; the practice of appointing Committees to consider matters which might well be disposed of by the Chairman, and which, under this Bill, will be so disposed of without waste of time. To any one who will look through the proceedings of the Commissioners there is abundant evidence that Committees and Sub-Committees are too often set going at the instance of people who have an interest in stopping the progress of work. Inconvenient orders are thus set aside, for in municipal matters it is a familiar experience that when once questions are referred to a Committee, the chances are that in many instances they remain there for an indefinite period of time. The extent to which this power of appointing Committees has been misused and the way in which they have blocked work will appear from a list from which I will read extracts. The list is a very long one. [Extracts from the list were read.]

The Hon'ble BABU SURENDRANATH BANERJEE rose to order. He said :—" This is a new matter which is introduced by the Hon'ble Member in charge of the Bill. It is not in the nature of a reply."

The Hon'ble THE PRESIDENT said :—" It is an effective reply as to interference by Committees and preventing work being promptly and rapidly done."

The Hon'ble Mr. RISLEY, continuing, referred to some further instances of interference by means of Committees. He said :—

"In this matter of their interference with the Executive on minor issues, which is one of the chief reasons for strengthening the hands of the Chairman, if any one will look at any volume of the proceedings of the Commissioners and turn to the proceedings of the Buildings Committee, he will find there an indefinite number of cases in which orders passed by the Executive to do this, that, or the other, are brought up and considered by the Committee. It has been suggested that in respect of the Building Regulations there has really been no great interference with the Executive. But I will ask permission to read what was said by certain Commissioners at an ordinary meeting held in July, 1895, on that subject, as it completely disposes of the point and renders it unnecessary to cite a number of cases and go into details. At that meeting Mr. N. N. Ghose moved '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.' In his speech he said :—" From a common-sense view the laws and bye-laws seemed enough, but sometimes the ingenuity of lawyers, and sometimes the Commissioners themselves who had cases to support, had made the rules unworkable. In many cases where they were absolutely plain and unambiguous, they had been twisted so as to make them inoperative and futile. Third storeys, for instance, ought not to be allowed in streets of less width than 40 feet.

* * * But recently the rule had been violated in a very large number of cases. To be strictly correct he should say that the rule had not been so much violated as it had been interpreted in a loose way. If there had been special cases only, the violations would not have been so much complained of, provided they were not taken as precedents. But when third storeys were allowed on the ground that they were cook-rooms and *thakoorbarees*, or when they were sanctioned because the structure in the third storey was 20 feet from the middle of the road, then such cases formed precedents against the intention of the law. He need not multiply instances.' In the same debate Babu Norendra Nath Sen agreed with the Mover on all points, that is to say, he agreed that the regulations had been broken. Babu Surendranath Banerjee said :—" He had not been convinced that a modification of the law was necessary; he did not think they had worked

the bye-laws in a manner to justify that belief. If they worked the bye-laws in the way they might be worked, he thought the bye-laws and the building sections of the Act would amply suffice for all purposes. He quite agreed with Mr. N. N. Ghose that the elaborate regulations of the London Building Act were not required here; Calcutta was not London. At present it would be sufficient if the existing rules were worked thoroughly, honestly and in a consistent spirit, without making the frequent exceptions which had been made. He thought the rules as they stood were amply sufficient for the purpose.' Then Babu Kally Nath Mitter, a very high authority on the subject, said:—'His friend, Mr. Ghose, considered that the bye-laws had not actually been violated, but that they had been loosely interpreted: on the contrary, the speaker maintained that the bye-laws had been violated in the most fragrant manner possible. All that was wanted was that they should be properly worked. Babu Priya Nath Mullick had referred to what he considered an ambiguity in the wording of the bye-laws under Chapter (f) of the bye-laws, but the speaker did not think it could have been made plainer, namely, that no three-storeyed house could be built in a road of less than 40 feet width. Take for instance, the case of a building at 4, Sunker Ghose's Lane, in the Proceedings of the Buildings Committee on the 21st May, 1895, which was thus reported:—

'The Chairman submitted for consideration the question of the construction of the proposed building at No. 4, Sunker Ghose's Lane. The only objection in this case was to the third storey, the street being less than 40 feet wide. It was not a mere cook-room or a *thakoorbaree*, but a regular third storey

'Babu Jadu Nath Sen pointed out that the third-storeyed portion of this house was 60 feet removed from the road, and at the last meeting a third storey only 30 feet removed was sanctioned.

'The Chairman was strongly against sanctioning a third storey in a road which was only 14 feet 9 inches wide. If the Commissioners wanted to sanction a third storey in such a narrow road, they should repeal the bye-law on the subject.'

'Was there any ambiguity in that? Was that a case of loose interpretation of the 40 feet rule? It was a deliberate violation of the bye-laws in this case by allowing the construction of a third storey in a road only 14 feet 9 inches wide. The speaker, therefore, maintained that it was not a case of difficulty of interpretation, but of misplaced generosity by the Members of the Committee, and consequently there was no need of a Committee for the revision of the bye-laws. He gave another instance to illustrate his meaning. In the same Proceedings there was a motion against an order for the demolition of a cook-room on the third storey of a house at 76—1, Sickdarbagan Street. In that case:—

'The Chairman explained that in this case the Committee sanctioned the building of a two-storeyed house, waiving the objection that two feet space had not been left in front of a passage to the east. The house was not built according to the sanctioned plan, the four feet space on the back having been built upon, and a third storey erected without sanction. He made an order on the 19th September to remove the third storey, but notice under section 241 was not issued until the 7th of December, Babu Nalin Behari Sircar having represented that the owner was negotiating for a piece of land for a cook-room. Nothing had, however, been done. The Department had no knowledge of the Ward Commissioners' letters.

'Babu Norendra Nath Sen remarked that there was not the least doubt that in this case the Building Regulations had been violated, and a cook-room built on the third storey without sanction. It was only in special cases in Burra Bazar that cook-rooms were allowed on the third storey.

'Babu Ramtaran Banerjee observed that there had been repeated violation of the rules as regards the building of third storeys in narrow streets, leaving the requisite spaces and the like. In this case the service of notice was delayed in deference to the representation made by Babu Nalin Behari Sircar, and he thought any censure on the Road Department was uncalled for.

'Mr. J. Ghosal remarked, apart from the merits of this case, that every dwelling-house must have a cook-room, and in houses like this, built upon very small plots of land, the best place for a cook-room, was on the roof.

'The question that the cook-room be allowed to stand was carried by 9 votes to 2.'

'There was in this case no ambiguity in the application of the rule; none whatever. Therefore, what was wanted was instructions from the Commissioners to their Committee to see that the bye-laws were more strictly adhered to. He thought that would be quite sufficient. There might, of course, be one or two bye-laws which needed some amendment to make them plain, but he thought that a general resolution of this kind would cause serious mischief. He could well understand why exception was taken to the Chairman's preparing a note on the subject, because he would be bound to point out prominently all these cases of violations of the bye-laws, which perhaps was not desirable.

“And in winding up the debate, the Chairman said ‘it was a matter of complaint that though a Committee had been appointed two years ago, nothing had been done; but it was no use for a Committee to sit round a table, unless the points which they were to consider were properly put before them.’

“I will now turn to some of the specific statements made by the Hon’ble Babu Surendranath Banerjee in his extremely lucid and able speech upon this Bill. He spoke, among other things, on the question of bustee procedure, and he said that during the last ten years the Commissioners had spent no less than 10 lakhs on the improvement of bustees. Now the bustee question goes back to the year 1885, when the Government of India addressed the Government of Bengal on this subject. They said that ‘there can be no doubt that though the Commissioners have, since the introduction of elective institutions in 1876, done much to improve the City, there have been at the same time’ very serious shortcomings on which the Government has been frequently compelled to comment. Years of valuable time were wasted in discussion before the extension of the filtered water-supply was put in hand. It was not till 1880 that a beginning was made in bustee reclamation, and the expenditure up to date has fallen far short of the minimum sum of one-half lakhs per annum, which the Government of India in its orders on the report for 1882-83 declared to be necessary. It was not until the beginning of 1883-84 that an establishment for the surface cleaning of bustees began to be organised.

“The figures for bustee improvement from 1883 to 1896 were given in paragraph 249 of the last Administration Report of the Commissioners. They are the following:—

1883-84		28,238
1884-85	..	93,092
1885-86	..	84,628
1886-87	... ..	1,31,380
1887-88	.. ..	2,05,575
1888-89	..	44,754
1889-90	.. ..	64,018
1890-91	.. ..	36,292
1891-92	... ..	1,27,762
1892-93	.. ..	53,222
1893-94	.. ..	29,188
1894-95	.. ..	21,939
1895-96	... ..	5,601
1896-97	.. ..	12,244
		<hr/>
Total	..	9,35,933
		<hr/>

“So that in that number of years the total expenditure by the Commissioners on bustee improvement was Rs. 9,36,000 or Rs. 66,000 a year—less than half the amount laid down as a minimum by the Government of India in 1883-84. On this subject one of the Commissioners themselves, in discussing the Administration Report, said: ‘In page 112 a very interesting statement was given, showing the amount expended during last ten years upon bustee improvement; but he regretted to say that the amount expended last year was the lowest on record, namely, Rs. 21,939. Bustee improvement was one of the greatest necessities of the town, but it was now practically at a standstill. 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.’

“Then my hon’ble friend, read an extract from a well-known book describing the terrible state of things existing in some of the London rookeries. But what does that prove? Every body knows that London taken as a whole is one of the healthiest cities in the world. The death-rate is very low, and London and England generally, has been continuously free from any of those epidemic diseases from which other European towns have suffered. If there was the smallest danger of a foreign port putting any sort of embargo on vessels hailing from London, it is quite certain that popular indignation would wipe out the County Council in a week, and would insist on the Government at once appointing a dictator to carry out the necessary reforms.

“My hon’ble friend challenged the statement that the Corporation is unequal to great emergencies, and he referred to the correspondence which took place with the Medical Board on

the subject of the cleansing of the town. It was stated in the course of this debate that the Commissioners had been prompt in their dealings with the Plague. I find the same statement made in a Note by a well-known Commissioner which has been sent to me—a Note which I recognise as the brief from which my hon'ble friend spoke :—'The Commissioners at once employed another highly-paid officer as Special Superintendent of Conservancy.' As this appointment is thus appointedly referred to as a test case, I may be allowed to refer to the proceedings in connection with the appointment of the Superintendent. On the 25th September, 1896, the Chairman laid before the General Committee a telegram which he had received, and the Health Officer at once asked that he might have a man of the highest capacity for the purpose of superintending the work done in the town by the Conservancy establishment. It was stated that this was not a new proposal, and that he had asked before for the appointment of such an officer, but now there was an emergency, and it was his duty to press his demand for it at once. That was the first opportunity the Commissioners had to show their readiness to meet an emergency; but although in that very debate Babu Kali Nauth Mitter said that his own conviction was that if the money was given it would be well spent in a case of this kind, and Babu Norendra Nath Sen observed that in point of Sanitation Calcutta was no better off than it had been ten years back, the Commissioners gave the Health Officer the miserable sum of Rs. 3,000 which was strongly opposed by Mr. N. N. Ghose, and they absolutely refused to give a supervising officer on which the greatest possible stress was laid by the Health Officer. On the 28th of September another meeting was held at which the Acting-Chairman said :—'He had an urgent matter of a very important nature to submit for the consideration of the General Committee. This morning he visited the Burra Bazar ward and another ward in company with the Health Officer, and they found the place so filthy and dirty that the Health Officer desired him to ask the Commissioners to see the place to-morrow morning. The Health Officer asked for an establishment for six months at a total expenditure of Rs. 36,000.'

"Even then all they did was to resolve 'that the Health Officer be authorised to spend on his own responsibility the sum of Rs. 3,000 placed at his disposal on such preventive measures as he thinks necessary.' They did not give him more money, but they authorised him to spend what had been given at his own discretion. Next I come to the 2nd October, 1896. On this occasion Babu Nalin Behari Sircar, who took the greatest possible trouble in connection with this matter, said :—'He also had inspected the Burra Bazar ward with the Chairman, and he was shocked to see the utter neglect of the existing staff of the Conservancy Department. There was not a single gully-pit which was not choked and from which the water was not oozing upon the street. In privies, *gumlas* full of nightsoil were visible from the streets, and the neighbours stated they had been in that state for a length of time. He also saw a narrow passage full of nightsoil, which was said to be used as a sort of drop-privy.'

"One gentleman, who was present at the meeting, was of opinion that 'the Note of the Health Officer now before the meeting should not be considered until a satisfactory explanation was submitted as to the disgraceful state of things had been described.' But even then the Health Officer did not get his Superintendent, and it was resolved that there was no necessity for additional Medical Inspectors. Next we come to the 5th of October (three days afterwards); and that meeting was opened by Babu Surendranath Banerjee regretting on behalf of the meeting that 'the Health Officer had not given effect to their Resolution disallowing the employment of the additional Medical Inspectors which he asked for.' Next Mr. N. N. Ghose remarked 'that whatever might be wanted in Bombay, a case for the appointment of Medical Inspectors could not arise here until cases of plague occurred in Calcutta.' We know from the sad experience of Bombay that the one thing necessary is to catch your first case of plague, and the only way to do that is to have a special establishment to catch it. At the next meeting of the General Committee on the 9th October, Sir John Lambert attended, and it was only under strong pressure put on the General Committee by him that they accepted a proposal to appoint a Chief Superintendent of Conservancy temporarily for three months. I submit that the action of that Committee between the 25th September and the 9th October cannot fairly be described as meeting a great emergency promptly, and that it fully justifies the statement which has been made that the present constitution of the Municipality is not calculated to deal promptly with great emergencies.

"I now draw attention to the correspondence with the Medical Board. I understood my hon'ble friend to say that a certain establishment was sanctioned by the Commissioners on the 19th January,

1897, and that on the 20th January, 1897, the Medical Board wrote to the Government protesting that that establishment had not been appointed."

The Hon'ble BABU SURENDRANATH BANERJEE, intervening, said :—"The Commissioners took action independently of any pressure brought to bear upon them either by the Medical Board or by the Government. The meeting of Commissioners took place on the 19th January, and the letter of the Medical Board is dated the 20th of January. I suggested that the Medical Board took action after seeing what the Commissioners were doing."

The Hon'ble MR. RISLEY continued :—"I now understand what my hon'ble friend said, and can correct him as to his facts. Sometime in the beginning of October or in the end of September, 1896, the Commissioners sanctioned an establishment for cleaning up Burra Bazar. That establishment was calculated to deal with one ward and one ward only. Later on, *after* the Sanitary Officers had discovered vast accumulations of filth in eight wards, it came to the notice of the Medical Board that the Commissioners did not propose to sanction any more establishment, but intended to clean up the eight wards one after the other by means of the staff sanctioned for one ward. The Medical Board considered this arrangement to be utterly inadequate, and said so in their letter of 20th January, with some emphasis. On the 22nd of January, not on the 19th, as my hon'ble friend says—*after* and not *before* the letter of the Medical Board, a grant of Rs. 30,000 was made for the purpose of cleansing the towns, its administration being, however, entrusted to the inevitable Sub-Committee which, I am informed by Mr. Bright, never sat and never reported.

"Then my hon'ble friend drew a comparison between the action of the Calcutta Corporation and Bombay to the detriment of the latter, and his argument was that this was the model constitution proposed to be given to Calcutta. I do not at all admit the Bombay administration is faulty; they got to work very promptly. They made mistakes, as all of us are likely to do, in dealing with a terrible calamity, and nobody would blame the Bombay Corporation, because they spent too much money on throwing corrosive sublimate into the drains; but any one who has read Mr. Snow's narrative and the account of the work done by my friend General Gatacre's Committee, must I think admit that the latter Committee was, to say the least of it, fortunate in being appointed just as the disease was declining. They got the credit for what would in any case have happened from natural causes. Mr. Snow carried on the work up to that period under the provisions of the ordinary law, and so far from its being admitted that the Bombay Corporation failed, the popular verdict on that side of India now is in favour of taking plague management out of the hands of the Special Committee and making it over to the Municipal Commissioner, who corresponds to the Chairman in the Bill

"My hon'ble friend commented on the frequent change of Chairmen. That, I admit, is very much to be regretted, but like many other things, it has largely to do with the system on which work has to be done. If a man has to do every piece of work twice over, it is no great wonder if he breaks down. When ordinarily the Executive work of the city is heavy enough to task the energies of any one man if he has merely to do it, and be done with it; if he has to do it over again and fight constant battles with Committees, it is enough to break down any man. Nor is there any reason to suppose that a non-official Chairman would stand such strain any better than an official Chairman,

"A reference was made to Sir Henry Harrison's Note, when the present Act came into force, distributing very elaborately, carefully and wisely the functions which the Chairman was entitled to delegate among the various Officers of the Corporation to whom those powers were delegated. It is true that as between the Chairman and his subordinates the powers have been distributed; but not as between the Chairman and the Commissioners. The Commissioners have not even by a revocable resolution parted with any fraction of their powers of discretionary interference. One would have thought that the Commissioners would have said to their Chairman:—"We make over to you such and such powers." That, however, was what they did not do, and that is why all the trouble has arisen. They left the whole thing indefinite. They reserved in regard to each of the sections of the Act the right of revision, of turning everything upside down; and that was what the President meant when he said that everything was fluid and indefinite; defined enough as far as the subordinates were concerned, absolutely undefined as regards the Chairman. It is literally true that under the present Act no one can say in what part of the Corporation the Executive reside or indeed whether there is any Executive at all. The Chairman may have power to sanction varandahs to-day; it may be withdrawn to-morrow and given back the day after. In each and every sec-

tion the power lies with the Commissioners. They may withdraw it generally; they may reserve particular cases; they may upset the Chairman in one case and uphold him in a similar case. The whole thing is a series of conundrums, to which the answers vary from day to day.

“Then it was pressed both by the Hon'ble Babu Surendranath Banerjee and the Hon'ble Member of the University that under this Bill as proposed, the General Committee and the Chairman will practically be responsible to nobody. As to that I should like to ask—is it not better in Executive matters that the Chairman and the General Committee should be responsible to nobody, than that in such matters nobody should be responsible to anybody? And what is meant by saying that the Chairman and the General Committee would be practically responsible to nobody? If it means that their orders will be final in cases when the Bill empowers them to do certain things, then I agree. Beyond that, making their orders final in no way removes responsibility. Clearly it is the other way, that it tends rather to enhance the sense of responsibility than to reduce it. Responsibility is not the same thing as indefinite liability to appeal. A man whose authority is final is far more likely to do the right thing than if he is subject to a Committee and the Committee again is subject to further authority. Can there be any method more effectual for whittling away the sense of responsibility? Either he will disregard the Committee, or he will put before the Committee that which it is likely to accept, which need not be the best thing or even the second best.

“I am not greatly concerned to defend Europeans from the charge that they will not attend to the business of the Corporation in the future, because they have not attended to it in the past; because their position under this Bill will be very different from that which they have occupied under the present Act. They could be in the past only an insignificant minority. If they had exerted themselves as much as possible and got elected in all the wards in which it was conceivable they might be elected, they would not have had any real power in the Municipality. The Hon'ble Member for the Calcutta Trades' Association has stated how Members of that Association who formerly withdrew from serving in the Corporation, came forward at once directly they heard that this Bill had been brought in. I believe the same thing has been experienced amongst the Members of the Chamber of Commerce. Some years ago leading Members of that body did attend meetings of the Corporation and did their work, but finding their voice ineffectual, they cried off. There is another point. There is an argument which has been used against Europeans, and I wish all the more to meet it, because I find it quoted as having been said by Sir Stuart Hogg. He said:—‘Europeans in this country are, as a rule, merely birds of passage, and will often take a very partial view of measures put before them.’ I am surprised that a man of Sir Stuart Hogg's authority should have lent his support to such a fallacious statement. In the midst of the floating population here, the great mercantile firms are the most stable and the most permanent element. It is true that individual members of such firms go home for a change from time to time and from time to time retire, but the firms go on. The whole object of the mercantile community, and especially of the Englishmen here, is to found firms which will last. Within the limits of the trading community you have to distinguish between two kinds of traders. You have a class of traders, mostly foreigners, who do merely an export business, and who, if anything happened to Calcutta, would shift their business elsewhere, and be no worse off. But among the English firms you have what you may call fixed capitalists, who have built up a trade and invested their money in the development of the resources of the country. They have sunk millions in Calcutta and with Calcutta they must stand or fall. To speak of such firms as birds of passage, because the individual partners do not live for ever, is simply to misuse words,

“The question of making over certain appointments to the General Committee and their withdrawal from the general body of the Corporation was referred to on a former occasion, and I think it is unnecessary for me to add very much by way of reply to the remarks which I quoted from Sir Henry Harrison in my opening speech. But I shall first refer to an instance within my own personal knowledge. A native friend of mine was a candidate for a certain office, and though he was a proud man and hated it, he found it necessary to canvass. Well he went his rounds; he had Dante's experience and found it very unpleasant, but a day or so before the election he came to me with a list of positive promises giving him an absolute majority. Next day he was easily defeated. No doubt he had got the promises. The people who gave them had not the strength of mind to refuse, so they just promised all round, with no doubt a mental reservation. It is a nice

case of casuistry, and is a very good illustration of how the present system works. But is it fair to put people in such a position? Is it not better to withdraw the power? It seems too obvious to need argument, that of all methods of filling appointments, which require very careful selection, that of election by a mixed body of 75 persons was by far the most unsuitable.

“In connection with this matter there was a reference by the Hon'ble Babu Surendranath Banerjee to America. I know Mr. Shaw's book which my friend quoted. It is an excellent book in its way, but it refers to American Municipalities only incidentally and by way of comparison with English Municipalities. If my hon'ble friend wishes to know the best that has been written on Municipal Government in America, he should read Mr. Bryce's book, and in particular the chapter called 'an American view of Municipal Government' by Mr. Seth Low, the Mayor of Brooklyn City. He will be left, I believe, with little doubt that Local Self-Government was to a great extent a failure in many American Cities. But why did it not fail? It failed because it was too popular, because it was too democratic. Of late years they have been retracing their steps. In America, at any rate, there is no prejudice against the elective principle, no bias in favour of autocratic or bureaucratic institutions. But what was one of the chief recommendations of the famous Commission, which sat twenty years ago to consider Municipal Government and the state of New York? They proposed 'an extension of the general control and appointing power of the Mayor, the Mayor himself being subject to removal for cause by the Governor of the State.' In Boston the Mayor and Aldermen (a body of 12) appoint the heads of all the chief departments. In St. Louis the Mayor appoints with the approval of the Council. In Brooklyn the Mayor appoints absolutely without confirmation all the Executive heads of departments; the theory being that where Executive work is to be done, it should be Committed to the charge of one man. So thoroughly has this view been accepted by the most democratic community in the world, that you can read in Ford's American Citizen's Manual 'there can be no question that one of the most prolific sources of official corruption and incompetence lies in the multiplication of elective offices. If America can go as far as that, surely the Bill cannot err greatly in going half way. We propose merely to transfer a certain power from a less qualified body to a more qualified one—to adapt means to the ends they are intended to serve.

“Then my hon'ble friend says the Government has taken to itself too much power. The Government is in this position, that whatever it does or does not do, it is held responsible. All Municipal Government is a delegation from the ruling power of certain of its functions for certain purposes, and the limits of that delegation are a pure matter of convenience and experience. In this Country the Government is so situated that if anything goes wrong, it is immediately held responsible, and it is, therefore, bound to reserve to itself a sufficient power of control. If the town falls into an insanitary state, the Government will be told 'Why did you let the Municipality do it?' And unless an effective Act is passed, we have no reply to that question. I see that the Hon'ble Member for the University referred to race sentiment, and deprecated the introduction of race sentiment into this question. I for one certainly did *not* introduce the question of race sentiment either directly or by suggestion, and the reference to it comes from the Hon'ble Member himself; but as it has been mentioned, I say the question is one which every now and then has to be faced; and you can no more eliminate a certain modicum of race sentiment from matters municipal than you can eliminate the factor of personal character from matters of every-day life.

“Then there was some discussion about the relations between various municipal authorities in Bombay. This can be best answered by a quotation from the Hon'ble Mr. West's speech in the debate on that Act. There was considerable discussion in the Council as to the relations of the Municipal Commissioners and the Corporation; some said they were co-ordinate authorities; others said they were not. In the Bombay Act, as in this Bill, the authorities are not co-ordinate. The Commissioner, as Mr. West explained, 'is given independent power in his own circle. He cannot in any way thwart the general policy or desires of the Corporation.' That is a reasonable position for the Chairman of the Calcutta Municipality to occupy. You give him certain things to do, and powers to do them. As to the rest, he depends for all ordinary schemes on the General Committee and for all larger schemes on the Corporation; and it should be remembered that all schemes of any sort depend in the last resort on the power of the purse which rests in the Corporation.

“Some Hon'ble Member referred to the question of fees. I am aware that this is a vexed question in which a good deal has been said, but the Bombay experience shows that the system of paying fees to Members of the General Committee has worked very smoothly, and it has the support

of commercial practice, for it is the custom in almost all public Companies to pay fees to the Directors for their attendance at Board meetings, and the experience of all business men is that the system is a satisfactory system and works well.

“ Finally, there is one point of departure from the Bombay system which I wish to explain, for it is a matter of some importance. I understood the Hon'ble Member for the University to take exception to the composition of the General Committee, and he pointed out that it differs from the Bombay system. In Bombay the Corporation, which is itself only half elected, appoint, eight Members of the Standing Committee, whereas we propose that it should appoint only four. The reason for the difference is this, that Bombay differs from Calcutta in some very important particulars which tell in favour of the proposal in the Bill. In Bombay it is as a matter of common knowledge that natives of all classes are very largely concerned in commercial undertakings, and they have an infinitely larger interest in the prosperity and trade of the town than Bengalis, who as a rule hold aloof from business and do not regard the trade of Calcutta as an intimate concern of theirs. Then again, Bombay differs further in this, that the European element is very much smaller, and the European commercial element has not such a permanent interest in the City as it has here, there is not the same amount of European invested capital, and you have there the case, which is very uncommon here, of a number of native firms trading under European names. Thirdly, the Muhammadans of Bombay are a far richer and a stronger body than they are here in Calcutta, and you have there also the Parsees. The result is that you may almost say that the Bombay community is homogeneous. It is, of course, not literally homogeneous, but the different classes are so evenly balanced that you may practically treat that community as one that is homogeneous. You do not need, therefore, to go out of your way to prevent any one section of the community being swamped by others, and it was conspicuous at a meeting of the Bombay Standing Committee which I attended last July that the proportion between the various communities was very evenly balanced. It was distinctly a cosmopolitan assembly, which is the last thing which can be said of the General Committee here.

“ This is all I have to say by way of reply. I have endeavoured to answer the criticisms of my hon'ble friends, so far as I have been able to follow them, and I have again to thank them for the courtesy which they have shown me in discussing this measure.”

The Speech of the Hon'ble President, delivered of the Bengal Legislative Council, on the 4th April, 1898, at the second reading of the Calcutta Municipal Bill.

“ I shall not detain the Council at any length, as I am physically unfit to do so, but it is necessary for me to say something in winding up this debate. I think the Corporation has lost nothing at the hands of its defenders here, and I have listened with considerable interest and pleasure to the speeches which have been made during the last two days. I have admitted fully that the Corporation has done good work, and that it is not in respect of its larger schemes that it is most open to adverse criticism, though indeed I remember that even in respect of one of the big schemes, I once myself declared it in this Council years ago to be an ‘arsenal of delays.’ But there is no doubt that much good work has been done by the Corporation, and I recognise that there are many good men among its Members. I have been intimately acquainted with the affairs of the Municipality from the time when I first came to Calcutta in 1864 or 1865; for during many years I was myself in direct charge of the affairs of Municipalities as Secretary to the Government of Bengal in the Municipal Department. I have been intimately acquainted with all the Chairmen of the Corporation, with the exception of Mr. Harry Lee, and there was not one of those Chairmen whom I have known who have not told me at one time or other that the system on which the Corporation has been constituted is a system which it is almost impossible for any one, were he an angel from heaven, to work satisfactorily. It is perfectly true that some of them have succeeded in getting business done, but if you refer to the debates in this Council and to Sir Henry Harrison's speeches in 1888, you will not find more scathing criticism of the Corporation and the way in which its business is carried on than in those utterances. When, therefore, we came face to face with a possible appalling emergency in the shape of an approaching plague, I felt it necessary to take stock

of the situation. I shall not be here, but I wish most solemnly and emphatically to utter a warning to you that you should not assume that the plague will not come to Calcutta. I do not at all like the conditions of things at present in Upper India. Experience shows that the plague may stay with us for years. I hope to God it may not. But it may, and we are in more danger here in Calcutta from the appearance of the plague in Upper India, in the Panjab and the North-Western Provinces, than we are from its existence in Bombay, because the population of those parts of the country is far more migratory. We have already stopped one distinct case of plague coming from the Panjab into Bengal at *Chausa*, and the most stringent orders have been given that any one showing symptoms of the slightest appearance of plague should not be allowed to pass; and the Medical Officers of the Government have been told that I hold them personally responsible that not a single case should escape their vigilance. But you never know when it may come. A case may escape attention, and therefore I say that in Calcutta you must keep your eyes open and put your house in order.

“ Now I have said that there are many good men in the Municipality. There are, though I am sorry to say that some of the best of them have deliberately kept themselves aloof from me during the whole time I have been here; but that does not prevent me from recognising their worth and that they have done good work. I have read through the whole of the proceedings of the Corporation for years past, cubic feet of them, the proceedings of General Meetings and of the General Committee and of Special and Sub-Committees, and I have formed my own judgment of the men who are doing good and effective work on these Committees, and it was a pleasure to me to pick out two of them and to ask them to help us in the matter of the building regulations, and I wish now to acknowledge with thanks the work they have done on the Building Commission. Their assistance has been of the utmost importance both to the Hon'ble Mr. Risley and to the Hon'ble Mr. Justice Trevelyan; and if I thought that under this Bill the City was going to be deprived of the services of men like these, I would throw the Bill into the fire. But my own belief is that it is only in this way or by some such scheme that we can give full effect to the worth of men like these. It is perfectly true, as my hon'ble friend Babu Norendra Nath Sen has told us, that we should look at the work done by the Corporation. I see it—I have admitted it; there is a fair outside and an imposing superstructure, but we all know that beneath this there is a good deal of what no Corporation or any one can feel proud of. I am not going to make an attack upon individuals or upon any body specifically, but we all know that there is underneath the surface, in the present system of working, things which ought not to be. We all know that there are certain classes of candidates who come forward to contest municipal elections, not out of love for the public service, but out of a regard for their own personal advantage. We all know that when it comes to the question of making appointments in the Municipality, there is canvassing, there is jobbery, there is even corruption; and I say that the work of no City can be carried on until there is some effective stop put to iniquities of that description. My theory of the Bill, the cardinal principle of the Bill, the essence of it, is that we must leave the ordinary every-day work of the City in one man's hands. That is a principle which, as the Hon'ble Mr. Risley has told us, is recognised in the more advanced Cities of America, where there is less corruption than in some of the other Cities. That is the principle recognised in Bombay, and which I now desire to see recognised here. If that is once secured, all the rest appears to be a matter of arrangement and detail. In theory under the present Act all this power is given to the Chairman, but you have not done that. You have insisted on interference by the appointment of Committees and Sub-Committees. You talk of your Chairman constantly breaking down. I say you do your best to kill them; both Mr. Williams and Mr. Bright, and others beside them have been broken down by the way in which the work has to be done and *re-done*. It is *not*, however, owing to complaints by either Mr. Williams or Mr. Bright that this Bill has taken its origin. That is an entire mistake. Mr. Bright is rather proud of the way in which he was getting on with the Commissioners; but I have seen him coming staggering into my room after a day's work quite exhausted, and when I asked him what he had been doing, he said he had been engaged sitting with a Committee for four hours at the end of his day's work. I do not want to make the Chairman absolute. I want him to have the power to do the every-day work of the Corporation, but I have carefully provided that every Member of the Corporation capable of doing good work should have the opportunity of doing so, and if the Select Committee find in going through this Bill that the actual distribution of power as it stands at present can be improved, it will be open to them to make a recommendation to that effect and to introduce emendations in the Bill for that purpose. I shall say one word about a thing which struck me yesterday very forcibly with reference to what fell from the Hon'ble Member

for the Corporation. He said something about a Member of the Calcutta Trades Association who was a Member of some Committee and who said how admirably they had got on there. Why on earth then should not the popular representatives also get on in the General Committee? Is it supposed that every question which will come before the General Committee will be a question between Natives and Europeans? Surely, even if they are popular representatives, they should not treat business questions in that way. There is no reason to suppose that there will be any predominant majority in the General Committee. Men of all classes will, I hope, unite then to do the work of the town in a businesslike way. There need not be and should not be any faction fights. I hope that the selections of men to serve on the General Committee will be such that every man who is a member of that body will show himself willing to do good work and assist in considering what is brought forward, and he will find that he will be able to work with his European colleagues and the Government nominees just as if they too had been chosen by popular representation.

"I do not think I need go into details, but I just wish to notice one point as to what has been said about the domination of minorities. Of course Hon'ble Members refer entirely to numerical minorities, the democratic notion of majorities and minorities. I have no hesitation in saying that there is no country in the world where that principle applies with less propriety than in India. We have not to count heads, but to weigh interests in deciding on the best form of City Government. The figures which the Hon'ble Mr. Risley has quoted show that, however much you may talk and write about it, the elective system in Calcutta is not a popular system. It is a system which appeals to very limited numbers, and to talk about the poor rate-payers taking an interest in this Bill because they will be oppressed under it is abject nonsense. In fact they will have much less to pay under this Bill than they have now.

"Now as regards the representation on the Committee of the trade and commerce of the town, I am happy to know that we have behind us the support of the Secretary of State. The Secretary of State, I may say, takes a very real interest in this measure, and on the very day I was leaving London I received a note by special messenger assuring me of his strong support in carrying out any measure necessary for the well-being of Calcutta, and he writes in his Despatch to the Government of India:—

'I accept the view taken by your Government and by the Lieutenant-Governor of Bengal that some change is required in the Calcutta Municipal Law with a view to strengthening the Executive; and I approve of the proposal that the bodies which represent the trade of Calcutta should have a voice on the General Committee (or Town Council) of 12 Members, which will be the Executive body of the new Municipality.'

"That he said with our detailed proposals before him. I am quite content to rest upon that and to leave the Bill in the hands of the Council, feeling quite safe regarding its fate in the hands of my Successor.

"I want now to say one word with reference to Bombay. We are not in a position to criticise the Bombay arrangements. My information leads me to confirm what the Hon'ble Mr. Risley has said, namely, that whoever is to blame for any breakdown that may have occurred or have been thought to have occurred in those arrangements, it was not the Municipal Commissioner or the Municipal Corporation who are to blame. Quotations have been made from popular authorities in regard to the provisions of this Bill and as to the subordination of Municipal authorities to one another; that was a point which was settled in Lord Reay's excellent speech in winding up the debate in his Council, but I find that the one thing Mr. Tilang (who has been quoted against us) insisted upon was the absolute necessity of one governing spirit ruling the whole of the Municipal Administration, and he preferred giving powers to the Municipal Commissioner rather than to Executive Committees. We have sought to secure the one governing spirit in the Chairman while associating with him experienced Members of the Corporation as advisers and guides.

"In respect of the Corporation itself, the Bill follows the principle laid down by Lord Reay. The Corporation is given those powers which can properly be exercised by large deliberative assemblies. The Committee is given the special control which cannot well be exercised by the larger body. The Chairman is given and must be given the power of conducting Executive operations, the every-day work of the City, without minute interference, which can only do harm and has done much harm in the past. As Lord Reay said:—'The functions of a representative assembly such as the Corporation are those of superintendence and check. Administrative work can only be done by those who are trained to it.' A clear separation of functions on these lines is the essential principle of this Bill; and I hope when the Select Committee has the Bill before them they will carefully

consider the representations which may be received from the local bodies who have been addressed on the subject of this Bill, and will see their way to carry out the cardinal principle of the Bill which will be affirmed by the vote which will be taken to-day. If they recognise that the majority is against them, I hope they will not deprive the Committee of the benefit of their experience. I hope they will help the Government to carry out its own proposals in the best way, although from their point of view they may not consider them the best. I hope they will approach the subject in Committee in a fair and reasonable and statesmanlike spirit."

The Motion that the Bill be referred to a Select Committee being put, the Council divided :—

Ayes 12.

Hon'ble Mr. Spink.
 Hon'ble Mr. Turner.
 Hon'ble Sahibzada
 Mahomed Bakhtyar Shah.
 Hon'ble Mr. Buckley.
 Hon'ble Mr. Oldham.
 Hon'ble Mr. Finucane.
 Hon'ble Nawab Syud Ameer Hossein.
 Hon'ble Mr. Pratt.
 Hon'ble Rai Durga Gati Banerjee Bahadur.
 Hon'ble Mr. Risley.
 Hon'ble Mr. Grimley.
 Hon'ble the President.

Noes 4.

Hon'ble Babu Jatra Mohan Sen.
 Hon'ble Babu Surendranath Banerjee.
 Hon'ble Babu Kali Charan Banerjee.
 Hon'ble Babu Norendra Nath Sen.

So the Motion was carried.

A CRITICISM AND REFUTATION OF

The Speech of the Hon'ble Mr. H. H. Risley in Reply, at the Bengal Legislative Council, on 4th April, 1898, at the second reading of the Bill.

(BY BABU NALIN BIHARI SIRCAR.)

The present Law condemned because under it the counsels of older are overridden.

At the outset Mr. Risley excuses himself in respect of any criticism that he may make about the Commissioners by saying that "if in any matter I appear to criticise or find fault with the Commissioners, it will, I trust, be borne in mind, that my remarks are directed at a system,

not at individuals—at a bad law under which the counsels of the older and wiser men are liable to be overridden by the younger and more ardent spirits." If the present law is declared to be bad in this respect, what is there in the proposed law that will prevent the same being considered equally bad? Mr. Risley is greatly mistaken if he thinks that the mere transfer of all powers from the Corporation to the General Committee will obviate the possibility of younger men overriding their elders. The four members of the General Committee to be elected by the fifty representatives of the rate-payers on the Corporation may all happen to be "younger and more ardent spirits," so also

most of the eight other members; what will then become of the few "older and wiser men" on the Committee? If they do not agree with the "younger and more ardent spirits," they are sure to be "overridden," in spite of Mr. Risley's new law. The present law has assigned no special position to the "older and wiser men" in the Corporation, nor is there any such provision in the amended law; it is therefore idle to complain of the present "law under which the counsels of the older and wiser men are liable to be overridden by the younger and more ardent spirits," while there is the same possibility, to an equal extent, under the amended law.

The Calcutta Municipal Bill and Lord Ripon's Resolution on extension of Local Self-Government in India.

Mr. Risley next deals with "the objection that the Bill is contrary to the principles of Local Self-Government" and "runs counter to Lord Ripon's famous Resolution of the 18th May, 1882."

He says "against that resolution, properly understood and applied, with the necessary limitations, I have nothing to say. One of its chief limitations, however, is that it does not apply to the Presidency towns." It is quite true that it did not apply to the Presidency towns, but that was because the Presidency towns were then already in possession of Local Self-Government—the representatives of the

managing their own municipal affairs; and Lord Ripon only wanted to extend Local Self-Government to the local bodies in the interior, which

did not enjoy that boon. To any cursory reader of the Government of India's Circular letter dated 10th October, 1881, and that famous resolution, dated 18th May, 1882, it will be at once apparent that the subject matter of that letter and that resolution was the "further extension of Local Self-Government in all the provinces in British India." It had nothing whatever to do with the Presidency towns. No doubt, as Mr. Risley says, the words "outside the Presidency towns" were used in paragraph 4 of the resolution but they were so used not in the sense of purposely *excluding* the Presidency towns from its operation, but merely to state incidentally the fact that the resolution was intended for the whole of British India, outside the Presidency towns where Local Self-Government had already been established. For the matter of that, these words could have been dropped and not used at all, without in any way obscuring the aspect of the question under consideration. Each of the Presidency Towns—particularly Calcutta—was at that time in possession of a much more extended system of Local Self-Government than was proposed to be given to the

Mr. Risley's contention that the Bill is not contrary to the principles of Local Self-Government and does not run counter to Lord Ripon's famous Resolution of the 18th May, 1882, is fully discussed and refuted.

Lord Ripon's Resolution was intended for the whole of British India, outside the Presidency towns, where Local Self-Government had already been established.

The resolution never intended exclusion of the Presidency towns from the system of Local Self-Government.

provincial towns and villages. The sentence in which the words "outside the Presidency towns" occur, runs as follows:—

Meantime, however, it will be convenient that the Governor-General in Council should explain somewhat more fully than he has hitherto done the general mode in which he would wish to see effect given to the principle of Local Self-Government throughout British India *outside the Presidency Towns*.

Mr. Risley admits this and says "It is, in other words, a resolution meant for the Mufassal," but he goes further and assumes things which he was not justified in assuming. It has probably helped to mislead those who have either not read or have forgotten the text of the resolution. Mr. Risley says: "it recognises the essential difference between the Mufassal and Calcutta." How? Is there any sentence in the resolution or in the Circular letter of 10th October, 1881, in which openly or tacitly any difference between the Mufassal and the Presidency towns, in favour of the Mufassal, has been recognised? Will Mr. Risley be good enough to point out any sentence where such a difference is ever remotely suggested or which by his unrivalled powers of subtle interpretation could be made even remotely to indicate such a suggestion? The resolution does *not* attempt to recognise any essential difference between the Mufassal and the Presidency towns. It does nothing of the kind; but Mr. Risley goes on to say:—

For our present purpose the chief differences are first, that the population of the Mufassal is fairly homogeneous, and except in the planting districts and in the mill areas round Calcutta, Europeans form a very small minority, whether you look to their numbers or to their proprietary interests. Secondly, in the Mufassal, sanitation or the absence of it concerns only the immediate locality, it raises no international questions, and does not affect the trade of the country. Calcutta, on the other hand, is the outlet for the exports, and the distributing centre for the imports of Bengal, Assam and Northern India.

Mr. Risley says, the population of the Mufassal is "homogeneous," but in the ninth paragraph of Lord Ripon's resolution the same population is said to be "heterogeneous."

But what has all this stuff to do with Lord Ripon's resolution? These are only Mr. Risley's statements, and nothing that can remotely form a basis of them is to be traced in any single sentence of that resolution. Mr. Risley then supports his view of the case by referring to some stray conversation he had with somebody in Constantinople, and concludes the paragraph by saying that "that of itself shows how peculiar the position of Calcutta is, and what excellent reasons Lord Ripon had for excluding it from the scope of the Local Self-Government Resolution." In point of fact, however, Lord Ripon had no reasons whatever—excellent or other—to exclude Calcutta from the scope of the Local Self-Government Resolution; there was no occasion for any such exclusion; Calcutta itself was then standing outside or beyond the scope of the Resolution, it had its own system of Local Self-Government, far in advance of what Lord Ripon proposed to confer on the rest of the country. In paragraph 7 of the Resolution, Lord Ripon himself has spoken very approvingly of the work done by Municipal Corporations (*i. e.*, the Municipalities of the Presidency towns). The following is an extract from that paragraph:—

In the few cases where real responsibility has been thrown upon local bodies and real power entrusted to them, the results have been very gratifying. There is even now a vast amount of assistance rendered to the administration by Honorary Magistrates, members of Municipal Corporations and other Committees; * * *

It will now be clearly seen what reasons Lord Ripon had in using the words "outside the Presidency towns" in paragraph 4 of the Resolution.

But so confident is Mr. Risley of the cogency and force of his arguments on this point that he says: "But I will go further and meet my friends on their own ground; I will assume, for the sake of argument, that the principles of Local Self-Government are applicable to Calcutta. Does it follow even then that the Bill infringes the principle? I maintain that it does not; on the contrary

Mr. Risley further contends that the Bill instead of infringing the principle of Local Self-Government "affirms and extends it."

the Bill affirms and extends it." Let us examine how the principle is affirmed and extended. Mr. Risley finds fault with the form of Local Self-Government, as it now exists in Calcutta, by saying that it makes "three men sit upon two," *i. e.*, "three Hindus on one European and one Mahomedan." This, however, is not a correct statement of facts,

as will be seen from what has been set forth in detail before. It has been shewn that the present law is not to blame at all; it has left the election of two-thirds of the Commissioners to the unfettered choice of the rate-payers to whom the franchise has been given; they may elect whomsoever they like. Competent and eligible Europeans do not come forward as candidates, the number of

Mahomedan candidates is also small, consequently the seats go to the Hindus, amongst whom there are many who have got leisure, are educated and intelligent, and are willing to take and do take an active interest in municipal affairs. Then, of the people of the country and the permanent residents of the city, the Hindus form the *majority* in every respect—in point, both of number and intelligence. There are no doubt also important and influential *minorities*, such as the Europeans, including the men of business, and for them the law has reserved one-third of the seats. It is therefore quite in consonance with the fundamental principles of Local Self-Government and with reason and common-sense that there should be more Hindus than either Mahomedans or Europeans. But Mr. Risley thinks otherwise; he will have eight men sit upon four, *i.e.*, eight Europeans and Mahomedans (most probably seven Europeans and one Mahomedan or perhaps all eight Europeans) sit upon four Hindus, instead of “three Hindus on one European and one Mahomedan”; that is to say, he will have three Europeans and one Mahomedan to two Hindus, or possibly two Europeans to one Hindu. This is Mr. Risley’s grand conception of true Local Self-Government in Calcutta!! A very fair adjustment indeed!!!

Mr. Risley contends that in proposing this change the Bill “proceeds on the true principle of Local Self-Government, and applies it moreover in a manner which Lord Ripon himself seems to have distinctly contemplated in the case of the Mufassal.” In support of his latter contention he has quoted a portion of paragraph 14 of Lord Ripon’s Resolution, which gives (and very rightly gives) wide discretion to the Local Government in determining “the system of election to be followed.” But it does something else; it also enjoins upon the Provincial Government “to consult the leading natives of each locality” and to “use every effort to make the schemes adopted as consonant as possible to the feelings and habits of the people.” But Mr. Risley very conveniently overlooks this most practical and reasonable portion of Lord Ripon’s advice. The paragraph runs as follows:—

As to the system of election to be followed, the Governor-General in Council would here also leave a large discretion to the Local Governments. *Experience is wanting to determine the most suitable general system for each province; and it is desirable that a variety of plans should be tried in order to a future comparison of results. The simple vote, the cumulative vote, election by wards, election by the whole town or tract, suffrage of more or less extended qualification, election by castes or occupations—these and other methods might all be tried. New methods, unthought of in Europe, may be found suitable to India; and after a time it will probably be possible to say what forms suit best the local peculiarities and idiosyncrasies of the different populations.* The Provincial Governments should, through their district officers, consult the leading Natives of each locality not only as to the possibility of introducing the elective system, but as to the arrangements most likely to meet their local circumstances; and should use every effort to make the schemes adopted as consonant as possible to the feelings and habits of the people.

(Only the sentences in italics have been quoted by Mr. Risley in his speech.)

However, Mr. Risley concludes this portion of his speech by making an extraordinary statement: “If this is not wide enough to cover the General Committee as proposed in the Bill, I do not know what is.” But it is positively misleading to bring in the General Committee at all in this connection. The Resolution in paragraphs 12, 13 and 14 dealt with the constitution of the Local Boards themselves—it had nothing whatever to do with the manner in which the executive work of the Boards was to be managed. The discretion was given simply “as to the system of election to be followed” for the formation of the Local Boards, &c. Any consideration of the General Committee (as it will be constituted and empowered under the amended law) in this connection, is therefore wholly irrelevant and quite foreign to the point under discussion.

Mr. Risley here takes leave of Lord Ripon’s Resolution, but I cannot dismiss this part of his (Mr. Risley’s) speech without pointing out to him, imbued as he is with the spirit of autocracy—which pervades the entire Bill and which finds fault with, discourages and belittles every thing which has the semblance of popular representative government—that he should have been the last person to call in the aid of Lord Ripon’s famous Resolution on the extension of Local Self-Government in India to support the measure now proposed to be introduced. He has attempted to reconcile what in the nature of things is irreconcilable, to bring together in juxtaposition matters which are as wide asunder as the Poles.

According to Mr. Risley, the chief defect in the present system of municipal government of Calcutta lies in “the undue preponderance of the Hindus,” in the fact that “the Municipal Government of Calcutta has passed into the hands of the educated Hindus”; and the Bill proposes to remedy it by introducing radical changes in the constitution of the Municipality, by which all

real power, influence and responsibility will be taken away from the educated Hindus and transferred to the Europeans—principally, to the European men of commerce and trade. This is the true scope and real object of the Bill. How does it compare with the scope and object of Lord Ripon's Resolution? The following quotations from it will speak for themselves:—

The real object of the Bill is to take away from the Educated Hindus—the elected representatives of the people—all power and authority, and to vest the same in the Europeans, including European men of business.

Quotations from Lord Ripon's Resolution of the 18th May, 1882.

It is not uncommonly asserted that the people of this country are themselves entirely indifferent to the principle of self-government; that they take but little interest in public matters, and that they prefer to have such affairs managed for them by Government officers. The Governor-General in Council does not attach much value to this theory. It represents no doubt the point of view which commends itself to many active and well-intentioned district officers; and the people of India are, there can be equally no doubt, remarkably tolerant of existing facts. *But as education advances, 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. The task of administration is yearly becoming more onerous as the country progresses in civilisation and material prosperity. The annual reports of every government tell of an ever-increasing burden laid upon the shoulders of the local officers. The cry is everywhere for increased establishments. The universal complaint in all departments is that of overwork. Under these circumstances it becomes imperatively necessary to look around for some means of relief, and the Governor-General in Council has no hesitation in stating his conviction, that the only reasonable plan open to the Government is to induce the people themselves to undertake, as far as may be, the management of their own affairs; and to develop, or create if need be, a capacity for self-help in respect of all matters that have not for imperial reasons to be retained in the hands of the representatives of Government.*

The problem before the Government is one of no slight difficulty; being that of discovering in what manner the people of the towns and districts of British India can be best trained to manage their own local affairs intelligently and successfully. The attempts hitherto made with this object have met with but little success. The best men in many cases do not present themselves as candidates for municipal office. The number of voters is generally insignificant compared with the number on the registers. And yet there can be no doubt that among the more intelligent classes of the community there is a real and growing interest being taken in administrative matters. It may be suspected, therefore, that the cause of comparative failure in the efforts hitherto made is to be found rather in the character of those efforts than in the nature of the object pursued. They have been it seems to the Governor-General in Council, wanting to a great degree in earnestness and in real endeavours to adapt the system adopted to the feelings of the people by whom it has to be worked. *If this is so, the remedy must lie in ascertaining, by patient and practical experiment, how best to call forth and render effective that desire and capacity for self government which all intelligent and fairly educated men may safely be assumed to possess.*

Again, in the letter of the Government of India No. 1521, dated 4th October, 1882, addressed to the Government of Bombay (curiously enough over the signature of "A. Mackenzie") we read:—

So far from proposing to make the elected members in all cases the representatives of the mass of the rate-payers as stated in the Resolution of the Bombay Government, the determination of the qualifications for electors and of the modes of election was left entirely to the Local Governments, an opinion being, however, given that the qualifications "might ordinarily at first be fairly high;" and reference being made to a great variety of methods of election in order more distinctly to mark the discretion which it was intended to leave to Local Governments in this matter. The desire of the Government of India therefore is not to force upon all parts of the country a uniform system of its own devising, *but to secure the gradual training of the best, most intelligent and most influential men in the community to take an interest and an active part in the management of their local affairs.*

The uncertainty and anxiety felt by the Governor in Council as to the "safety" of the measures contemplated by the Government of India is doubtless due to this misconception. Those measures are, as has been shown, of strictly limited scope, and are only the natural development of the principles laid down by Lord Mayo's Government. Of their perfect safety when applied in the manner and with the restrictions contemplated by the Government of India, the Governor-General in Council has no doubt whatever, but it may reasonably be questioned whether it would be much longer "compatible with safety" to continue to extend education and especially that higher education to which the Government of India attaches so much importance and which the public so warmly desires, without affording to those whom the State has thus educated some more extended means than they have hitherto enjoyed of taking a share in the conduct of their own affairs. It is one of the inevitable drawbacks of a widespread system of State education that it encourages to an unhealthy extent a desire for employment in the public Service, not only as a mode of livelihood, but as a means of obtaining influence and distinction. *No more effectual remedy for this evil can be provided than by affording to persons of education and talent, fair opportunities for devoting their energies to the public Service in a non-official capacity.*

It is essential to the success of the policy laid down by Lord Mayo in 1870, and repeatedly enunciated since that time by the Government of India, that freer opportunities of developing a capacity for Local Self-Government should

be given to the people of this country, and there is ample evidence before the Government of India, coming from all parts of the country, that it is only by removing the pressure of direct official interference that the people can be brought to take sufficient interest in local matters, and to devote to them the same amount of care and attention that enables them successfully to manage their own private concerns.

Thus, Lord Ripon with his true statesmanlike instincts, his liberal and advanced ideas and his genuine desire to benefit the people—instead of rendering the educated Hindus the butt of ridicule, fit to be shunned, repressed and checked on all sides, as is

How different was the object of Lord Ripon's Resolution.

avowedly sought to be done by those who support the present iniquitous measure—sought the active co-operation of “the best, most intelligent, and most influential” among “the people of the country,” desired to train them up “in the management of their local affairs” and “afford to persons of education and talent, fair opportunities for devoting their energies to the public Service in a non-official capacity,” and wanted to make them “feel that real power was placed in their hands and that they had real responsibilities to discharge.” How unlike is all this to the principle of the Bill now before the public, and yet Mr. Risley seeks justification for his own handiwork in Lord Ripon's Resolution

Is the present system a popular one?

Mr. Risley says it is a fallacy to call the present system a popular one, and refers to his Table C, which shews that “the entire number of electors is only 13,000 or

Mr. Risley declines to call the present system a popular one, because it is only a small proportion of the people that forms the electorate.

But it is only this small proportion of the population that has been given the franchise

and from this point of view the system is rightly claimed to be popular.

2 per cent. of the population of Calcutta. The rest have no voice in the Government of the town.” But the legislature has not given them the franchise; if they have “no voice,” Government is responsible for it. Nevertheless, the system is popular, because the electorate is the people—the rate-payers and tax-payers of the city; the persons elected are the chosen representatives, if not of the whole population, at least of a part of it—they are therefore of the people and are responsible to the people,

Mr. Risley goes further and draws a distinction between Hindus and Hindus; he speaks of

Mr. Risley on the Educated Hindus, the ‘Young Bengal’, ‘New India’, as he calls them.

‘Young Bengal’, ‘New India’, and would fain distinguish them from “the elder generation and those who follow in their steps”. His treatment, however, of this question is so offensive and unnecessarily irritating that the most prudent course is to take no notice of it. The only practical and reasonable observation that can be made in this connection is this: if the section of the Hindu community which is now, according to Mr. Risley, so unduly prominent in the Municipal Corporation, is not composed of “genuine representative Hindus,” if these are not men whom “Government really want”; what has Mr. Risley done to keep out such men from the proposed new system, what special provision is there in the Bill which ensures the return of “the elder generation and those who follow in their steps”, which will avoid the men in “the surface” and reach those in “the silent depths of the stream”?

Mr. Risley says “in point of fact, in matters of this kind, you have to choose between two principles (*viz.*, the principle of numerical majority and the principle of giving weight to intelligence, business capacity, and pecuniary interest in the prosperity of the town amongst the people), neither of which can be stretched to justify the present state of things”: why, if either of these principles were truly and honestly applied, without any disingenuity, the result would undoubtedly be the return of many of those whom Mr. Risley would fain keep out.

The relation between the Commissioners and their Executive.

Mr. Risley says “a great deal has been made of the argument that whatever has gone wrong in the town is the fault of the executive, that is to say, of the Chairman. This is an argument which my honorable friends are not entitled to use.” Certainly it should not be used as an argument in defence of the Corporation by shifting the responsibility on to the executive; for, it is true, under the present Act, the whole responsibility lies with the Commissioners collectively, *i.e.*, the Corporation. But the faults of the executive are pointed out not with the

Explanation as to why the faults of the executive have been pointed out.

object of disclaiming responsibility, but as a warning to the legislature, and as a protest against the proposal made in the Bill to constitute it as a distinct municipal authority, independent of all control of the Corporation. It is thus a very legitimate argument to put forward against the proposed innova-

tion. What the honorable members of the Council in opposition contended for is that the Municipal executive has been found to be inefficient, oppressive and at times unnecessarily harsh and exacting—particularly towards the poor and helpless—and it would be extremely undesirable and impolitic to allow such an executive staff to go quite uncontrolled, left to their sweet will and pleasure.

But Mr. Risley not only finds fault with the argument, but attempts to defend the Chairman and his subordinates. He says facetiously that “you cannot indulge in the luxury of interference in season and out of season, and retain the right of disclaiming responsibility.”

Mr. Risley's defence of the executive

But the Commissioners have never disclaimed responsibility; on the contrary, as Mr. Risley himself admits later on, the Commissioners distinctly took on themselves complete responsibility in regard to certain inquiries by the Medical Board. Mr. Risley compares the executive to a clock and the Commissioners as “people poking their fingers into the work of a clock”, but unfortunately the metaphor does not apply at all. The relation

The metaphor of a clock is inapplicable in this case

between the pendulum of a clock or the hair-spring of a watch and the main spring, the one controls and regulates the other; and the two together form the machinery, the clock. Under the present law the Commissioners are not the outside “people poking their fingers into the work of a clock,” as Mr. Risley supposes, and as he would make them under the amended Act; but are an integral or essential part of the machinery.

The Commissioners and the Medical Board.

Mr. Risley next proceeds to give an instance where the Commissioners assumed entire responsibility, as if they have ever disavowed it. He refers to the correspondence between the Commissioners and the Medical Board on the subject. It is true that in their letter, dated 9th December, 1896, the Medical Board “asked certain questions, none of which imputed any neglect to the Commissioners,” but there was a direct imputation of failure to their Health Department and an apparent anxiety to sit in judgment upon the Health Department. The following extract from that letter will make this point quite clear:—

In view of these facts, I am to ask that, with the permission of the Commissioners, you will furnish any information that may be forthcoming in explanation of the apparent failure of the Health Department to deal effectively with the state of things described above; and will forward that information to the Medical Board, with an expression of the opinion of the Corporation, and with such remarks by yourself as may appear to be called for. Copies of all papers referred to should be annexed. The points to which the Board desire especially to invite attention are indicated in the following questions —

- (1) Are the facts correctly stated in the reports of the Sanitary Officers and the Civil Surgeon of the 24 parganas?
- (2) Have these facts been reported to the Commissioners by the Health Officer, and with what results?
- (3) Is the law as it stands sufficient to enable the Commissioners to deal with the facts reported?
- (4) Is the law enforced, and if not, why not?
- (5) What duties have been assigned to the Health Officer, under section 41 of Bengal Act II of 1888? Have these duties been duly carried out?

The Commissioners' reply, however, was not given so curtly as Mr. Risley has represented; they passed the following resolutions after full discussion at a meeting of the General Committee held on the 18th December, 1896, and a copy of it was forwarded to the Medical Board:—

1. That the Commissioners thank the Medical Board for their report, and they are willing to give due weight and attention to their recommendations

2. That the Commissioners will always be ready and willing to give such information as the Medical Board may call for to enable them to make recommendations for the sanitary improvement of the town.

3. That the Commissioners respectfully decline to consent to the Medical Board being constituted judges between them and their officers.

4. That the Sanitary Officers' report be forwarded to the Engineer and to the Health Officer for report to be submitted to the General Committee.

The position of the Commissioners was really this: under the law they were responsible to Government and the people for the proper management of the affairs of the City; if any thing went wrong they should be held answerable, and when the defects were pointed out, they would undertake to remedy them. The Commissioners could not, legitimately and with due regard to a sense of propriety and fairness, allow their Health Department to be singled out and made the

subject of searching inquiry independently of them; they therefore "respectfully declined to consent to the Medical Board being constituted judges between them and their officers," but at the same time expressed their readiness to furnish "such information as the Medical Board may call for to enable them to make recommendations for the sanitary improvement of the town," and to give "due weight and attention to their recommendations."

Speaking about the proposal of the Medical Board to enquire into the causes of the alleged failure on the part of the Commissioners to keep the town clean, Mr. Risley says:—

I am aware, of course, that there was a great division and much searching of heart among the Hindu Commissioners. One party, headed by my friend, the Hon'ble Babu Narendra Nath Sen, wished to accept the offer of the Government and the Medical Board. But they were overborne by the younger men, who, actuated by what my friend Mr. James Bryce calls the sensitive self-esteem of an assembly, insisted on standing on their rights, or what they thought were their rights. No doubt they have since realised the mistake that they made. They were led away by the younger men.

This, however, is not a correct statement of facts. Reference to the proceedings of the meeting of the General Committee held on 18th December, 1896, will shew that there was no "great division" nor "much searching of heart" among the Hindu Commissioners. The whole discussion turned upon a principle—the constitutional aspect of the question, *viz.*, whether the Commissioners, being themselves wholly responsible for the working of the Municipality, should allow any outside body to adjudge between themselves and their executive officers. Babu Narendra Nath Sen was supported in his views by Rai Durgagati Banerjee Bahadur (an official) and Mr. H. M. Rustomjee (who, as is well-known, is also an official for all practical purposes); while the other party was headed by Babu Kally Nath Mitter, who was supported by six or seven other Commissioners. It is said that the party of Babu Narendra Nath Sen was "overborne by the younger men" such as Babu Kally Nath Mitter, Babu Surendranath Banerjee, Mr. J. Ghosal, Babu Priyanath Mullick &c. Mr. Risley says: "They were led away by the younger men. And I have no doubt that this was what my friend Babu Kally Nath Mitter had in his mind when he suggested to me the other day at the Building Commission two reforms more radical than I should have ventured to propose myself." Babu Kally Nath could not certainly have had this matter of the Medical Board in mind when he suggested the raising of age limit as a qualification for a Commissioner; for this is the way how he opened the discussion referred to above:—

Babu Kally Nath Mitter observed that the Medical Board had sent the Commissioners certain reports, and it was their duty to thank the Medical Board and to state that those reports would be laid before the Commissioners in Meeting, and such action taken upon them as might be necessary. He was not prepared to submit to them explanations to enable them to judge between the Commissioners and their executive officers. The position which the Medical Board occupied was an entirely unconstitutional one. The Government conferred certain powers upon the Medical Board in order that they might be exercised in the event of the bubonic plague appearing in Calcutta; but as the plague had not broken out here their functions had entirely ceased. The Commissioners did not owe any allegiance to the Medical Board. They asked for information in explanation of the apparent failure of the Health Department to deal effectively with the state of things described by them in their letter of the 9th December. What had the Medical Board to do with the failure of the Health Department? They had pointed out certain shortcomings in the conservancy of the town, and it was the business of the Commissioners to see if those statements were correct, and if so what steps they should take to remedy the defects. But to agree to submit to the Medical Board the explanations which they asked for would be to constitute them as Judges.

Proposal for a Commission of Inquiry, lightly disposed of by Mr. Risley.

The Hon'ble Mr. S. N. Banerjee in his speech in the Council, after commenting upon the Report of the Sanitary Officers, observed:—

Now here are statements and counter-statements—statements made by high authority and counter-statements made by authority equally high and equally entitled to weight. What are we to do in the midst of this conflict of testimony—this divergence of opinion—this war of opposing views? We are left in a dilemma, and we have a complaint to make against the Government that it has not lent us a helping hand to rescue us from this uncertain and dubious position. 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. That would have been in accordance with precedent, for when in 1884 a complaint was made by some of the rate-payers of Calcutta regarding the sanitary administration of the town, a Commission was appointed with Mr. Justice Beverley as President. If such a Commission were appointed and found in favour of the views of the Sanitary Inspectors, why, Sir, that would have silenced all criticism, removed all doubts, and would have enormously strengthened the hands of the Government in any legislation which it might have thought fit to undertake. I cannot conceive any possible objection to the appointment of a Commission except on the score of delay. But, Sir, the constitution of the Calcutta Municipality has now been allowed to exist for a period of thirty-five

years, extending over the lifetime of a generation, and if it were allowed to survive for a year or two longer, no great catastrophe would have happened, the world would certainly not have come to an end. Further, a Commission might have been appointed with instructions—with the mandate—to report within a definite time. The Beverley Commission to which I have referred was appointed in August 1884, it reported in January 1885. The Building Commission submitted its report with praiseworthy promptitude. Is a public body—I ask—like the Calcutta Corporation to be condemned unheard—a public body with a brilliant record of active and useful service for the good of the town? Such a proceeding does not recommend itself to one's sense of justice and fair play, and will not, I am sure, be endorsed by this Council.

To this Mr. Risley has replied as follows :—

" My friend asks for a Commission now. He might have had a Commission then, but he would not. * * * They were offered a full and fair inquiry by a body which, I believe, was absolutely impartial and free from prejudice."

I have already shewn the kind of inquiry the Medical Board wanted to make, and I certainly hold that that body (the Medical Board) was the least fitted to conduct the inquiry; for, in this instance, they were the complainants; they appointed their own agents and sent them about the town with their own instructions, without the knowledge of the Commissioners; charges were framed by them on the report of their agents. How could they then be both prosecutors and judges? It was impossible to expect any fair and impartial inquiry from them. It is said the body was "absolutely free from prejudice;" but was not the Secretary of the Medical Board one of those five Sanitary Officers who reported against the Corporation? The President of the Board (Mr. Risley) was Sir Alexander Mackenzie's Secretary in the Municipal Department, and almost the whole body was composed of European officials and non-officials holding views more or less in sympathy with those of Sir Alexander Mackenzie, as set forth in that memorable speech of his, delivered at Entally. That speech, as we all know, was a living embodiment of impartiality, fairness and accuracy, and was free from all prejudice or bias !!

Besides, the sort of inquiry that Mr. Banerjee wanted was not one which a Medical Board was competent to hold. It is not merely the sanitary condition of Calcutta that had to be inquired into. A full inquiry should have been directed to questions of a financial, an historical, an administrative character—in fact, into the whole history of the working of the present system of municipal administration in Calcutta. It is not enough to know the present sanitary condition of Calcutta. It has to be compared with the condition of the town at previous epochs. The resources of the Corporation have to be considered. Above all, if a constitutional change was contemplated, an inquiry should have been held as to the way in which improvements had been facilitated or impeded by the existing constitution. Such a comprehensive inquiry a mere Medical Board would not be fit to hold.

The serious structural defects of the City resulting in its present insanitary condition are "a heritage of neglect" on the part of the Government.

Replying to the observation made in Council by the Hon'ble Mr. N. N. Sen and the Hon'ble Mr. S. N. Banerjee that the serious structural defects of the City, which contributed to present insanitation and which formed the chief ground of complaint by the sanitary officers of the Medical Board, were "a heritage of neglect" on the part of the Government, Mr. Risley has observed :—

Next we have what I may call the historical argument which dwells upon the state of the town some 30 or 40 years ago, before its administration was made over to the Justices, and it is suggested that the Commissioners cannot be blamed for not having entirely put in order a heritage of neglect. Well, I am not greatly concerned to defend the Government of so many years ago; but I may observe that the standard of sanitation even in England was very different half a century ago. To say that the Government of that day was not in advance of the ideas of their day, does not justify the Commissioners in lagging behind the ideas of our day.

The reply however is not at all to the point. The contention of those that oppose the Bill is, that the defects complained of existed before—at the time when the affairs of the city were directly under Government control—and could not now be remedied all at once for want of sufficient funds. It is to the effect that the Government of that day consciously maintained the insanitary condition of the town; therefore it will not do for Mr. Risley to mystify the real issue in the case by saying that "the standard of sanitation even in England was very different half a century ago," or "that the Government of that day was not in advance of the ideas of their day."

In the Report of Mr. Trevelyan's Building Commission, of which Mr. Risley had been called to the necessity for suitable regulations. So far back as the 6th of June 1803, the then Governort General of Fort William, the Marquis of Wellesley, in a minute of that date, wrote as follows.—

The opinion of the members of the Building Commission on this question. subject:—

34 The omission of the Legislature to control the construction of houses and other masonry buildings in this city until 1888 is the more extraordinary, when we find that, early in the century, the attention of the Government had been called to the necessity for suitable regulations. So far back as the 6th of June 1803, the then Governort General of Fort William, the Marquis of Wellesley, in a minute of that date, wrote as follows.—

“The increasing extent and population of Calcutta, the capital of the British Empire in India and the seat of the Supreme Authority, require the serious attention of Government. It is now become absolutely necessary to provide permanent means of promoting the health, the comfort, and the convenience of the numerous inhabitants of this great Town.”

Amongst the defects which His Lordship enumerated as contributing to the unhealthiness of Calcutta, he mentioned—

“The houses in those quarters of the Town occupied principally by the native inhabitants, having been built without order or regularity, and the streets and lanes having been formed without attention to health, convenience, or safety of the inhabitants, to which cause must be chiefly ascribed the frequency of fires, by which many valuable lives had been annually lost, and property to a great extent had been destroyed.”

“It is a primary duty of Government,” His Lordship continues, “to provide for the health, safety, and convenience of the inhabitants of this great Town, by establishing a comprehensive system for the improvement of roads, streets, public drains, and water-courses, and by fixing permanent rules for the construction and distribution of the houses and public edifices, and for the regulation of nuisances of every description

“The appearance and beauty of the Town are inseparably connected with health, safety, and convenience of the inhabitants, and every improvement which shall introduce a greater degree of order, symmetry, and magnificence in the streets, roads, ghats, and wharfs, public edifices and private habitations will tend to ameliorate the climate and secure and promote every object of a just and salutary system of police * * * *”

35. It is recorded that, under the auspices of Lord Wellesley, all the roads in and about Calcutta were greatly enlarged, widened, and made conducive to public convenience and health, but we have not been able to ascertain that any permanent or other rule was fixed during His Lordship's rule for the construction and arrangement of houses.

36. In 1836, in pursuance of a recommendation made by Lord Auckland, the then Governor General of India, a Committee was formed for the purpose of, amongst other things, framing a plan of local management and taxation for matters connected with the health, comfort and improvement of the Town of Calcutta. In one of the reports made by that Committee, the personal inspection of the portion of the town, which is now included in Wards Nos 7 and 8, was described by Sir John Grant and Mr. Rustomjee Cowasjee, members of the Committee

(Here is an extract from the Report.)

In spite of these reports, nothing seems to have been done before the year 1863 to improve the portion of the town, the state of which was thus described, nor was any attempt made, till then to prevent the condition of the remainder of the city becoming equally objectionable.

Although much has been done under the powers conferred by the Acts of 1876 and 1888 to reduce the state of overcrowding described by Sir John Grant by including the old surface drains in the road area and by opening out new streets, the action of the Corporation has been limited by the funds available, and many portions of the town are still greatly overcrowded.

Again, dealing with the question of “Funds for improvements”—extensive structural improvements in Calcutta—the Building Commission has reported:—

130. So far back as 1803, we have the opinion of the then Governor-General, that it was the “duty of Government to contribute in a just proportion to any expense which may be requisite for the purpose of completing the improvements of the town.” We submit that now, after the expiration of nearly a century, since that minute was signed by the Marquis of Wellesley, it is equally the duty of the Government to come to the aid of the citizens of Calcutta, in order to relieve them from the dangers to which they are subject. In the letter written by the Secretary of the Bengal Chamber of Commerce to the Secretary of the Government of Bengal, dated the 4th of January, 1897, the Committee of that Chamber say that “they bear in mind that taxation in the city is almost at a maximum, and that it presses very heavily upon all classes, so that the question of money is one as to which probably the Government may, in the general interests of the Empire, feel called upon to come to the assistance of the city.” That it is in the interests of the Empire that Calcutta should be rendered as wholesome as possible, there can be no doubt. A serious epidemic such as Plague, if its ravages extended to Calcutta, would seriously dislocate the whole trade of the East. The Imperial revenues would be impaired, and the damage done to English Commerce, and thus to the interest of England, would be incalculable

Calcutta is a large market, which distributes to the West the products of the East, and receives the products of the West for distribution throughout the Indian Empire. The city itself would by no means be the only sufferer by the destruction of its position in the Commercial and Financial world. It is not inequitable that a tax should be levied upon the goods which are sold in the market, for the purpose of keeping up the market. For this reason it is worthy of the consideration of Government whether some of the taxes to which we will hereafter refer should not be imposed. There is also another reason why Imperial, or at any rate Provincial revenues should bear a part in reducing Calcutta to order, namely, that for a portion of the year, Calcutta is the seat both of the Supreme and of the Local Government.

Why should references to past record of work done under the present system of municipal administration be put down as irrelevant?

Mr. Risley says "the copious references which has been made to the past accomplishments of the Commissioners are really irrelevant. No one denies that much has been done and a great deal of money spent. I have every wish to do ample justice, and I admit that we see the Commissioners at their best." This is exactly what Sir Alexander Mackenzie said in his letter to the Chairman of the Corporation on 9th March 1887, in reference to the Statement submitted to him by the Commissioners as a reply to his Entally speech. "The bulk of the statement," he said, "submitted by the Commissioners is altogether irrelevant. 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." But why put down these references to past record of work done as irrelevant? It is proposed to subvert the present system of municipal administration; and what could be more relevant, more to the point, to justify its continuance and the rejection of an altogether new system, than reference to its brilliant achievements in the past? If these are considered irrelevant, well might a reference to the defects in the past, pointed out by those who support the Bill, be put down as equally irrelevant.

The Harrison Road Scheme and the Commissioners.

Mr. Risley gives the Commissioners credit for passing the Harrison Road scheme (although his henchman Mr. Turner cites it as an instance of their having proved seriously obstructive, and having opposed various improvements) but says that the scheme was passed "only by a narrow majority and under extreme pressure." This is absolutely at variance with the facts of the case. No pressure whatever was brought to bear upon the Commissioners on this question, nor was it passed by a *narrow* majority; it was passed by a substantial majority of 17 votes,—37 against 20.

Credit is given for passing the Harrison Road scheme, but Mr. Risley says it was passed "only by a narrow majority and under extreme pressure"

This however was not the case. It was passed by a substantial majority.

The Commissioners are not at all to blame for the delay in carrying out the drainage scheme.

Mr. Risley next refers to the Drainage Scheme. He says: "They (the Commissioners) agreed to the drainage scheme much against their desire for economy as such, and their fear of a rise in the rates of taxation." How Mr. Risley has come to make such an observation, it is difficult to find out; there is nothing in the proceedings of the Commissioners to justify such a sweeping remark; the Commissioners have always been anxious to have the drainage scheme taken up by the Executive; considerations of economy or any desire to see the Rates kept down, never made the Commissioners hesitate in regard to this question; they knew from the beginning that it would be an expensive affair, and were quite prepared for it; their difficulty, however, in seeing the scheme put through expeditiously, lay at first in the serious difference of opinion between Mr. Kimber, the Engineer, and Dr. Simpson, the Health Officer; and then between Mr. Kimber and Mr. Baldwin Latham, which resulted in a long discussion on intricate questions of engineering.

Considerations of economy, nor any desire to see the rates kept down, ever made the Commissioners hesitate or falter in regard to the drainage question

Mr. Risley says, "If I am not mistaken, the defects of the drainage system of Calcutta itself had been before the Commissioners for a very much longer period. The Health Officer claimed to have brought it forward as long ago as 1886, when he first came to Calcutta." The defects to which Dr. Simpson drew attention in 1886, and which before him had formed the subject of enquiry by Mr. Jones, were merely the effects (grave though they might have been) of the radical defect, which remained undetected until 1891, when Mr. Baldwin Latham visited Calcutta and inspected the sewers. The choking up of sewers with a deposit of earthy matter, the leaking of pipe joints, the emission of noxious effluvia from gully-pits, &c., were matters against which, as Health Officer, Dr. Simpson felt it his duty to raise his voice. Efforts were made to abate the nuisance by building flushing chambers at the summits of sewers, but the grave fundamental defect continued undetected. It was detected for the first time by Mr. Baldwin Latham, and he proposed a remedy which formed the subject of discussion between him and Mr. Kimber, the Engineer of the Corporation; subsequently Mr. Hughes took up the question. A further elaborate reference was made to Mr. Latham in London, and finally a scheme for the improvement of the outfall of sewerage of the

old Town Area was prepared jointly by Mr. Kimber and Mr. Hughes and submitted to the Commissioners for adoption in April 1896. The entire drainage scheme now taken in hand by the Commissioners is not "the combined drainage scheme only", or the scheme embracing both the suburbs and the town, as Mr. Risley states, but comprises in reality three distinct schemes, *viz.*, (1) remodelling the storm water outfall of the Town Area, (2) the introduction of underground sewerage system in the suburban added area, and (3) the combined sewage outfall for the Town and the suburbs of Calcutta. "In both cases," Mr. Risley says, "public opinion, which can make itself felt in large issues, drove them at last to do something, the necessity for which many of them realized very imperfectly." In regard to these specific questions, however, there was hardly any public opinion, the nature and extent of the works as well as the necessity for them being much less "imperfectly" realized and understood by the so-called public than the Commissioners themselves.

The allegation that many large schemes have hung fire and that the progress has not been as quick as might have been.

Mr. Risley says, "I desire to give them (the Commissioners) full credit for the improvements (large schemes) they have effected in the town"; but he does so in a half-hearted fashion, damning them with faint praise. He remarks: "But many large schemes have hung fire and that the progress which has been made has not been as quick as it might have been." First, he refers to the case of the Tramways. But it is no large scheme of improvement effected by the Commissioners. It is, as Mr. Risley knows very well, the work of the Calcutta Tramways Company Limited, with which the Corporation is under an agreement for years, entered into in 1882 and ratified by the Legislature. Under this agreement, as every body knows, the Company holds a monopoly, and all that the Corporation can do is to prosecute the Company for keeping the lines in a bad condition and other acts of mismanagement, or put the lines in order themselves and recover the cost thereof from the Company by a civil suit. No "initiative power" in the Corporation could do anything else. All this, however, is the work of the Executive, who, in spite of the deliberate resolutions of the Commissioners to enforce the provisions of the law, arrived at from time to time, beginning from 1884, have absolutely done nothing whatever in this connection, for reasons best known to them. This is one of those instances of executive ineptitude which ought to make any thoughtful Government pause and consider, before making over to such an Executive absolute and uncontrolled authority.

The next instance cited is the Warrant Department. It is certainly not any large scheme of improvement work in the town, it is purely administrative and is the work of the Executive. It is true Committees of Commissioners have been appointed from time to time, but that is only to help the Executive in the proper administration of this Department. The Committees laid down definite rules and regulations, but these have never been properly carried out by the Department, nor have the superior executive Officers ever properly taken the trouble to supervise and to make it work.

The case of a *Dhobikhana* is the third example given as to how "large schemes have hung fire". Mr. Risley says, "Then there was the large scheme for the establishment of a *Dhobikhana*, which had been under consideration ever since Sir Henry Harrison's time." But is that really so? The proposal for the construction of a *Dhobikhana*, as at Bombay, was made for the first time on the 20th May 1889, and was agreed to by the Commissioners-in-meeting on the 6th June 1889. The Chairman next brought forward a proposal to construct a *Dhobikhana* at the back of the *bustee*, immediately to the west of the old Kasai Bagan Cemetery, on 27th August 1889, and the Commissioners resolved that plans and estimates for the work be prepared. It was next represented by the Chairman on the 23rd November 1889, that a surveyor should be deputed to Bombay "to survey and procure a sketch of the *Dhobikhana* there," and the Commissioners sanctioned payment of the necessary expenses. The Chairman next brought forward the question of 'ways and means' and proposed to the General (Finance) Committee that the expenditure be distributed in the proportion of $\frac{1}{3}$ rd out of the 3 lacs for improvement in the Suburbs and $\frac{2}{3}$ rds from the General Fund. On this point the opinion of Counsel was taken and in January 1890 the construction of a *Dhobikhana*

in the amalgamated area was finally sanctioned, the cost being debitable to Capital Account. So far therefore as the Commissioners were concerned, the matter was at an end during Sir Henry Harrison's time. It is therefore grossly incorrect to say that the "scheme had been under consideration ever since Sir Henry Harrison's time." The real fact is Sir Henry Harrison ceased to be the Chairman of the Corporation in April 1890; and the Executive slept over the matter until the latter end of 1895, when, during Mr. Ritchie's time, the question was revived. The work was however executed in December 1896, at a cost of Rs. 50,321.

The fourth example is the Goragatcha trenching ground. Reference has been made to this very matter by Mr. Turner, and it is only necessary to state briefly the facts of the case to prove conclusively that the Commissioners were not at all to blame in the matter; their proceedings will abundantly shew how they have been anxious in regard to this matter ever since the amalgamation. Mr. Risley says that the Trenching ground at Goragatcha continued in Alipore from 1890 to 1895. No, the Goragatcha trenching ground was in existence long before the amalgamation. It was considered a source of nuisance even then. It should also be borne in mind that it had nothing to do with the night-soil of the Town area. The trenching grounds were transferred to the Calcutta Corporation by the Suburban Municipality with the amalgamation in 1889, and the nuisance was the subject of constant complaint by the Suburban Commissioners to the Executive. In 1889, the Suburban Improvement Committee proposed the revival of a discharging depôt on the Circular Road for the disposal of the night-soil of ward No. 22, the most crowded ward in the added area; but the Health Officer strongly objected. On the 25th April, 1890, the Committee passed the resolution (a) "that there should be a new trenching ground and that a site should be selected, and (b) that there should be fresh discharging depôts, one of which should be selected for ward No. 22." On the 15th November, 1890, the Suburban Committee resolved that the Health Officer should find out a piece of land for trenching, suitable both in situation and size. At a meeting of the Committee held on the 19th December, 1890, it was resolved "that estimates be submitted for taking up about 100 biggahs, in the most suitable site, to replace the trenching ground at Goragatcha, and for raising the land." One hundred bigahs of land were accordingly selected at Sonadangha, and the estimate of Rs. 1,59,259 for acquiring, raising and preparing the land, made by the Engineer, was placed before the Commissioners on the 18th December, 1891. The site was, however, objected to by the South Suburban Municipality and the Calcutta Port Trust, and the Commissioners had to finally resolve on the 1st July, 1892, to abandon the project. It is stated that Mr. Lee, the then Chairman, acquiesced in this arrangement and expressed the hope of being able to adopt incinerators for the destruction of night-soil. In the meantime the proposal for a discharging depôt near the Khidderpore Bridge and not far from Tolly's Nullah, was brought forward by the Health Officer, but it was objected to by the Engineer, on the ground that it would affect the Circular Road Sewer, which runs close by Chowringhee—the locality where Europeans reside. On the 23rd June, 1893, the Suburban Improvement Committee resolved "that the Health Officer and the Engineer be asked to submit estimates at an early date for an alternative system of disposing of the night-soil, and that the Committee recognise the urgency of the matter and the advisability of discontinuing the use of the trenching ground, and are prepared to give effect to any reasonable scheme that may be brought forward."

Accordingly two schemes were prepared, one for a discharging depôt at Watgunge, connected with the Circular Road sewer by a tunnel pipe running underneath Tolly's Nullah, and the other for a fresh trenching ground of 21 biggahs adjoining the Goragatcha ground, the latter being estimated to cost Rs. 49,000. Both the schemes were sanctioned in due course by the Commissioners. But sanction to acquire 21 biggahs of land was not accorded by Government, and possession of the land not given until 28th June and 16th July, 1894, respectively. The estimate of Rs. 7,068 for raising a portion of the land was not brought up until 1st October, 1894, and a

The facts of the case as recorded and published by the then Chairman of the Corporation—Mr Ritchie further estimate of Rs. 11,168 for the same purpose until 29th May, 1895. Mr. Ritchie thus explained the cause of the delay and the subsequent development of affairs—

I did not lay the complete estimate for raising and levelling the land before the Committee in October, because the estimates with which I was furnished seemed to me unnecessarily high, and also because we were threatened with a suit, of which the object was to prevent us trenching at Goragatcha at all, which was not disposed of till 31st May, 1895. For these reasons the ground could not be completely prepared by the time

the Corporation was compelled to abandon the ground and use that newly acquired. As has been clearly explained to the Commissioners by me, I have always had the hope that the temporary scheme for disposing of the sewage of these wards, devised and elaborated by Mr Hughes in 1894, which had been referred to Mr. Baldwin Latham for opinion, would have been approved this year, and the works have been undertaken and completed in the working-season 1895-96. When it became apparent that the temporary scheme was not approved by Mr. Latham, I recommended to the Commissioners the acquisition of 50 biggahs of land at Jinrapul. This was sanctioned on 29th May by the Suburban Improvement Committee, though the site was subsequently altered to Bhatchala. At the same meeting, Rs. 27,745 was sanctioned for raising the site of the new land at Bhatchala.

The Watgunge scheme, as prepared by Mr. Silk, however, did not find favour with Messrs. Kimber and Hughes, and had to be given up. The proposal for a temporary scheme made by Mr. Hughes in 1894, though disapproved by Mr. Baldwin Latham, was finally adopted with important modifications, as suggested jointly by Messrs Kimber and Hughes in 1896 and agreed to by Dr. Sunpson. This scheme has been adopted by the Commissioners and is now in working order.

It will be seen from the above that the Commissioners were anxious from the beginning to see the nuisance of trenching at Gragatcha abated or removed, if possible. In a matter like this they had to depend wholly upon their expert advisers, the Executive Officers. Mr. Risley says, "it was admitted something ought to be done; but there was no power in the Corporation to find out what should be done or to do it." Why, the Corporation had an Engineer and a Health Officer, both highly paid officers, and it was clearly their duty "to find out what should be done." They failed, and their failure was not due to any interference on the part of the Commissioners. Mr. Risley says, "here again the system was to blame, because there was no business-like body to bring about the solution of practical difficulties as they cropped up." How can the system be blamed? The expert advisers of the Corporation differed between them, the Health Officer wanted a discharging depôt near Khidderpore Bridge, but the Engineer raised practical engineering difficulties; the purchase of fresh land for trenching was sanctioned, but the South Suburban Municipality and the Port Commissioners objected; Government would not sanction the acquisition of a piece of land considered suitable by the Health Officer: Mr. Silk, Officiating Engineer, and the Health Officer recommended the construction of a discharging depôt at Watgunge, but Messrs. Kimber and Hughes raised serious objections. Mr. Hughes made a proposal for a temporary scheme to which Mr. Baldwin Latham took exception. What could the Commissioners do in the midst of this conflict of expert opinions, this chaos of views in a matter which involved the expenditure of a prodigious sum of money; they naturally, as sensible men, waited and watched until the experts were able to come to some agreement. As soon as this stage was arrived at, the project was passed and the estimates were sanctioned by the Commissioners. Under the circumstances stated above, what would Government have done? What would even men of business, like the Port Commissioners, have done? The practical solution of the difficulties lay in expert knowledge, which it would be sheer folly for any body of laymen, even though they might be businessmen or officials, to pretend to possess. If the Commissioners had chosen to dispense with expert knowledge and act upon their own responsibility, complications would inevitably have arisen which might not only have resulted in an enormous waste of money, but would certainly have laid them open to the reproach of foolhardiness, presumption and a supercilious mistrust of the Executive.

Alleged Interference of the Commissioners with the Executive in respect of minor matters.

Mr. Risley absolves the Commissioners, though evidently with some unwillingness, from the charge of obstructiveness in regard to "large issues, but finds fault with them in respect of minor issues"; he remarks, "it is in respect of these minor matters that the interference of the Commissioners with the Executive is most striking". He then refers to the withdrawal of the grant for removing

road-scrappings by hired carts as an example of such interference, and observes, "my hon'ble friend Babu Surendranath Banerjee says that the hired carts do not work well and therefore the Commissioners withdrew the grant." But Babu Surendranath Banerjee has not been correctly reported; what he said was this; "it is perfectly true the Commissioners cut down this amount (for hired carts), but surely not on the ground of economy. They (the Commissioners) insisted upon the road-scrapping being removed by their own conservancy carts." In the first place it should be noted that it was not "a minor issue", but involved a question of general policy. Here was an expenditure of Rs. 17,800 for the removal of road-scrappings by means of hired carts; the Commissioners knew very well that

Withdrawal of the grant for removal of road-scrappings by hired carts.

the work was most perfunctorily done and that they did not get even half the return for the money spent; the Executive also knew this and often bitterly complained about it. The Commissioners therefore practically said, "do away with this system of employing hired carts for removal of road-scraping, employ the Gowkhana Carts (belonging to the Corporation) for the purpose, and if it be necessary to increase the number of such carts, come up with a proposal and we will pass it." Thus it was a question more of general direction to the Executive than of interference with them; it was the dictation of a policy as to the mode of carrying out a work.

Reference is made to certain proposals made by Dr. Simpson in December 1895, for addition to the Conservancy establishment of certain wards in the northern division. It is true these were referred to the Road and Conservancy Amalgamation Committee for disposal. But what else could the Commissioners do? They believed that the Conservancy establishment under the Health Officer was in a state of utter disorganisation; they went on increasing the establishment year after year, but they did not receive an adequate return for the money spent in the greater cleanliness of the town. This was a view held not only by the "educated Hindus," but by such expert authorities as Dr. Sanders, who had been Health Officer of the Corporation for some time, and who, more than any other Commissioner, used often to protest against the extravagant increase of the Conservancy establishment, without adequate result in the matter of cleaning up of the town; as the proceedings of the meetings of the Commissioners will amply testify. When Dr. Simpson's proposals for increased establishment were brought forward before the General Committee on 4th January, 1896, Babu Kally Nath Mitter, one of the oldest and most experienced Commissioners, made the following observations:—

Dr. Simpson's proposals for increase of establishment in the Conservancy Department.

Circumstances under which these proposals were not sanctioned.

Babu Kally Nath Mitter remarked that when these establishments were in the hands of the Engineer the total cost was Rs 14,000 per mensem, now it was Rs. 44,000. It had been increased three-fold, but the quantity of refuse to be removed had not even doubled; and yet further additional establishment was asked for. He considered that the system under which the work was done was rotten to the core, and some better system should be devised. The carts which were hired were not fully utilised. The Overseer, for instance, reported that 5 carts were wanted for his ward, the Superintendent said that 10 must be hired. There ought to be a thorough enquiry into the system of working; and he was convinced that the only solution would be for the Commissioners to have their own carts. As long as hired carts were used, the giving of increased establishment would give no benefit. No doubt each Ward Commissioner wanted his own ward cleaned. The other day proposals for increased establishment in Wards 1 to 3 were kept back; now the Commissioners of Wards 4 to 7 pressed for increased establishment in their own wards. All these proposals should be placed before the Amalgamation Committee. Every one was satisfied that the carts did not make the number of trips which it was represented they did. If watch were kept by an independent agency at the platforms it would be found that the number of carts actually at work was totally different from what they were represented to be.

The Committee generally agreed in the opinion that the *has* system of working with carts and animals belonging to the Municipality was the best

Babu Kally Nath Mitter further stated that the Assistant Superintendent submitted a report with the depositions taken by him bringing to light certain peculations, but the whole report was burked.

In these circumstances, what could be more reasonable and practical for the General Committee to do, in the best interests of the Corporation, than to refer the matter to the Special Committee that was dealing with the whole question?

Mr. Risley then finds fault with this Conservancy and Road Department Amalgamation Committee and observes: "This has been a great feature of the Commissioners' administration, the perpetual reference of all kinds of minor questions to committees and sub-committees; the practice of appointing committees to consider matters which might well be disposed of by the Chairman, and which, under the Bill, will be so disposed of without waste of time." In the first place the amalgamation of the Road and the Conservancy Departments was not a "minor question." Before Dr. Simpson was appointed a whole-time Health Officer, these two constituted one department under the Engineer. In 1884-85 the Conservancy Department was transferred to the Health Officer. The department had since overgrown, without proper organisation, and required thorough overhauling. Accordingly this Special Committee was appointed in Mr. Ritchie's time to consider and report upon the best method of re-organising the two departments. The Committee held various meetings at which important information was collected and the evidence of Mr. Kimber, also of Drs. Sanders and O'Brien, who were formerly Health Officers of the Corporation, was recorded. Almost

the unanimous opinion of the Committee was for the amalgamation of the two departments. But the Health Officer was opposed to it, and the question therefore hung fire. Mr. Ritchie went home and Mr. Williams came; it took some time for the latter to study the question, and he wrote a note; then he left; and Mr. Bright succeeded, who again naturally took time to consider the whole question and write his note, which, however, differed from that of Mr. Williams; but before any decision was come to, in came Mr. Greer on the scene (Mr. Bright having gone home on leave) and had his note—this was perhaps the fourth note (Chairman's) on the subject, all differing from one another. It is thus how the matter has fared. The real secret is that the proposal for amalgamation emanated from the Commissioners, and the Executive, particularly the Health Department, tried their best to thwart it. There seemed to be really no earnestness about this matter, on the part of any of the Chairmen, before whom the question came up; otherwise the question would have been settled, one way or the other, long ago. The Chairman, under the law, is the Chairman of all standing and special committees, and it lies entirely with him how the business of a committee is to be transacted; if he wants expediting any business he can easily do so. It may be that he cannot always have the decision of the majority of a Committee on his side; but at any rate he can readily bring the question to a head by having it fully discussed and considered in committee meetings and then by promptly bringing up the report and proceedings of that committee before the general body of Commissioners for final decision. It is the want of activity and earnestness in this respect and absence of a desire for despatch and promptitude of action in the Chairman which will account for much of the accumulation of the work of special committees and sub-committees to which Mr. Risley has referred.

Mr. Risley says, "Committees and sub-committees are too often set a-going at the instance of people who have an interest in stopping the progress of work." This is too general and sweeping a charge, but no cases have been cited in support of such a reckless statement. If the list to which Mr. Risley referred were published, one could easily see for himself how far the allegation was correct.

However, leaving aside the list of committees and sub-committees, which, it has been alleged, have interfered with the work of the Executive, Mr. Risley refers again to the proceedings of the Buildings Committee, and says that one "will find there an indefinite number of cases in which orders passed by the Executive to do this, that, or the other, are brought up and considered by the Committee." Mr. Risley is quite wrong in saying that "an indefinite number of cases" are brought up before the Buildings Committee. It has already been shown that the number of cases that are brought up before the Committee forms only a small fraction of the total number of cases disposed of by the Executive; it has also been pointed out that the Committee was appointed for the express purpose of dealing with the complaints or grievances of the rate-payers, in regard to the construction of buildings. The Committee thus formed a sort of appellate court, and it must therefore have before it for review the orders of the Executive. Mr. Risley has made a long extract from one of the speeches of Babu Kally Nath Mitter in support of his contention that there has been "great interference with the Executive" by the Buildings Committee in the matter of building regulations. This question has already been fully discussed in connection with Mr. Risley's introductory speech, and nothing more need be said here except that the case of the building at 4, Sankar Ghose's Lane, cited by Babu K. N. Mitter as an instance of gross infraction of the present Building Bye-laws, and quoted by Mr. Risley, will entirely conform to the rule of the angle of 45 degrees which has been recommended by the Building Commission for adoption, and which has been embodied in the new Bill. This was no doubt a new building on a street less than 16 feet in width (Sankar Ghose's Lane, in Ward No. 4), but the building was not to stand immediately on the street, and there was to be 60 feet of open land, belonging to the owner of the building, between the street and the proposed building. Can this be honestly said to be an infraction of the Bye-law?

Mr. Risley wrongly attributes the delay in the extension of the filtered water supply to waste of "years of valuable time in discussion" by the Commissioners.

Mr. Risley has observed that "years of valuable time were wasted in discussion before the extension of the filtered water supply was put in hand," evidently suggesting thereby that the Commissioners were to blame for the delay. Where he got this information from, it is difficult to find out. The preliminary chapter of the Administration Report for 1888-89, from the pen of Sir Henry Harrison, however gave a full historical narrative of the extension works for the provision of 16,000,000 gallons

of filtered water daily to the town, as well as an additional 4,000,000 to the Suburbs, and the following summary of the narrative is taken from that chapter:—

Short narrative of the extension of filtered water supply as written by Sir Henry Harrison. Filtered Water Extension.—The period from December 1878 to March 1883 was devoted to discussion, so far as the filtered extension works are concerned. The controversy with the suburbs as to the conditions of co-operation, and the discussion regarding an open-cut and cutcha settling tanks delayed any decision till the advent of the new Commission in October 1882.

A satisfactory project was then prepared in a few months, estimated to cost 46½ lacs, and no time was lost in commencing operations, but after some progress was made and considerable pecuniary liabilities incurred, the condition of the money market became such as most seriously to embarrass the Corporation. The Government of India at first came to the rescue with a temporary loan without interest of 5 lacs, and also authorised a change in the law, permitting the Commissioners to borrow in gold, and thereby to get access to the European money market, but the amending Act was vetoed by the Secretary of State, and the Government being itself in difficulties, was constrained to refuse any further assistance, and to withdraw its temporary loan. The consequence of these checks was a loss of about 18 months in pushing on with the works and the compulsory contract of a large 5 per cent. loan at 5½ discount.

The works were then again pushed on vigorously, but completion was delayed by the necessity of obtaining so much more engine power than had been calculated. Instead of two new engines at Pultah three were found requisite, while for the town it was requisite to construct an entirely new pumping station.

All the engines at Tallah were changed. Instead of the three old 50 H. P. engines two new and more powerful 75 H. P. engines were brought out. A third new 75 H. P. was brought out as always proposed, and the old 75 H. P. was modified so as to be linked with it. The three old 50 H. P. engines were transferred to Halliday Street and a new fourth 50 H. P. added, and a new pumping station and reservoir constructed there.

With the completion of the engines at Pultah came the power to send down the full supply of 20 million gallons daily to Calcutta, with the completion of the changes at Tallah came the power of passing it on into Calcutta and the suburbs, and with the completion of the engines at Halliday Street came the power of distributing it properly and of giving the riparian wards a fair share of the supply. This last event took place on the 31st January, 1889, from which date the town supply of 16 million gallons may be regarded as accomplished.

It will be observed that time was *not wasted in discussion* by the Commissioners, but that the completion of the undertaking took fully 10 years, in the words of Sir Henry Harrison, "to overcome the difficulties—financial, administrative and engineering—which had beset it" from the very beginning.

Sir Henry Harrison's testimony as to the manner in which expenditure for these extension works has been sanctioned.

Sir Henry Harrison concluded the chapter on the extension of filtered water supply with the following significant and noteworthy paragraph:—

"The change of feeling on the question of the advantages of a filtered water supply, which has taken place in the native community, is one of the most remarkable and encouraging symptoms of the times. Instead of the storm of opposition which the water had at first to encounter, it is now undoubtedly the most appreciated of all the sanitary improvements of the city, and the votes which have from time to time been asked for, in order to carry out the extension, have been passed without stint as soon as their necessity has been sufficiently established."

The testimony of Sir Henry Harrison about the attitude of the Indian or rather the Hindu Commissioners in regard to extension and enlargement of filtered water supply in the town, as contained in the above extracts, gives the most emphatic and authoritative contradiction to Mr. Risley's unfounded statement that, "years of valuable time were wasted in discussion before the extension of the filtered water supply was put in hand."

Mr. Risley is wholly wrong as to the figures about "Büstee" improvements.

Then, in reply to the Hon'ble Babu Surendra Nath Banerjee's statements regarding *bustee* improvements, Mr. Risley says, "it was not till 1880 that a beginning was made in *bustee* reclamation, and the expenditure up to date has fallen far short of the minimum sum of one and a half lakhs per annum, which the Government of India in its orders on the report for 1882-83 declared to be necessary." And in support of his statement Mr. Risley refers to the figures for the *bustee* improvements for 1883-96 given in paragraph 249 of the Municipal Administration Report for 1896-97, and says that "the total expenditure by the Commissioners on *bustee* improvement was Rs. 9,36,000 or Rs. 66,000 a year—less than half the amount laid down as a minimum by the Government of India in 1883-84." But is this really the case? A reference to the

Mr. Risley's allegation that the expenditure in *bustee* improvements has fallen far short of the minimum sum of 1½ lacs per annum, is wholly wrong.

letter of the Government of India No. 6, dated the 10th January, 1884, will shew that the Government of India only endorsed the suggestion of the Local Government that a sum of Rs. 1,50,000 per annum at least should be spent for the *cleansing and structural* improvement of

the *bustees*. This is what the Government of Bengal wrote in its resolution dated the 7th

The minimum sum named both by the Governments of India and Bengal was for both the cleansing and structural improvements of the *bustees*.

December, 1883, on the Municipal Administration Report for 1882-83:—

“* * * if the establishment recommended by Mr. Harrison for keeping the surface connections clean and for cleansing the waste lands is maintained, the essential steps for the conversion of the Calcutta *bustees* into comparatively healthy localities will have been taken; and if the Commissioners

will continue, as the Lieutenant-Governor has no doubt they will, the action which they have taken in the current year, and steadily devote at least Rs. 1,50,000 annually to the *cleansing and structural* improvement of the *bustees*, a very few years should see a vast improvement in the health as well as in the physical aspect of the northern division of the town.”

Upon this the Government of India wrote:—

“The sum of Rs. 1,50,000 per annum is the least sum which should, in the opinion of the Governor-General in Council, be set apart for the *cleansing and structural* improvement of the *bustees*.”

It will be observed that both the Governments wanted the sum of one and a half lacs to be spent annually on the *cleansing and structural* improvement of the *bustees*. But the figures to

Mr. Risley has dealt with figures relating to only *structural* improvements, and even then his figures are not complete

which Mr. Risley has made reference represent the expenditure on *structural improvement* only. If he had taken the trouble to carefully read the Government resolutions, referred to above, and ascertain how much has been spent year after year on the *cleansing* of the *bustees*,

he would never have ventured to make such a palpably inaccurate statement. The total expenditure for the *cleansing* of *bustees*, from 1883 to 1896 has been over Rs. 11,30,000; and further, the sum of Rs. 9,36,000 does not represent all the *structural improvements* effected in *bustees*. The total cost of filling-up and improving tanks in *bustees*, amounting to Rs. 1,28,725, the cost of providing squares (open spaces) by the obliteration of *bustees*, amounting to Rs. 1,17,568, and such others have been excluded from the list given in the Administration Report for 1896-97. If all these amounts are added up, it will be seen that the expenditure on the *cleansing and structural* improvement of *bustees* from 1883 to 1896 has been on an average of not “less than half,” as Mr. Risley has stated, but *more than* “the amount laid down as a minimum” by the Government.

The charge that the Municipality under its present constitution is unequal to deal promptly with great emergencies, reiterated by Mr. Risley.

Both the Hon'ble Babu Narendra Nath Sen, the member for the Corporation, and the Hon'ble Babu S. N. Banerjee have emphatically contradicted the statement made on the part of the Government, that the Corporation is unequal to great emergencies, and pointed out how prompt the Commissioners had been in dealing with the plague. But Mr. Risley refuses to accept this contradiction, and refers to a fortnight's

Mr. Risley refers to a fortnight's delay in deciding upon the appointment of the Chief Superintendent of Conservancy as an instance in support of his contention.

delay that took place in deciding about the appointment of the Chief Superintendent of Conservancy. He has taken pains to give a detailed statement of all that was said and done by the Commissioners between the 25th of September, 1896, and the 9th October, 1896, in regard to this appointment, in order to justify his own statement; but he has not stated the real grounds for the opposition of the Commissioners to the appointment of the Chief Superintendent. When Dr. Simpson was

appointed a whole-time

Health Officer, it was distinctly understood that he should carry on the work of organisation, direction and supervision of the entire department, including the conservancy branch, placed under him; but Dr. Simpson latterly declined to do his part of the work as the responsible Head of the Department, and wanted a highly paid superior officer as Chief

The real grounds of the Commissioners' opposition to the appointment.

Superintendent of Conservancy. This proposal of the Health Officer's the Commissioners had persistently refused to accept on the ground that he should himself do the work of supervision with the help of an Assistant Health Officer and three Superintendents and an Assistant Superintendent. In September 1896, when Dr. Simpson, among many other requisitions, again asked for the appointment of a Chief Superintendent, the Commissioners thought it necessary to pass a formal resolution calling upon the Health Officer himself to go round the City on inspection and supervision work every day instead of three days in a week, because they believed that if Dr. Simpson took up this work in earnest there would be no necessity for a highly paid Chief Superintendent. Subsequently,

when the Commissioners found that Dr Simpson persisted in refusing to recognise the work of organisation and supervision in connection with the conservancy of the town, as part of his duties, and as in the face of the possibility of an outbreak of plague, special cleansing of the town was necessary, they had no option left but to temporarily appoint Dr. Banks as the Chief Superintendent of Conservancy on Rs. 1,000 per mensem.

The circumstances under which the Commissioners were obliged to make a temporary appointment.

It is however to be borne in mind that although there was the delay of a fortnight in regard to the appointment of the Chief Superintendent, the work of special cleansing by the employment of extra gangs of coolies was taken up soon after the 25th September, under the supervision of Dr. Simpson himself, the General Committee, at its meeting held on the 25th September, having authorised the Health Officer "to employ additional dhangars and coolies at an additional cost for the purpose of special cleansing."

Mr. Risley gravely makes the statement that the Commissioners, having delayed for a fortnight to accept the proposal to appoint a Chief Superintendent of Conservancy, have hopelessly failed to meet a great emergency promptly. But how did the emergency arise? Plague is said to be a filth-born disease, and as there were serious apprehensions towards the latter end of 1896 of plague being imported into this City from Bombay, where it had then broken out in an epidemic form, there arose the emergency—the pressing necessity—for keeping the town scrupulously clean. And this emergency could be met only by cleansing the insanitary parts of the town, and not by the mere appointment of a Chief Superintendent; and as the special cleansing began immediately after the 25th September, 1896, and was being carried out under the personal supervision of Dr. Simpson, it is wholly futile for Mr. Risley now to attempt to establish that the Commissioners failed to meet the great emergency promptly.

The "great emergency" in September 1896 was for thorough cleansing of the town, which was begun immediately after the news of the outbreak of bubonic plague in Bombay had reached Calcutta.

Mr. Risley is wrong as to the facts that actually transpired. At the meeting of the General Committee held on the 25th September (the day following that on which the information about the outbreak of plague in Bombay was first received by wire), the Commissioners discussed the situation of affairs with a telegram from the Bombay Corporation before them, which ran as follows :—

"There has been a suspicious form of fever with enlarged glands in one locality and one class for about three weeks; the mortality is small; it looks suspicious, but by no means certain."

The resolution of the General Committee on that day was as follows :—

That the Health Officer be requested to pay daily visits to the different parts of the town instead of paying three visits in the week, and to issue strict orders to all subordinates to pay particular attention to the cleansing of the town, and, if necessary, to employ additional dhangars and coolies for the purpose at an additional cost and apply for its sanction, and that he be further requested to order the medical officers under him to report immediately to him if any one of them comes across any case which appears to him to be either a genuine or a suspicious case of bubonic plague.

The Commissioners in General Committee met again on the 28th September, three days after, to discuss the important question of the cleansing of the town, although ordinarily the General Committee meet once a week. On this occasion they were informed of the employment of special men to clean up Bara Bazaar and its neighbourhood, and they resolved that, pending the formal sanction of the Health Officer's scheme, the sum of Rs 3,000 (not a miserable sum, as Mr. Risley characterised it, being half of what Dr. Simpson himself recommended for expenditure in one month) be placed at his disposal on such immediate preventive measures as he might consider necessary. At the same meeting it was further resolved that the Engineer should prepare and submit a note regarding the effectual flushing of the sewers, as recommended by the Health Officer.

The General Committee met again on the 2nd October, and sanctioned the whole of Dr. Simpson's scheme, except the appointments of additional Medical Inspectors and the Chief Superintendent of Conservancy. The reason for not accepting the proposal to appoint the Chief Superintendent has already been stated above, and the Commissioners refused to appoint any additional Medical Inspectors, because they believed there was no necessity for them, there being already six Medical Inspectors on the permanent staff under the Health Officer, besides four medical men employed as Food Inspectors.

This is what Dr. Sanders, a Government nominee, said on the occasion in regard to the appointment of the Chief Superintendent and the additional Medical Inspectors :—

Dr. Sanders observed that the Health Officer should see that the establishments which he had really did the work they ought to do, and that the work was properly supervised. Dr. Sanders had no hesitation in saying plainly that the man who exercised the least supervision of the Chief Superintendent was Dr. Simpson himself. All over the town there was the same complaint that the Health Officer was seldom seen out; he had a horse allowance and should travel about. The more money the Corporation spent, the more unhealthy Calcutta became. Ten years ago, when Dr. Simpson took charge of the Conservancy, Calcutta was in a far healthier state than that in which it was now, although the expenditure had largely increased.

Dr. Sanders observed that there were already four or five Medical Inspectors, and they did practically no work, except the inspection of food. As to procuring information from hospitals, he had already given orders to the Medical Officers of all the branches of the Mayo Hospital in Calcutta, to send reports to the Health Officer of any special cases of fever with glandular swellings Dr. Sanders thought, as he had said before, the best thing was to clean the town. As regards Medical Inspectors, the Health Officer had practically the assistance of the whole of the medical practitioners in the town, through whom he would receive the earliest intimation of any case of plague occurring. If any such case was brought to any of the Mayo Hospitals in Calcutta, the Health Officer would be informed of it at once. Dr. Sanders had ordered immediate information to be given from all the Mayo Hospitals of any suspicious case, and if there was the slightest appearance of such cases occurring, Medical Inspectors could then be at once appointed. In the meantime the process of cleansing should be proceeded with regularity. The Health Officer had already several Medical Inspectors in his permanent establishment, and if he wanted more, one or two of the Food Inspectors might be taken off their work. The present medical men on the staff should be made to do more work. Dr. Sanders would, however, give the Health Officer one additional Medical Inspector and one additional Conservancy Inspector.

Subsequently on the 5th October, 1896, the General Committee sanctioned the appointment of the additional Medical Inspectors, because Dr. Simpson assured them that undoubted cases of bubonic plague had actually happened in Howrah and in different parts of the town itself, and pressed for the immediate appointment of the Medical Inspectors.

The circumstances under which these appointments were subsequently sanctioned by the Commissioners.

They also sanctioned the appointment of the Chief Superintendent on the 9th October, 1896, because Dr. Simpson openly declared before the General Committee that it was no part of his duties to supervise the work of conservancy in the town, and that he positively refused to have anything to do with it; and further because the supervision of the special cleansing staff was found to be very defective. Under the circumstances the Commissioners had no option but to appoint a proper person as Chief Superintendent. The question of the appointment of a Chief Superintendent was fully discussed by the Commissioners-in-meeting on the 8th October, 1896, when serious defects in the organisation and working of the Conservancy Department under the Health Officer were brought to light, and it was then that Sir John Lambert, speaking as a member of the Corporation, suggested the appointment of a Chief Superintendent of Conservancy temporarily for three months.

The suggestion for the appointment of a Chief Superintendent temporarily for three months was Sir John Lambert's.

No pressure whatever was put upon the Commissioners by Sir John Lambert in this matter.

Mr. Risley is evidently quite wrong when he says: "it was only under strong pressure, put on the General Committee by Sir John Lambert, that the Commissioners accepted his proposal to appoint a Chief Superintendent temporarily for three months." There was no pressure, much less strong pressure, put upon the Commissioners by Sir John Lambert, as will clearly appear from the recorded proceedings of the meetings of the Commissioners. At the general meeting of the Commissioners held on the 8th October, 1896, Sir John spoke on this question as follows :—

As regards the appointment of a special officer, he thought there was great room for doubt. He did not see the necessity for it, but as regards the necessity of providing a sufficient staff for cleansing the town, the Commissioners were all agreed, the only question was how to do it? Of late a great deal of attention had been paid to the two wards of Bara Bazar and Jora Bagan, but it should be remembered that these were not the only dirty places in the town. From reports that were made to him by his assistants, and partly from his own observations, he found that there were no less than 81 different localities (not small spaces) in which the conservancy of the town was in an extremely unsatisfactory state—such places as Machooz Bazar, Colootola, Tallygunge, Watgunge, Fenwick Bazar, &c., in which a great deal ought to be done; therefore the Commissioners ought to recognise that an establishment sufficient for ordinary times was not sufficient at the present time to place the city in the condition in which it ought now to be placed. The establishment would only be a temporary one, but that a large establishment was necessary there could be no doubt. It was said that there was considerable difficulty in getting the full establish-

ment sanctioned. In Sir John Lambert's experience they would get nothing done in the way of establishment without a head. It was not sufficient to sanction coolies and carts. You must have some one of sufficient experience to organise the arrangements for collecting the carts and coolies, to organise their work, and to see that the work was done. Under these circumstances it seemed to him absolutely necessary that some assistance should be given to the Health Officer to organise the establishment which the Commissioners were willing to sanction. He recommended that an application be made to the Government for the temporary services of some officer, who had some knowledge of engineering and some knowledge of organisation. If such an officer's services were lent to the Municipality for a period of two or three months, Sir John Lambert was certain that the benefit to the town would be enormous. It was of little use to sanction coolies and carts and place them under an inexperienced officer on Rs. 100 or Rs. 120 a month. It was no disparagement to say that the Health Officer was not fit for special work of that kind, and he was not accustomed to it. Under these circumstances Sir John Lambert would certainly vote for sanctioning the proposal of the Health Officer, both as to establishment and specially a Chief Superintendent to organise the establishment, it being distinctly understood that the services of a person be obtained temporarily who had knowledge of the work. If that was not done, and if by any misfortune the plague should appear in Calcutta, there would be a great deal of regret. There would not only be an enormous mortality, but it would dislocate the trade and commerce of the city.

It is noteworthy in this connection that at the meeting of the General Committee held on 9th October, 1896, the Commissioners made special provision for the flushing of the sewers, in view of the apprehended approach of plague. The resolution of the General Committee on this matter runs as follows:—

That an extra grant of Rs. 1,000 for sewer-flushing be granted, (2) that the estimate of Rs. 31,449 out of Drainage Capital for flushing-chambers in Ward No. 2 be sanctioned, and that the estimate of Rs. 1,221 for connecting the bathing platforms with the filtered water-supply, with a view to relieve unfiltered water for sewer-flushing, be also sanctioned.

Mr. Risley's misapprehensions as to the circumstances under which the grant of Rs. 30,000 was sanctioned for cleaning the whole town.

Mr. Risley proceeds to show that the Hon'ble Mr. Surendranath Banerjee was wrong, and that he was right, in regard to the observation he had made at the first reading of the Bill, *viz*, it was not till the 22nd January, and then under the strongest pressure from the Government and the Board, that the Commissioners sanctioned a grant of Rs. 30,000 toward a further temporary establishment for cleansing up the town." Mr. Risley says he can correct Mr. Banerjee as to his (the latter's) facts; but in doing so, Mr. Risley himself has laid himself open to serious corrections on material points. It is true that the special establishment sanctioned towards the end of September 1896 was

engaged in cleaning up Bara Bazaar (portions of Wards 5 and 7), but all that he has said after this is not correct. It is not true that "the Sanitary Officers (of the Medical Board) had discovered vast accumulations of filth in eight wards." The discovery was made by the Police officers, and was brought to the notice of the Commissioners and the public at large for the first time by Sir John Lambert, the Commissioner of Police, on 8th October, 1896 (long before the Sanitary Officers were ever deputed to go round and inspect the town), in a speech at a special meeting of the Commissioners, which has already been reproduced above.

Mr. Risley observes: "it came to the notice of the Medical Board that the Commissioners did not propose to sanction any more establishment, but intended to clean up the eight wards one after the other, by means of the staff sanctioned for one ward." But how the Board got such an idea, for which there was absolutely no foundation whatever, Mr. Risley does not say. On the contrary, he must have been aware of the resolution passed by the General Committee on the 23rd October, 1896, long before the 20th January, 1897, the date of the letter of the Medical Board, of which Mr. Risley has made such capital. In that resolution the General Committee expressed their decided opinion that a thorough cleansing of the whole town should be effected as soon as possible by employing a special establishment, and openly declared that they would recommend to the Commissioners-in-meeting the expenditure of any reasonable amount for the purpose. This resolution of the General Committee was unanimously adopted by the Commissioners-in-meeting two days after, *i.e.*, on the 25th October, 1896.

On the 19th January, 1897, at a meeting of the Commissioners, a question was put to the Chairman enquiring what action had been taken by the Executive on the above resolution, and from the reply given, it was clear beyond a doubt that the Executive had been employed all this time in preparing a comprehensive scheme of further extra establishment, for the purpose of a thorough cleaning up of the whole town, and that this scheme was then just ready to be laid before the Commis-

sioners. A meeting of the General Committee was held three days after, *i. e.*, on the 22nd January, 1897, and the scheme of additional conservancy establishment was laid before it by the Chairman. At this meeting, after a full discussion of the scheme and having regard to the then exigencies of the situation, a grant of Rs. 30,000 was made for the purpose of cleaning up the whole town.

Thus, it is clear beyond the shadow of a doubt that this grant of Rs. 30,000 was made by the Commissioners without any pressure whatever from either the Government or the Medical Board. There was no communication from the Government on this question of further extra establishment ever received by the Commissioners, and as for the Medical Board, their only communication on the subject was dated the 20th January, 1897, addressed not to the Commissioners, but to the Government of Bengal, and a perusal of that document will show that it was based wholly upon the information contained in the Chairman's replies given to questions put to him at the meeting of the Commissioners held the day previous (*i. e.*, on the 19th January, 1897) and published in the newspapers of the 20th *idem*. So the contention of Mr. Banerjee "that the Commissioners took action independently of any pressure brought to bear upon them, either by the Medical Board or by the Government," and "that the Medical Board took action after seeing what the Commissioners were doing" is absolutely correct, and no amount of casuistry on the part of Mr. Risley can make it otherwise.

The grant of Rs. 30,000 was made by the Commissioners without any pressure whatever from either the Government or the Medical Board.

Government *never* made any communication to the Commissioners on this particular subject.

As for the Medical Board, their only communication on the subject was dated 20th January, 1897, and addressed to Government, based evidently on information contained in the Chairman's replies to questions put to him at the meeting of the Commissioners the day previous, and published in that morning's newspapers.

There is, however, one important fact in this connection which ought not to be lost sight of. In the letter of the Government of Bengal to the Government of India, dated 7th March, 1898, as well as in Mr. Risley's introductory speech in the Bengal Council, it has been stated that the action of the Commissioners between the 25th September, 1896, and the 9th October, 1896, in regard to the adoption of preventive measures against plague, was such as to justify the statement that the present constitution of the Municipality was not calculated to deal promptly with great emergencies. But in the Bengal Government's resolution over the signature of Mr. H. H. Risley, dated the 10th October, 1896, appointing the Medical Board, it was observed that "the Lieutenant-Governor expressed his entire approval of the steps taken under the Commissioners' orders to give special attention to the cleansing and sanitation of Calcutta." These "steps" evidently referred to all those measures taken by the Commissioners between the 25th September and 9th October, 1896. It seems therefore very strange that what was approved of by Government on the 10th October, 1896, was subsequently set down by the same Government as one of the many reasons conjured up for the complete overthrow of the present constitution of the Corporation !!

Mr. Risley's explanation of the too frequent changes of Chairman in the Corporation.

Then, with regard to the frequent changes of Chairman, Mr. Risley's explanation is that "it has largely to do with the system on which work has to be done." He says, "if a man has to do every piece of work twice over, it is no great wonder if he breaks down." Here, again, he shows his ignorance of the actual working of the Corporation. As explained in a previous note, there are two distinct classes of work in the Municipality—one consists of detailed "every day" work of the Executive, disposed of by the heads of the different departments with occasional references to the Chairman; the other consists of sanctioning new works, estimates of expenditure, additions to Budget grants, increases of establishment, contracts for works, for supply of materials, etc., which have to be done by the Commissioners-in-meeting. It is the latter class of work that the Chairman brings up before the Standing Committees and disposes of them in consultation with the Commissioners. The proceedings of these Committees are of course subsequently laid before the Commissioners-in-meeting; but this work in 95 cases out of 100 is quite formal, involving no trouble whatever to the Chairman. Therefore it is not true to say that the Chairman

It is not true to say that the Chairman "has to do every piece of work over and over again and fight constant battles with Committees."

and far between, as the recorded proceedings of the Commissioners will show.

"has to do every piece of work over and over again and fight constant battles with Committees." There are, no doubt, occasions when the Chairman differs from the majority of the Commissioners, and he has got to fight a battle; but such occasions, in point of fact, are very few

and far between, as the recorded proceedings of the Commissioners will show.

The real cause of the recent frequent changes of Chairman, however, is to be found elsewhere.

The real cause of the recent frequent changes of Chairman.

If a proper enquiry be made into the matter, it will be found that Government itself is to blame for it. Instead of lending to the Corporation the services of men returned fresh from furlough with renewed energy and invigorated health, men have been appointed as Chairmen after they had done hard work under Government for some years, and when they were fairly entitled to rest and the usual leave. It is therefore no wonder that such Chairmen should have to go away on furlough after having worked in the Municipality for only a year or so.

Mr. Risley's objection that there is no distribution of powers between the Chairman and the Commissioners.

One of the charges against the present law, as regards the constitution of the Municipality, is that it has "failed to clearly define the powers of the executive; the Act renders it impossible to say as regards any matter in what part of the Corporation the executive resides, or indeed whether there is any executive at all." But after the clear and lucid explanation given on the point by the Hon'ble Mr. Banerjee, Mr. Risley admits that "as between the Chairman and his subordinates the powers have been distributed, and that the distribution has been very elaborate, careful and wise;" but he says there has been no such distribution between the Chairman and the Commissioners.

Mr. Risley now complains that although the powers between the Chairman and his subordinates are elaborately, carefully and wisely distributed, there has been no such distribution of powers between the Chairman and the Commissioners

If Mr. Risley had taken the trouble to patiently and carefully study section 61 of the present Act, which has been such a bugbear to him from the very beginning, and which he has taken such good care to wholly exclude from the proposed law, he would have discovered that the law never contemplated any such distribution. Under the present law, a few well-defined functions have been reserved for exercise by the Commissioners-in-Meeting; all the rest, though vested in the Commissioners, may be exercised by the Chairman. Section 61 distinctly authorizes the

Chairman to exercise all those powers, therefore it does not at all lie with the Commissioners to dictate to the Chairman which of those powers he will exercise and which not. Surely, such dictation on the

But such distribution of powers would be *ultra vires*, section 61 of the Act having authorized the Chairman to exercise all the powers vested in the Commissioners

part of the Commissioners would be *ultra vires*. All that the law evidently intends the Commissioners as a body to do, is to keep a careful watch and to exercise a general supervision over the doings of the Chairman. If any particular action or order of the Chairman, at any time, is considered objectionable, the same may be brought up for discussion by the Commissioners-in-Meeting, and if his order is modified or disapproved of by the Commissioners-in-Meeting (and not by a Committee of the Commissioners), the Chairman shall, so far as possible, modify or cancel the order. It is therefore

Under the present law the Chairman possesses unlimited powers in regard to all executive matters - co-extensive with those of the Commissioners.

clear beyond a doubt that under the present law, the Chairman has unlimited powers in regard to all executive work—co-extensive with those of the Commissioners—and if he only knows or takes the trouble to learn how to wield the powers he possesses, with tact, judgment, foresight and a certain amount of sympathy, carrying with him the support of the majority of the Commissioners, the administration of the Corporation will proceed as smoothly and satisfactorily as possible, without any hitch whatever. And in support of this view of the case, what better and more effective example can be adduced than the ten years' successful administration of the affairs of the Corporation by Sir Henry Harrison—from 1880-89,—which may well be said to be the red letter days of the Corporation of Calcutta?

Mr. Risley's theory that in executive matters the powers of the Executive Officer should be absolute—his orders should be final.

Mr. Risley's theory that in executive matters the powers of the Executive Officer should be absolute—his orders are to be final—is really fraught with great danger. It is repugnant to all sense of justice and fair play, and is certainly inconsistent with the principle which underlies the whole fabric of British administration in this country. What Executive Officer is there under the British Government whose powers may be said to be absolute, whose orders are not appealable to higher authorities? There is the system of checks and counter-checks, inspection and supervision, appeals to superior officers, and so forth, calculated to keep every officer straight in the path of duty. Mr. Risley says, "a man whose authority is final is far more likely to do the right thing than if he is subject" to an authority. But, after all, he is a man, liable to

commit mistakes (and sometimes of a serious nature) and fall a victim to the weakness of humanity. What is there, then, to put him right? And Mr. Risley cannot claim infallibility for the Chairman. Mr. Risley suggests that the Chairman, if his authority be final, is far more likely to do the right thing than if he is subject to a Committee, and the Committee again to further authority. But the Chairman is never subject to a Committee, he is only subject to the general control of the Commissioners-in-Meeting, that is, of the corporate body as a whole.

Mr. Risley's defence of the European men of business as to their attitude towards the Corporation.

Speaking about the European community in Calcutta—particularly those engaged in business—and their share in municipal work, Mr. Risley makes statements which are absolutely without any foundation whatever. Mr. Risley repeats what Mr. Spink said in Council before him: "Members of the Calcutta Trades Association, who formerly withdrew from serving in the Corporation, came forward at once, directly they heard that this Bill had been brought in." But what is the real fact? Ever since the privilege of sending representatives to the Corporation was conferred on the Calcutta Trades Association under Act II of 1888, that Association has been represented by nobody else but by European members thereof, except that during the first two years—1889-90 and 1890-91—one of the four representatives of the Trades was Mr. Gasper, Barrister-at-law. So there could be no "formerly withdrawing" or "coming forward again" of members of the Calcutta Trades Association.

With regard to the representation of the Bengal Chamber of Commerce, Mr. Risley says: "Some years ago leading members of that body did attend meetings of the Corporation, and did their work, but finding their voice ineffectual, they cried off." In the criticism of Mr. Turner's speech, it has been clearly shewn what the attendance of these leading European members of the Chamber was, and how they worked. They never raised their voice in any matter; how could it be ineffectual or other wise? These are facts which any body, if so minded can easily verify for himself by reference to the records of the Corporation.

Mr. Risley's objection to calling the Europeans in this country "birds of passage."

Mr. Risley takes serious objection to the expression "birds of passage" as applied to the Europeans in this country, and says: "In the midst of the floating population here, the great mercantile firms are the most stable and the most permanent." But there are the vast numbers of Hindus and Mahomedans—the Hindus forming the majority of the population—who have made Calcutta their home. They are living here from generation to generation, the land and house property in town is largely theirs, and they must remain tied down to Calcutta in any case, come what may to the commerce and trade of the city. Mr. Risley does not recognise any element of stability and permanency in them, he would fain include them under the category of "floating population," evidently with the object of minimizing their importance as permanent residents of the town and having the largest and most abiding interest in its well-being. In Mr. Risley's eyes the greatest stake in the city lies with the great mercantile firms (excluding the foreigners, *i. e.*, the Greek and the German Houses), who have been drawn to Calcutta, only because it is a convenient place of business, and is the port of these Provinces; who would be the first to leave Calcutta and remove elsewhere, if anything happened to Calcutta, and if some other place was made the port of Bengal and business was transferred there? It is true, as Mr. Risley says, that "among the English firms you have what you may call fixed capitalists, who have built up a trade and invested their money in the development of the resources of the country." But they have *not* sunk millions in Calcutta, as Mr. Risley would have the public believe. Their millions are sunk *outside* Calcutta, in the various Jute Mills and Press Houses and other manufacturing concerns, in places around Calcutta: in Cossipore, Baranagore, Kamarhatty, Titaghur, Samnagore, Kanknarrah, Gouripore, in Bally, Konnagore, Serampore and other adjoining places on both banks of the river Hughli—far removed from the jurisdiction of the Calcutta Municipality—as also in the Tea Gardens in Assam and Darjeeling, and in other industries scattered over the different parts of Bengal. These firms have only their Head Offices in Calcutta, from where they direct and control the business all over Bengal and Behar. If ever Calcutta ceased to be the port of Bengal by reason, say, of the silting up of the river, and the consequent obstruction to the ingress and egress of the shipping into and from Calcutta,

these firms would at once move to some other place that might be made into a port. It is therefore inconsistent with facts to say that "with Calcutta they must stand or fall." Truly speaking, they must stand or fall with Bengal; and if Government seriously meant to improve the municipal administration of those places, where the English firms have "sunk millions" they should set about amending the Bengal Municipal Act and not the Calcutta Municipal Act; for Calcutta, although situated in Bengal, is treated as quite distinct not only in the matter of municipal administration, but also in matters judicial and executive. In his opening speech Mr Risley referred to a representation made to Government by the Jute Manufacturers' Association, through the Bengal Chamber of Commerce, but if he had taken the trouble to acquaint himself with the contents of that communication, he would have seen that it referred not to the municipal administration of Calcutta, but to those Municipalities in the Province (those riparian Municipalities within the Presidency and the Burdwan Divisions) where almost all the Jute Mills and Jute Presses are situated.

Mr. Risley's justification for transfer of the power of appointing the superior officers from the Corporation to the General Committee.

Dealing with the question of withdrawing from the Corporation the power of making certain appointments and transferring it to the General Committee, Mr. Risley in his reply gives an instance of how the Commissioners, according to his idea, have abused the power.

Mr. Risley's example of how the Commissioners have abused this power

He says a native friend of his was a candidate for a certain office under the Corporation: he canvassed and got positive promises giving him an absolute majority of votes, but he was afterwards easily defeated. How

does Mr. Risley know that his friend did actually get "positive promises" from a large number of Commissioners? He may have heard it from the candidate himself, but that must have been an *ex parte* statement, which might or might not have been correct. Mr. Risley had no means of

The statement of Mr Risley's friend about having obtained "positive promises" from the Commissioners may not have been correct.

verifying the truth of his friend's statements. Nothing is more common than for applicants for office to form irrational and absurd expectations, for, in the words of Sir Arthur Helps, they too often "build pyramids upon a point." And then this is an instance which is neither here nor there, for,

even if what Mr. Risley says be true, it does not prove that the Corporation did not elect the best

But the instance cited does not at all prove that the Commissioners have abused their powers.

candidate. The appointment referred to is the appointment of the Vice-Chairman of the Corporation in 1896, and it is admitted on all hands, even by Mr. Risley himself, that in the present Vice-Chairman, the Corporation has secured the services of a really competent person, eminently qualified

in every way to fill up the responsible post. If any argument were needed in support of the retention

The Commissioners appointed the best of the candidates as Vice-Chairman, and the appointment has been universally approved.

of the power of appointing the superior officers in the hands of the Corporation, it would be found in the appointment of Babu Nilambar Mookerjee as the Vice-Chairman. He was undoubtedly by far the best candidate, and his selection was creditable alike to the good sense and business-like instincts of the Commissioners.

But the real point in this connection is this: the Municipality, ever since the time of the Justices,

The real question is that the Calcutta Municipality has exercised this power for nearly 36 years without abusing it; why should then the power be now withdrawn?

has for the last 36 years exercised the privilege of appointing its superior officers; and if the appointments so made from time to time have proved successful, why should this privilege be now withdrawn from the Commissioners? That these appointments were good and unobjectionable, nobody can deny; at any rate, the Local Government can have no

complaint whatever on that score, because it had under the law to confirm these appointments in

All the appointments made by the Corporation during these long years have been approved of and confirmed by the Local Government.

every instance, and this the Government has done with hardly any exception. Where then is the abuse of this power and privilege? And if no abuse has taken place, with what reason and fairness is the privilege sought to be withdrawn? In his opening speech Mr. Risley has observed: "The General Committee, constituted as now proposed, will

be more likely to make a good selection than so large and miscellaneous a body as the Corporation."

Mr. Risley does not mention even a single instance in which the Corporation has failed to make a good selection.

But Mr. Risley must first shew from past records how the Corporation has failed "to make a good selection" in the past, before he would be justified to propose such a radical alteration. Mr. Risley further says that by this means "the scandal that has been caused by the canvassing of rival

candidates will be avoided." What the "scandal" has been, he ought to have clearly and openly

And before any radical alteration in the method of working is introduced, the necessity for it must be clearly established.

stated. Perhaps his friend's defeat, referred to above, is one of such scandals. But if Mr. Risley really wants the scandal of canvassing to be stopped, he can easily do so by making it a disqualification of candidates under the Bill. The Commissioners, however have anticipated the Legislature on this point, having by a formal resolution prohibited canvassing and declared it to be a disqualification.

Municipal Government in America—Position of the Mayor in relation to the common Council and his plenary powers-

In expressing his strong disapproval of the proposal to make the Chairman a distinct Municipal authority, independent of the Corporation, Mr. Banerjee has quoted from

Dr. Albert Shaw's book the author's estimate of the present form of municipal government in America. Dr. Shaw is a well-known American authority on municipal administration, and the editor of the "Review of Reviews," New York, who travelled all over Europe and America in the early part of the nineties, with the object of studying the systems of municipal government in those countries, and wrote a treatise on the subject for the benefit of his own countrymen. In the Preface to his book on Municipal Government in Great Britain, Dr. Shaw writes as follows:—

Mr. Risley seems disinclined to accept Dr. Albert Shaw's opinion, quoted by Mr. Banerjee, that the failure of the present city government in the United States is due to divided responsibility between the Mayor and the Common Council.

Extracts from the Preface and the Introductory Chapter of Dr. Shaw's book on *Municipal Government in Great Britain*

Dr. Shaw's book the author's estimate of the present form of municipal government in America. Dr. Shaw is a well-known American authority on municipal administration, and the editor of the "Review of Reviews," New York, who travelled all over Europe and America in the early part of the nineties, with the object of studying the systems of municipal government in those countries, and wrote a treatise on the subject for the benefit of his own countrymen. In the Preface to his book on Municipal Government in Great Britain, Dr. Shaw writes as follows:—

In the present volume I have sought to give such an account of the working of Municipal institutions in great Britain as would supply the information that American readers might find most suggestive and useful for their purposes. A second volume will treat, somewhat similarly, of Municipal Government in the chief countries of Continental Europe. The British system and its developments, particularly in the great manufacturing and commercial towns, would seem to be worthy of the practical attention of our ambitious American cities of corresponding rank as regards population and commercial importance.

Again, at the outset of the Introductory Chapter of the same book, we read:—

An inquiry into the experiences and the present status of the great Municipalities of several other countries can but result in a clearer perception of the nature of the practical problems of Municipal Government that confront our American cities—while also aiding, through the processes of comparison and induction, to establish certain fundamental principles and methods that must have placed in the wise and permanent ordering of the affairs of any modern industrial community, in whatever portion of the world.

It is the purpose of the present volume and its successor to perform this service of a comparative account of municipal administration, their methods and their results—in the chief capitals and the typical industrial and commercial towns of Europe. The chief aim is to present significant facts in the spirit of impartial interpretation

That Dr. Albert Shaw's reference to American Municipalities is not incidental, or casual, as Mr. Risley says, will clearly appear from what Dr. Shaw himself has written.

So it is not correct to say, as Mr. Risley says, "that Mr. Shaw's book refers to American Municipalities *only incidentally*." The reference to American Municipalities by way of comparison with English Municipalities is certainly not incidental, but made deliberately, and with a purpose.

Mr. Risley advises Mr. Banerjee to read Mr. Bryce's book, if he would like to know the best

Mr. Risley refers Mr. Banerjee to Mr. Bryce's book on Municipal Government in America, and particularly to Mr. Seth Low's chapter therein.

book was written and published in 1895; so in point of time the latter is a more recent authority than the former, and must therefore be regarded as having greater weight on the question, specially having regard to the very important development of affairs that has taken place in the matter of City Government in

America since 1888. It should also be distinctly borne in mind that Mr. Seth Low is one of those who have helped to vest autocratic powers in the Mayor by the State Government, and he was himself the first Mayor of the Brooklyn City in 1882, under the new system. He is therefore naturally partial to this system and cannot possibly be as unbiased and independent an observer and critic as Dr. Albert Shaw.

and critic as Dr. Albert Shaw.

Cause of failure of Local Self-Government in American Cities.

Mr. Risley points out that Local Self-Government has to a great extent been a failure in many American cities. This is what one reads in Mr. Bryce's book, and it is no doubt true. But the reason for the failure, as assigned by Mr. Risley, is quite different from what Mr. Bryce states. Mr. Risley

Mr. Risley's reason differs from those of Mr Bryce. says: "It failed because it was too popular, because it was too democratic." This however is not the case; the cause of failure of Local Self-Government in American cities is to be found in another direction. Mr. Bryce writing on this subject says:—

There is no denying that the government of cities is the one conspicuous failure of the United States. The deficiencies of the National government tell but little for evil on the welfare of the people. The faults of the State governments are insignificant compared with the extravagance, corruption, and mismanagement which mark the administrations of most of the great cities. For these evils are not confined to one or two cities.

For evils which appear wherever a large population is densely aggregated, there must be some general and wide-spread causes. What are these causes? Adequately to explain them would be to anticipate the account of the party system to be given in the latter part of this volume, for it is that party system which has, not perhaps created, but certainly enormously aggravated them, and impressed on them their specific type

The New York commissioners of 1876, appointed "to devise a plan for the government of cities in the State of New York," suggested the following as the causes:—

1. Incompetent and unfaithful governing boards and officers.
2. The introduction of State and national politics into municipal affairs.
3. The assumption by the legislature of the direct control of local affairs.

This last mentioned cause of evil is no doubt a departure from the principle of local popular control and responsibility on which State governments and rural local governments have been based. It is a dereliction which has brought its punishment with it. But the resulting mischiefs have been immensely aggravated by the vices of the legislatures in a few of the States, such as New York and Pennsylvania. As regards the two former causes, they are largely due to what is called the Spoils system, whereby office becomes the reward of party service, and the whole machinery of party government made to serve, as its main object, the getting and keeping of places. Now the Spoils system, with the party machinery which it keeps oiled and greased and always working at high pressure, is far more potent and pernicious in great cities than in country districts. For in great cities we find an ignorant multitude, largely composed of recent immigrants, untrained in self-government, we find a great proportion of the voters paying no direct taxes, and therefore feeling no interest in moderate taxation and economical administration; we find able citizens absorbed in their private business, cultivated citizens unusually sensitive to the vulgarities of practical politics, and both sets therefore specially unwilling to sacrifice their time and tastes and comfort in the struggle with sordid wirepullers and noisy demagogues. In great cities the forces that attack and pervert democratic government are exceptionally numerous, the defensive forces that protect it exceptionally ill-placed for resistance. Satan has turned his heaviest batteries on the weakest part of the ramparts.

But the most potent factor in bringing about the failure of city government in America can be easily traced to what is notoriously known as the Tammany organisation, in New York. The following quotation appears in Mr. Stead's pamphlet, entitled "Satan's Invisible world displayed," about the Tammany Hall and the Tammany Ring:—

It controlled the State Legislature, the police, and every department or functionary of the law; several of the judges on the bench were its servile instruments, and issued decrees at its command; The misdeeds of the Tammany Ring. it secured the management of the election "machine," and "ran" it at its own free will and pleasure; a large part of the press was absolutely at its disposal. In the course of three years it had paid to eleven newspapers the sum of 2,329,482 dols. (about £466,000) nominally for advertisements, most of which were never even published, or never seen. Not only the City government but the State government also had fallen into the hands of "Boss" Tweed and his confederates. Millions of dollars were stolen by the conspirators by means of "street openings," "improvements," new pavements and other frauds. The Ring took from the public treasury a sum amounting to over £1,500,000 for furnishing and "repairing" a new Court-house. The charges for plastering alone came to about £366,000. For carpets, warrants were drawn for £120,000, although there were scarcely any carpets in the building. The floors were either bare, or covered with oil-cloth. Nearly £100,000 was alleged to have been paid for iron safes, and over £8,200 for "articles" not defined and never found. The total sum stolen was over £4,000,000.

Tweed's brief but dazzling career—for he was indeed a hero clad in Hell-fire—is said by President Andrews to have cost the City of New York 160,000,000 dollars.

Mr. Risley refers to the work of the New York Commission that sat in 1876 to consider the

Mr. Risley speaks of the New York Commission in 1876, but since then other commissions have been appointed resulting in further alterations of a material character in the constitution of city government.

scheme of municipal government in New York, and to one of their recommendations, which proposed an extension of the general control and appointing power of the Mayor. Since then other commissions have sat on the question of city government in New York, and other Charters have been passed, making the position of the Mayor in city administration more and more autocratic. There is an interesting chapter in

Mr. Stead's pamphlet, under the heading of "the Tsar-Mayor," which gives a brief history of the development of powers of an American Mayor, and is well worth perusal.

It will be seen from Mr. Stead's pamphlet that the very latest development of affairs

The latest development has been to distrust even the Mayor.

in American city government has been to distrust even the Mayor and his powers also are being restricted. Mr. Stead writes:—

The creation of the Tsar-Mayor, however interesting as indicative of the rooted distrust of elective assemblies which is supreme at present in the American mind, is not the feature of the Charter which reveals most deeply how far the distrust of popular government has gone in the United States. For after giving the Mayor supreme responsibility, and electing him for a term of four years, these astonishing charter-makers carefully provide that he shall only have a right to remove the commissioners, whom he has been allowed to appoint, during the first six months of his term of office. It is this limitation which shows how thoroughly the modern American distrusts his governing men. Faith in an elective council has perished utterly, but faith in a Tsar-Mayor might have shown the survival of some faith in the elective principle. But the stipulation carefully made in the Charter, that the Mayor's right to remove the heads of departments whom he has nominated shall cease six months after his election, is the most astounding illustration yet afforded of the deep-rooted distrust which the American of to-day has in all elected men.

Mr. Stead expresses, in rather strong terms, his opinion on the question of concentration of power and responsibility in the Mayor: he writes:—

"This change, to which we may take it American reformers are now definitely committed, may be, as Mr. E. M. Shephard declared, "the most important gain in municipal reform in our time," or it may be the first step down the inclined plane which leads to despotism. My duty is not to dogmatise, but merely to describe. All that I would venture to observe by way of comment is that the new reform seems to be at variance, not only with the universally accepted English idea, which may, of course, be ignored, but equally with the Jeffersonian theory of the fundamental principle of Local Government. It may be necessary to fight fire with fire, and to cast out the Boss by the Tsar-Mayor, but old-fashioned Liberals may be pardoned if they feel that it is a very dangerous game to cast out the devil by the aid of Beelzebub, the prince of devils."

City government in America is unstable and ever-changing, and is passing through an experimental stage.

After all, city government in American cities is very unstable and ever-changing, and is passing through the experimental stage. This is how Mr. Bryce expressed himself on this point:—

The results of these various experiments, and of others which I have not space to enumerate, are now being watched with eager curiosity by the municipal reformers of the United States. The

question of city government is that which chiefly occupies practical publicists, and which newspapers and magazines incessantly discuss, because it is admittedly the weak point of the country. That adaptability of the institutions to the people and their conditions, which judicious strangers admire in the United States, and that consequent satisfaction of the people with their institutions, which contrasts so agreeably with the discontent of European nations, is wholly absent as regards municipal administration. Wherever there is a large city there are loud complaints, and Americans who deem themselves in other respects a model for the Old World are in this respect anxious to study Old World models, those particularly which the cities of Great Britain present. The best proof of dissatisfaction is to be found in the frequent changes of system and method. What Dante said of his own city may be said of the cities of America: They are like the sick man who cannot find rest upon his bed, but seeks to ease his pain by turning from side to side

Mr. Bryce's opinion on the question of municipal government in America, and which newspapers and magazines incessantly discuss, because it is admittedly the weak point of the country. That adaptability of the institutions to the people and their conditions, which judicious strangers admire in the United States, and that consequent satisfaction of the people with their institutions, which contrasts so agreeably with the discontent of European nations, is wholly absent as regards municipal administration. Wherever there is a large city there are loud complaints, and Americans who deem themselves in other respects a model for the Old World are in this respect anxious to study Old World models, those particularly which the cities of Great Britain present. The best proof of dissatisfaction is to be found in the frequent changes of system and method. What Dante said of his own city may be said of the cities of America: They are like the sick man who cannot find rest upon his bed, but seeks to ease his pain by turning from side to side

After referring to the almost autocratic executive powers of the Mayor in the American cities,

Mr. Risley, after referring to the autocratic powers of the Mayor in America, suggests that his Bill in this respect is less reactionary and retrograde, therefore less objectionable.

But he overlooks the fact that the Mayor in America is elected by the people for a fixed period, not exceeding 4 years, and is therefore responsible for his administration to the people.

This serves as an effective check upon the Mayor.

Under the Bill there will be no such healthy and effective check on the Chairman.

Mr. Risley says: "If America can go as far as that, surely the Bill cannot err greatly in going half way." But he entirely overlooks the fact that the Mayor in America is elected by the people for a limited period, say, 4 years, and is responsible to them for his administration; while the rate-payers of Calcutta have no voice whatever in the appointment of the Chairman. The autocracy of the former is found to be tempered by considerations that must naturally arise from the fact of his election and re-election in future being in the hands of the people; there is however no room for such considerations in the case of the Chairman of the Calcutta Municipality, who will be the Tsar-Mayor of Calcutta without any of the moderating influences that exist in the case of a similar office in America.

Then Mr. Risley speaks of this system of vesting the Chairman with autocratic executive powers with approval; but let us hear what his friend Mr. Bryce says on the question :—

The vesting of almost autocratic executive power in the Mayor and restriction of the city legislature to purely legislative work and the voting supplies—this also finds place in recent charters, notably in that of Brooklyn and has worked, on the whole, well. It is, of course, a remedy of the “cure or kill” order. If the people are thoroughly roused to choose an able and honest man, the more power he has the better; it is safer in his hands than in those of city councils. If the voters are apathetic and let a bad man slip in, all may be lost till the next election.

So says Mr. Stead also: “When you have a good Tsar, nothing can be better. When you have a bad Tsar, nothing can be worse. As he (Mr. Seth Low) says, the Brooklyn system made clear to the simplest citizen that the entire character of the city government depends upon the man chosen for the office of Mayor. It is, of course, playing double or quits. If you get a good man, his immense power enables him to be potent for good, if you get a bad man, Heaven help the city!”

Powers of the Local Government under the proposed Law

With regard to the question of powers of the Local Government under the Bill, Mr. Risley seems to have failed to grasp the real purport of what Mr. Banerjee said. Mr. Banerjee’s objection is that “the Government has assumed to itself functions which do not belong to it under the present Law.” It is the assumption of more functions or powers in the actual working or administration of the Corporation that is objected to. Nobody has taken or will ever take exception to Government reserving to itself sufficient powers of control over the Corporation. That power may be made as stringent and as promptly effective as possible. It is fully recognised that the privilege of Local Self-Government, conferred on the people of this country, is a delegation from the ruling power of some of its functions. But the question is, having delegated those functions to an independent body, should Government reserve to itself any such delegated functions to be exercised jointly with the Corporation; or, in other words, should Government take part in the actual work of the administration of the affairs of the city? This is what it is proposed to be done under the Bill on a much larger scale than under the present law, and Mr. Banerjee has very reasonably raised his voice against such a course on the part of the Government. Mr. Banerjee has specifically mentioned some of the items in regard to which Government has proposed to step in and take upon itself a part of the actual work of the Corporation. Government will henceforth appoint four members out of twelve to the General Committee; it will appoint the Chairman and fix his salary; it will appoint the Deputy Chairman and fix his salary; it will grant leave of absence to the Chairman and the Deputy Chairman; the power of removing a Commissioner’s disqualification fixed under the law is reserved to Government; it will make rules prescribing qualifications of candidates for employment in the different departments of the Corporation; it will have the power to exempt the owner or occupier of any building or land from the payment of the consolidated rate, &c., &c. Thus the Government will not only watch, supervise and control *from without* the administration of the affairs of the city by the Corporation, but will take a part or share in the actual work of administration. And Mr. Risley’s justification for all this is that Government is held immediately responsible, and therefore they must have the law changed in the way proposed, no matter if thereby the principles of true Local Self-Government be wholly sacrificed. How different indeed was the spirit in which this important question of Local Self-Government used to be discussed and expounded by rulers in years gone by. This is what Sir Rivers Thompson, late a Lieutenant-Governor of Bengal, said on the 27th November, 1886, from his place in the Bengal Legislative Council :—

There is no objection to Government reserving to itself sufficient powers of control over the Corporation. That power may be made as stringent and as promptly effective as possible. It is fully recognised that the privilege of Local Self-Government, conferred on the people of this country, is a delegation from the ruling power of some of its functions. But the question is, having delegated those functions to an independent body, should Government reserve to itself any such delegated functions to be exercised jointly with the Corporation; or, in other words, should Government take part in the actual work of the administration of the affairs of the city? This is what it is proposed to be done under the Bill on a much larger scale than under the present law, and Mr. Banerjee has very reasonably raised his voice against such a course on the part of the Government. Mr. Banerjee has specifically mentioned some of the items in regard to which Government has proposed to step in and take upon itself a part of the actual work of the Corporation. Government will henceforth appoint four members out of twelve to the General Committee; it will appoint the Chairman and fix his salary; it will appoint the Deputy Chairman and fix his salary; it will grant leave of absence to the Chairman and the Deputy Chairman; the power of removing a Commissioner’s disqualification fixed under the law is reserved to Government; it will make rules prescribing qualifications of candidates for employment in the different departments of the Corporation; it will have the power to exempt the owner or occupier of any building or land from the payment of the consolidated rate, &c., &c. Thus the Government will not only watch, supervise and control *from without* the administration of the affairs of the city by the Corporation, but will take a part or share in the actual work of administration. And Mr. Risley’s justification for all this is that Government is held immediately responsible, and therefore they must have the law changed in the way proposed, no matter if thereby the principles of true Local Self-Government be wholly sacrificed. How different indeed was the spirit in which this important question of Local Self-Government used to be discussed and expounded by rulers in years gone by. This is what Sir Rivers Thompson, late a Lieutenant-Governor of Bengal, said on the 27th November, 1886, from his place in the Bengal Legislative Council :—

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Although I am unwilling to say anything as to the direction the Bill should take, I may perhaps simply, in a few words, express this view; that assuming that the constitution of the Town Council and of the Commissioners will be somewhat on the lines suggested already by the Government in dealing with the matter, as far as my personal views are concerned, I should be willing to concede that the fullest independence should be accorded to the Municipal Commissioners under this Bill to deal with all matters comprised in the Bill within the terms of the law, without

any intervention on the part of the Government. I can assure you that, having had now nearly five years' experience of Bengal Administration, and having had the subject of Municipal administration specially brought under my cognizance in all its forms, both in the mofussil and in Calcutta, there is nothing which the Lieutenant-Governor—I speak not for myself only, but any Lieutenant Governor—is more glad to be relieved of, than the duty of interference partly on account of the extraordinary amount of work which it throws upon him in this matter of Municipal administration, and partly on the wider ground that it is best to leave Municipal administration free from such interference. In very many places we have seen in the mofussil, where harmonious co-operation exists, the very best results accruing from the measure of independence we have conceded, and I have not the slightest doubt that if we are to frame a Bill upon sound and proper lines, the right course, and the only proper course, is to leave to the Municipal Commissioners the utmost freedom to deal with the affairs of the Municipality under the power which the law gives them, without the annoyance which results from the interference of Government. But having said this much, I must repeat what I have said on other occasions in reference to the Acts relating to Mofussil Municipal Administration, that there should be and there must be a provision in the Act which shall reserve to the Government the absolute power and right to intervene in all cases where circumstances show that, whether from apathy, or indifference, or from quarrels, or any other causes, the public interests are neglected, and when I say that a clause to that effect must be provided in the present Bill, I only give expression to that which obtains I believe in every legislation of the kind in any part of the world where Municipal institutions exist. I believe I am right in saying that, in English law, nothing is more clearly settled than that, while giving the freest independence to local bodies, there is at the head of them all a Board, presided over generally by a Cabinet Minister, which has the most absolute right of interfering in cases of the kind I have referred to. And if such is necessary in England, in a community where the population is homogeneous, I am sure that in a capital like Calcutta, where there are a thousand interests, different sections of natives of creed and colour, and a large body of Europeans, there should be an external power to intervene in cases where intervention is necessary.

The following are extracts from the Resolution of the Government of India on Local Self-Government, dated the 18th May, 1882:—

Turning now to the second division of the subject, the degree of control to be retained by the Government over the local boards, and the manner in which that control should be exercised, the Governor-General in Council observes that the true principle to be followed in this matter is, that the control should be exercised from without rather than from within. The Government should revise and check the acts of the local bodies but not dictate them. The executive authorities should have two powers of control. In the first place, their sanction should be required in order to give validity to certain acts, such as the raising of loans, the imposition of taxes in other than duly authorised forms, the alienation of municipal property, interference with any matters involving religious questions or affecting the public peace, and the like. (The cases in which such sanction should be insisted upon would have to be carefully considered by each Government, and they would at the outset be probably somewhat numerous, but, as the boards gained in experience, might be reduced in number). In the second place, the Local Government should have power to interfere either to set aside altogether the proceedings of the board in particular cases, or, in the event of gross and continued neglect of any important duty, to suspend the board temporarily, by the appointment of persons to execute the office of the board until the neglected duty had been satisfactorily performed. That being done, the regular system should be re-established, a fresh board being elected or appointed. This power of absolute supersession would require in every case the consent of the Supreme Government. A similar power is reserved to the Executive Government under several English statutes; and if required in England, where local self-government is long established and effective, it is not probable that it could be altogether dispensed with in India. It should be the general function of the executive officers of Government to watch, especially at the outset, the proceedings of the local boards; to point out to them matters calling for their consideration; to draw their attention to any neglect of duty on their part, and to check by official remonstrance any attempt to exceed their proper functions, or to act illegally or in an any arbitrary or unreasonable manner.

It does not appear necessary, for the exercise of these powers, that the chief executive officers of towns, the sub-divisions or districts should be Chairman or even members of the local boards. There is indeed much reason to believe that it would be more convenient that they should supervise and control the acts of those bodies, without taking actual part in their proceedings. The Governor-General in Council is aware that many high authorities hold that the District Officers should always be *ex-officio* Chairman of all the local boards within the district, and should directly guide and regulate their proceedings. This was indeed the views taken by the Government of India itself in the circular letters of the 10th October last, so far as the constitution of district boards was concerned. But even then the Governor-General in Council did not see his way to accepting the principle in the case of Municipal Boards, and further consideration has led him to the belief that, on the whole, it is better to lay down no such general rule in the case of any class of local boards. There appears to him to be great force in the argument that so long as the chief executive officers are, as a matter of course, Chairman of Municipal and the district Committees, there is little chance of these Committees affording any effective training of their members in the management of local affairs, or of the non-official members taking any real interest in local business. The non-official members must be led to feel that real power is placed in their hands, and that they have real responsibilities to discharge. It is doubtful whether they have under present arrangements any

sufficient inducement to give up their time and attention to the transaction of public business. There is this further objection to the district officer acting as Chairman, that if the non-official members are dependent and energetic, risk may arise of unseemly collision between the Chairman and the board. The former would be in a far more dignified and influential position if he supervised and controlled the proceedings of the board from outside, acting as a arbiter between all parties, and not as leader of any.

The Governor-General in Council therefore would wish to see non-official persons acting, wherever practicable, as Chairman of the local boards. There may however, be places where it would be impossible to get any suitable non-official Chairman, and there may be districts where the chief executive officer must for the present retain these duties in his own hands. But His Excellency in Council trusts that the Local Governments will have recourse sparingly to the appointment of executive officers as Chairman of local boards; and he is of opinion that it should be a general rule that when such an officer is Chairman of any local board, he shall not in that capacity have a vote in its proceedings.

This arrangement will, to some extent, tend to strengthen the independence of the non-official members, and keep the official Chairman, where there must be such, apart from the possible contentions of opposing parties.

The appointments of Chairman should always be subject to the approval of the Local Government, but need not be always made by it. The Governor-General in Council would be glad to see the boards allowed, in as many cases as possible, to elect their own Chairman. But this matter is one which must be left to the discretion of Local Governments.

These, then, are the principles upon which the Governor-General in Council desires to see the experiment of local self-government introduced throughout the several provinces of India; and he would ask the Local Governments to revise their several schemes and shape any proposed legislation in general accordance with these principles.

Again, in the Government of India's letter addressed to the Government of Bombay on the same subject on the 4th October, 1882, we read :—

It is essential to the success of the policy, laid down by Lord Mayo in 1870, and repeatedly enunciated since that time by the Government of India, that freer opportunities of developing a capacity for local self-government should be given to the people of this country, and there is ample evidence before the Government of India, coming from all parts of the country, that it is only by removing the pressure of direct official interference that the people can be brought to take sufficient interest in local matters, and to devote to them the same amount of care and attention that enables them successfully to manage their own private concerns.

Are the three Municipal authorities proposed in the Bill, co-ordinate ?

Mr. Risley says that the three authorities proposed in the Bill are *not* co-ordinate. Under the

The position and functions of the Chairman under the present law in relation to the Corporation.

present law the Corporation is the one and the sole authority, the Chairman being only a member of the Corporation, and, in matters purely executive, having authority to exercise all the powers of the Commissioners subject to their control; the Chairman's position, now, is therefore subordinate. If, however, his authority in matters executive is made absolute, he becomes a co-ordinate authority, taking the term "co-ordinate" in its ordinary acceptance, *viz.*, "equal in rank or order, not subordinate." Similarly, the General Committee is now a part and parcel of the Corporation; for the sake of convenience a committee consisting of a limited number of members, elected by the Corporation, is entrusted with the duty of looking into the details of all matters brought up before the Commissioners; they discuss the various

The position and functions of the General Committee under the present law in relation to the Corporation.

questions that come up and arrive at definite resolutions in regard to them. The proceedings of the Committee are fully recorded and duly laid before the Commissioners-in-meeting for confirmation. As a rule ninety-five to ninety-eight cases out of a hundred are confirmed without discussion, and it is only in connection with two to five cases in a hundred that the Commissioners-in-meeting exercise their right of revision and upset the decision of the Committee. Thus the General Committee under the present law is also subordinate to the Corporation.

By making the decision of the Chairman and the General Committee final and absolute in their respective spheres of action, their position of subordination to the Corporation is altered, and they become co-ordinate authorities.

active allotted spheres of

But in the Bill it is proposed to make the decisions or orders of the Chairman and the General Committee final and absolute in a large number of cases, and both these authorities will in such cases be quite independent of the general body of Commissioners. Thus in their relation to the Corporation the General Committee and the Chairman will become co-ordinate authorities in their respec-

Mr. Risley refers to the work of the New York Commission that sat in 1876 to consider the scheme of municipal government in New York, and to one of their recommendations, which proposed an extension of the general control and appointing power of the Mayor. Since then other commissions have sat on the question of city government in New York, and other Charters have been passed, making the position of the Mayor in city administration more and more autocratic. There is an interesting chapter in

Mr. Risley speaks of the New York Commission in 1876, but since then other commissions have been appointed resulting in further alterations of a material character in the constitution of city government.

Mr. Stead's pamphlet, under the heading of "the Tsar-Mayor," which gives a brief history of the development of powers of an American Mayor, and is well worth perusal.

It will be seen from Mr. Stead's pamphlet that the very latest development of affairs in American city government has been to distrust even the Mayor and his powers also are being restricted. Mr. Stead writes:—

The latest development has been to distrust even the Mayor.

The creation of the Tsar-Mayor, however interesting as indicative of the rooted distrust of elective assemblies which is supreme at present in the American mind, is not the feature of the Charter which reveals most deeply how far the distrust of popular government has gone in the United States. For after giving the Mayor supreme responsibility, and electing him for a term of four years, these astonishing charter-makers carefully provide that he shall only have a right to remove the commissioners, whom he has been allowed to appoint, during the first six months of his term of office. It is this limitation which shows how thoroughly the modern American distrusts his governing men. Faith in an elective council has perished utterly, but faith in a Tsar-Mayor might have shown the survival of some faith in the elective principle. But the stipulation carefully made in the Charter, that the Mayor's right to remove the heads of departments whom he has nominated shall cease six months after his election, is the most astounding illustration yet afforded of the deep-rooted distrust which the American of to-day has in all elected men.

Mr. Stead expresses, in rather strong terms, his opinion on the question of concentration of power and responsibility in the Mayor: he writes:—

"This change, to which we may take it American reformers are now definitely committed, may be, as Mr. E. M. Shephard declared, "the most important gain in municipal reform in our time," or it may be the first step down the inclined plane which leads to despotism. My duty is not to dogmatise, but merely to describe. All that I would venture to observe by way of comment is that the new reform seems to be at variance, not only with the universally accepted English idea, which may, of course, be ignored, but equally with the Jeffersonian theory of the fundamental principle of Local Government. It may be necessary to fight fire with fire, and to cast out the Boss by the Tsar-Mayor, but old-fashioned Liberals may be pardoned if they feel that it is a very dangerous game to cast out the devil by the aid of Beelzebub, the prince of devils."

After all, city government in American cities is very unstable and ever-changing, and is passing through the experimental stage. This is how Mr. Bryce expressed himself on this point:—

City government in America is unstable and ever-changing, and is passing through an experimental stage.

The results of these various experiments, and of others which I have not space to enumerate, are now being watched with eager curiosity by the municipal reformers of the United States. The question of city government is that which chiefly occupies practical publicists, and which newspapers and magazines incessantly discuss, because it is admittedly the weak point of the country. That adaptability of the institutions to the people and their conditions, which judicious strangers admire in the United States, and that consequent satisfaction of the people with their institutions, which contrasts so agreeably with the discontent of European nations, is wholly absent as regards municipal administration. Wherever there is a large city there are loud complaints, and Americans who deem themselves in other respects a model for the Old World are in this respect anxious to study Old World models, those particularly which the cities of Great Britain present. The best proof of dissatisfaction is to be found in the frequent changes of system and method. What Dante said of his own city may be said of the cities of America: They are like the sick man who cannot find rest upon his bed, but seeks to ease his pain by turning from side to side.

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Mr. Risley, after referring to the autocratic powers of the Mayor in America, suggests that his Bill in this respect is less reactionary and retrograde, therefore less objectionable.

But he overlooks the fact that the Mayor in America is elected by the people for a fixed period, not exceeding 4 years, and is therefore responsible for his administration to the people.

This serves as an effective check upon the Mayor.

Under the Bill there will be no such healthy and effective check on the Chairman.

Mr. Risley says: "If America can go as far as that, surely the Bill cannot err greatly in going half way." But he entirely overlooks the fact that the Mayor in America is elected by the people for a limited period, say, 4 years, and is responsible to them for his administration; while the rate-payers of Calcutta have no voice whatever in the appointment of the Chairman. The autocracy of the former is found to be tempered by considerations that must naturally arise from the fact of his election and re-election in future being in the hands of the people; there is however no room for such considerations in the case of the Chairman of the Calcutta Municipality, who will be the Tsar-Mayor of Calcutta without any of the moderating influences that exist in the case of a similar office in America.

Then Mr. Risley speaks of this system of vesting the Chairman with autocratic executive powers with approval; but let us hear what his friend Mr. Bryce says on the question :—

The vesting of almost autocratic executive power in the Mayor and restriction of the city legislature to purely legislative work and the voting supplies—this also finds place in recent charters, notably in that of Brooklyn and has worked, on the whole, well. It is, of course, a remedy of the “cure or kill” order. If the people are thoroughly roused to choose an able and honest man, the more power he has the better; it is safer in his hands than in those of city councils. If the voters are apathetic and let a bad man slip in, all may be lost till the next election.

So says Mr. Stead also: “When you have a good Tsar, nothing can be better. When you have a bad Tsar, nothing can be worse. As he (Mr. Seth Low) says, the Brooklyn system made clear to the simplest citizen that the entire character of the city government depends upon the man chosen for the office of Mayor. It is, of course, playing double or quits. If you get a good man, his immense power enables him to be potent for good, if you get a bad man, Heaven help the city!”

Powers of the Local Government under the proposed Law.

With regard to the question of powers of the Local Government under the Bill, Mr. Risley seems to have failed to grasp the real purport of what Mr. Banerjee said. Mr. Banerjee’s objection is that “the Government has assumed to itself functions which do not belong to it under the present Law.”

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power of removing a Commissioner’s disqualification fixed under the law is reserved to Government; it will make rules prescribing qualifications of candidates for employment in the different departments of the Corporation; it will have the power to exempt the owner or occupier of any building or land from the payment of the consolidated rate, &c., &c. Thus the Government will not only

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important question of Local Self-Government used to be discussed and expounded by rulers in years gone by. This is what Sir Rivers Thompson, late a Lieutenant-Governor of Bengal, said on the 27th November, 1886, from his place in the Bengal Legislative Council :—

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The following are extracts from the Resolution of the Government of India on Local Self-Government, dated the 18th May, 1882:—

Turning now to the second division of the subject, the degree of control to be retained by the Government over the local boards, and the manner in which that control should be exercised, the Governor-General in Council observes that the true principle to be followed in this matter is, that the control should be exercised from without rather than from within. The Government should revise and check the acts of the local bodies but not dictate them. The executive authorities should have two powers of control. In the first place, their sanction should be required in order to give validity to certain acts, such as the raising of loans, the imposition of taxes in other than duly authorised forms, the alienation of municipal property, interference with any matters involving religious questions or affecting the public peace, and the like. (The cases in which such sanction should be insisted upon would have to be carefully considered by each Government, and they would at the outset be probably somewhat numerous, but, as the boards gained in experience, might be reduced in number). In the second place, the Local Government should have power to interfere either to set aside altogether the proceedings of the board in particular cases, or, in the event of gross and continued neglect of any important duty, to suspend the board temporarily, by the appointment of persons to execute the office of the board until the neglected duty had been satisfactorily performed. That being done, the regular system should be re-established, a fresh board being elected or appointed. This power of absolute supersession would require in every case the consent of the Supreme Government. A similar power is reserved to the Executive Government under several English statutes; and if required in England, where local self-government is long established and effective, it is not probable that it could be altogether dispensed with in India. It should be the general function of the executive officers of Government to watch, especially at the outset, the proceedings of the local boards; to point out to them matters calling for their consideration; to draw their attention to any neglect of duty on their part, and to check by official remonstrance any attempt to exceed their proper functions, or to act illegally or in an any arbitrary or unreasonable manner.

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It is essential to the success of the policy, laid down by Lord Mayo in 1870, and repeatedly enunciated since that time by the Government of India, that freer opportunities of developing a capacity for local self-government should be given to the people of this country; and there is ample evidence before the Government of India, coming from all parts of the country, that it is only by removing the pressure of direct official interference that the people can be brought to take sufficient interest in local matters, and to devote to them the same amount of care and attention that enables them successfully to manage their own private concerns.

Are the three Municipal authorities proposed in the Bill, co-ordinate ?

Mr. Risley says that the three authorities proposed in the Bill are *not* co-ordinate. Under the

The position and functions of the Chairman under the present law in relation to the Corporation.

present law the Corporation is the one and the sole authority, the Chairman being only a member of the Corporation, and, in matters purely executive, having authority to exercise all the powers of the Commissioners subject to their control; the Chairman's position, now,

is therefore subordinate. If, however, his authority in matters executive is made absolute, he becomes a co-ordinate authority, taking the term "co-ordinate" in its ordinary acceptance, *viz.*, "equal in rank or order, not subordinate." Similarly, the General Committee is now a part and parcel of the Corporation; for the sake of convenience a committee consisting of a limited number of members, elected by the Corporation, is entrusted with the duty of looking into the details of all matters brought up before the Commissioners; they discuss the various

The position and functions of the General Committee under the present law in relation to the Corporation.

questions that come up and arrive at definite resolutions in regard to them. The proceedings of the Committee are fully recorded and duly laid before the Commissioners-in-meeting for confirmation. As a rule ninety-five to ninety-eight cases out of a hundred are confirmed without discussion, and it is only in connection with two to five cases in a hundred that the Commissioners-in-meeting exercise their right of revision and upset the decision of the Committee. Thus the General Committee under the present law is also subordinate to the Corporation.

By making the decision of the Chairman and the General Committee final and absolute in their respective spheres of action, their position of subordination to the Corporation is altered, and they become co-ordinate authorities.

active allotted spheres of

But in the Bill it is proposed to make the decisions or orders of the Chairman and the General Committee final and absolute in a large number of cases, and both these authorities will in such cases be quite independent of the general body of Commissioners. Thus in their relation to the Corporation the General Committee and the Chairman will become co-ordinate authorities in their respec-

tion.

Mr. Risley, quoting the Hon'ble Mr. West's speech, at the Bombay Legislative Council, to the

Mr. Risley claims for the Chairman in Calcutta the same position as that of the Municipal Commissioner in Bombay, and quotes Mr. West in support of his views.

He would give the Chairman certain things to do, also powers to do them.

But the Chairman is authorized under the present law to do every thing

in the Bill; with only this

The only difference is that the Chairman is now subject to the control of the Corporation; while such control is taken away under the Bill.

The objection to this is that the Chairman may make serious mistakes at times, without any body to put him in order.

effect that "the Commissioner (corresponding to the Chairman in Calcutta) is given independent power in his own circle, he cannot in any way thwart the general policy or desires of the Corporation," says:

"that is a reasonable position for the Chairman of the Calcutta Municipality to occupy. You give him certain things to do, and powers to do them." We have no

quarrel with Mr. Risley so far. Under the present law the Chairman is authorized to do not only "certain things, and powers to do them,"

but to do every thing. His own sphere of work is much wider (embracing the entire range of executive functions) than what is proposed

in the Bill; with only this important difference that now he is answerable for his actions to the

Commissioners-in-meeting, and is subject to their general control and guidance, whereas hereafter, under the proposed law, he will not be

answerable to any body, and all his actions and decisions will be final and absolute. It is to this that serious exception is taken. The

Chairman, however capable he may be, is after all human, and is liable to mistakes and to do things which are not right and proper; who will then have the power to point these out to him and put him straight?

There is however one very important point in the Honourable Mr. West's estimate of the

There is one fundamental difference between the position of the Chairman under the Bill and the Municipal Commissioner in Bombay

This, however, cannot be said of the Chairman under the Bill, because he will be not only an independent

In Bombay, the Municipal Commissioner, as Mr. West says, "cannot in any way thwart the general policy or desires of the Corporation," but the Chairman in Calcutta can do so, being the President of both the General Committee and the Corporation.

Chairman should be under the control of the Corporation; but in the broader sphere of executive administration, which brings the Chairman and his subordinates in daily and hourly contact with the residents of the town, cases often arise where the advice, direction and guidance of the Commissioners are essential in the interests of good and efficient management. Instances have not unfrequently taken place in the past where many a Chairman have eagerly sought for such help, and the town has benefited thereby. What would be the position of the Chairman under the proposed law in such trying and emergent circumstances? Cases frequently arise where the action of the executive cause great harm, trouble and annoyance, not only to individuals, but to entire communities, and sometimes to the whole town. The representatives of the rate-payers now bring up such matters to the notice of the Commissioners-in-meeting, where the whole question is enquired into and discussed, and the necessary orders passed. Under the proposed law these representatives must sit still with folded hands, because they will be deprived of the power and privilege of raising their voice against any high-handed and unwarrantable proceeding of the Municipal executive, even though it may involve great hardship to the people and be fraught with serious consequences.

Mr. Risley points out that financial control will remain with the Corporation.

Chairman should be under

But general control in other directions is also necessary.

position of the Municipal Commissioner in Bombay, which differs materially from the position proposed to be assigned to the Chairman in Calcutta. Mr. West says: "He (the Municipal Commissioner) cannot

in any way thwart the general policy or desires of the Corporation."

independent authority in executive matters like the Municipal Commissioner of Bombay, but will be the President of the General Committee and of the Corporation, the two other Authorities. In this capacity he would have

ample means and opportunity "to thwart the general policy or desires,"

not only of the Corporation, but also of the General Committee, if he

happened to differ from either of the other two Authorities in any matter. In Bombay this anomaly does not exist at all, the Municipal Commissioner having no such potent voice in the deliberations of either the Standing Committee or the Corporation. Mr. Risley has evidently avoided the discussion of this important aspect of the Bill, and has made no attempt to justify such a radical departure from the Bombay system. Mr. Risley goes on and says: "As to the rest, he (the Chairman) depends for all ordinary schemes on the General Committee and for all larger schemes on the Corporation; and it should be remembered

that all schemes of any sort depend in the last resort on the power of the purse, which rests in the Corporation." But it is not in regard to the

"larger schemes of works" alone, involving sanction of money, that the

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The question of payment of fees to the members of the General Committee.

Mr. Risley disposes of the question of payment of fees to members of the General Committee

rather lightly. He says it has worked very smoothly in Bombay, and it has the support of commercial practice, but does not give any reason why the system should be introduced here at all, particularly when it is remembered that the suggestion to introduce it in the present law in 1888 was rejected at the time by the Select Committee of the Council. The affairs of the town have been managed (and managed successfully) by Justices and Municipal Commissioners for ever so many years without the payment of any fees, such Justices and Municipal Commissioners consisting of not only Hindus and Mahomedans, but also Europeans, both official and non-official.

Why then introduce this new system, which will involve an annual expenditure from the Municipal Funds of Rs. 40,000 to Rs. 50,000, if not more? Well might the poor rate-payers exclaim: "Why spend our hard-earned money, our life-blood, without any sufficient or reasonable cause?" The representatives of the rate-payers have hitherto worked, and some of them worked hard, without fees, and are willing to continue to do so; why then this unnecessary and uncalled-for squandering of the rate-payers' money? It is generally believed, though not expressly stated by either Mr. Risley or by the representatives of the Chamber and the Trades, that without fees the European men of business will not work. In his opening speech, however, Mr. Risley has remarked that if the leaders of the European mercantile and trading community get an effective voice in the municipal government of the town, they will take an active part in it; so echoed Messrs. Turner and Spink. In the amended constitution of the General Committee, provision has therefore been made to secure the effective representation of the European men of business, and this alone should induce them to come forward honorably to work; moreover, it has been urged that these European men of business have great interest in the well-being of the town, and they have the largest stake in it. If this be really so, and if these Europeans do honestly feel such a keen interest, they should be naturally drawn to the work without any inducement in the shape of fees.

But he does not attempt to prove the necessity for it now in Calcutta, similar proposal having been rejected by the Bengal Council in 1888, and the Municipal administration of the city having gone on successfully for so many years without it.

It will involve an expenditure of over Rs. 50,000 a year from the Funds of the Corporation.

The rate-payers may well protest against such proposal for lavish expenditure without sufficient or reasonable cause. Payment of fees is said to be necessary to induce representatives of the commercial and the trading communities to work in the Corporation.

But Messrs. Risley, Turner and Spink have all openly avowed that if the European men of business get an effective voice in the management of the affairs of the town, they will take an active part.

Moreover, it is said that these European men of business have the largest stake in the city; therefore they feel the greatest interest in its well being.

And then, if the fees be a real inducement, it should be made much larger than Rs. 32 for each sitting, to ensure the attendance of the European men of business in all cases, for, if there be the prospect of their making more than Rs. 32 elsewhere, the inducement to go there would be greater, even though the attendance at the General Committee in the interest of the Municipality be urgently necessary.

Mr. Risley justifies the introduction of the system of payment of fees into the Calcutta Municipality, without even attempting to shew the necessity for it, by saying that "it is the custom in almost all public companies to pay fees to the Directors for their attendance at Board Meetings." But the analogy of public, or rather Joint-Stock Companies, does not hold good in the case of a Municipality. The one is private service, while the other is public service. The Joint-Stock Companies all work for profit or gain to the shareholders, and such shareholders as work on the Board of Direction are naturally entitled to payment for their services, which are necessary for the good and proper management of the concern and consequent profits to the Company. It is extremely doubtful whether the shareholders of any Company would ever allow its Directors to work gratis, even if the Directors desired to do so. The case however is wholly different with the Municipality. Here the work of a Commissioner is for the benefit of the public at large, not for any pecuniary profit to any body. Here public spirit, desire to work for the public good, ought to be the only incentive, necessitating perhaps some amount of self-sacrifice and even a little personal loss and inconvenience. It is a work which the people of this country are learning from the British nation, to perform disinterestedly, without any eye to monetary gain.

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The so-called Public Companies work for their own monetary gain or profit, while Municipalities work for public good, without any eye to monetary gain.

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Disinterested public spirit should be the only incentive for work in Municipalities.

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therefore be a strange commentary on the public spirit of the European men of business that come out to this country, if they refuse to take their fair share of work in the administration of the affairs of this city, in the well-being of which they are said to be so immensely interested, unless their representatives are paid Rs. 32 for each sitting !!

Mr. Risley's explanation as to the material difference in constitution between the proposed General Committee in Calcutta and the Standing Committee in Bombay.

Mr. Risley concludes his reply by an attempt to explain why the proposed constitution of the General Committee has been made to differ materially from that of the Bombay Standing Committee. He says that the Bombay community is homogeneous, in the sense "that the different classes are so evenly balanced that you may practically treat the community as one that is homogeneous." But are not the interests, tendencies and views of these different classes many

Mr Risley says the Bombay community is practically homogeneous. But are there not young Bombay, like young Bengal of the New India class, the European merchants and the Government same as in Calcutta?

and varied? There is to be found in Bombay a section of the community corresponding in every way to young Bengal, New India (as Mr. Risley chooses to call it); it represents the popular interest; then there are the European merchants and the Government. How can, then, the Bombay community be said to be homogeneous? If in spite of the existence of different communities, representing more or less varied and conflicting interests, it has been found possible to have the Standing Committee so constituted as to consist of two-thirds of its members elected by the Corporation, and one-third appointed by the Government, one fails to see any cogent reason for not allowing the General Committee of the Calcutta Corporation to consist of two-thirds elected, and one-third nominated Commissioners.

Criticism on The Hon'ble Sir Alexander Mackenzie's speech at the summing up of the debate on the second reading of the Bill, at the Bengal Legislative Council, on the 4th April, 1898.

(By BABU NALIN BIHARI SIRCAR.)

In summing up the debate on the second reading of the Calcutta Municipal Bill, the President,

Sir A. Mackenzie's compliments to the Commissioners for the much good that has been done, but complains of the present system of Municipal Government.

It is almost impossible for

He says many Chairmen have spoken to him denouncing the system, but none of them have put in record such an opinion.

Alexander Mackenzie; for,

Nor do these Chairmen appear to have confided such opinion to any other Lieutenant-Governor.

Bayley, the then Lieutenant-

Neither Sir Rivers Thompson nor Sir Steuart Bayley has ever said so in Council.

Council. If this complaint

If these Lieutenant-Governors really believed in such complaints, they would have changed the law long ago.

of that speech has already

Reference is made to Sir Henry Harrison's speech in February, 1888; but that was against and not for any change in the Municipal law of Calcutta,

Proposals for amendment

Sir Alexander Mackenzie, affirmed at the outset "that much good has been done by the Corporation, and that there are many good men amongst its members." At the same time he observed that almost all the Chairmen he knew had "told him at one time or other that the system on which the Corporation has been constituted is a system which any one, were he an angel from heaven, to work satisfactorily." There is no record of a damaging statement of this kind on the part of any Chairman of the Corporation, at any rate it has never seen the light of day. It seems however extremely strange that these Chairmen should confide this important opinion to no other Lieutenant-Governor than Sir Alexander Mackenzie; for, if they had done so, it would surely have been made the subject of careful consideration and of open debate during 1886-88, when the Municipal law of Calcutta (Act IV B.C. of 1876) was being discussed and amended by the local Legislature. Neither Sir Rivers Thompson nor Sir Steuart Bayley, the then Lieutenant-Governors, would have ever allowed such a serious complaint from successive Chairmen—men to whom the Government would primarily look for the proper management of the Municipality—to remain quite unnoticed and without its being fully discussed and threshed out in Council. If this complaint had reached the ears of any of these Lieutenant-Governors, and if they really believed them to be well founded, they would never have hesitated to change the system long ago. Reference has again been made to Sir Henry Harrison's speech in Council in 1888, but the real purport of that speech has already been fully explained and need not be repeated here. Sir Henry Harrison was a Chairman of long standing, and he was also in charge of the Calcutta Municipal Bill (the present Act II B.C. of 1888); and if he was of opinion that the system on which the Corporation had been constituted was not satisfactorily workable, he would undoubtedly have been the first to introduce alterations in the constitution of the Municipality. Proposals for amendment of the constitution were brought forward at the time by the Hon'ble Mr.

Irving, but Sir Henry Harrison opposed them with the following among other observations:—"In the work of legislation, gradual construction, on existing foundations, is the safest. We have existing lines to work upon, and unless we are prepared to say that the Corporation will not work on those lines, it is undesirable to change them. I am not prepared to say that the proposed constitution is unworkable." This was the deliberate opinion of Sir Henry Harrison.

The prospect of plague coming to Calcutta and destroying its commerce was Sir Alexander Mackenzie's justification for proposing radical changes in the Municipal Law of Calcutta.

Nevertheless, Sir Alexander Mackenzie is of opinion that the system should be changed, and he says: "When therefore we came face to face with a possible appalling emergency in the shape of an approaching plague, I felt it necessary to take stock of the situation." Accordingly he set himself to

Plague has since appeared in Calcutta and has re-appeared again. "put the house in order." But since then the plague has made its appearance in Calcutta, and has renewed its visitation in spite of the vaunted vigilance of Government officials (although nobody yet knows whether this plague in Calcutta is imported or indigenous); but the affairs of the city

do not appear to have suffered in any way because of the present constitution of the city government. The ordinary work of the Corporation has quietly and smoothly gone on, as heretofore, while the operations in connection with the plague have been made over to a special department under the Chairman, in accordance with the provisions of the Epidemic Diseases Act. There was, in fact, the most hearty co-

operation between the Chairman—or rather the Government—and the Commissioners in regard to plague operations. Speaking about the services of the elected Commissioners in this connection, Sir John Woodburn has thus expressed himself: "The information and advice about local needs, which these delegates bring, will be of most important service. There

could be no more excellent illustration than in the assistance they gave last hot weather, in calming the fears of the people and establishing the temporary hospitals, which were the best means of re-assuring them." Thus any argument for the supersession of the present constitution based upon the problematic consequences arising from the advent of the plague in Calcutta, has become wholly untenable in the face of what has actually happened. Supposing for argument's sake the Bill had passed into law early in 1898, would that in any way have improved matters? So far as the plague is concerned, could it have prevented its first appearance and its recurrence the year after, or could it have helped in any way to mitigate

its evil effects, so far as they happened? The fact is now indisputable that no sin of commission or omission, on the part of the Government or the Corporation, has either helped the advent, growth and development of the disease, or retarded its progress. Plague came and disappeared in 1898; it appeared again early this year, and it has now almost disappeared; in point of fact, it has behaved as it best suited itself in the soil of Calcutta with its peculiar climatic conditions, in a manner unknown and undetected by even those who are experts in etiology and competent to trace the causes of disease.

Both the ordinary work of the Corporation and the plague operations have gone on in the City without any hitch, and with hearty co-operation between the Government and the Commissioners

Any argument for the supersession of the present constitution of the Corporation, based upon the problematic consequences from the advent of plague, has become wholly untenable in the face of what has actually happened.

Charge of corruption against some of the elected Commissioners.

After having admitted that much good work has been done by the Corporation, and that there are many good men among its members, Sir Alexander Mackenzie observes:—"We all know that there are certain classes of candidates who come forward to contest Municipal elections, not out of love for the public service, but out of a regard for their own personal advantage. We all know that when it comes to the question of making appointments in the Municipality, there is canvassing, there is jobbery, there is even corruption; and I say that the work of no city can be carried on until there is some effective stop put to iniquities of that description." This is a very serious and a sweeping charge against the Commissioners; but is it consistent with the facts of the case? Evidently Sir Alexander Mackenzie has got certain information on the subject in regard

to some of the Commissioners. But has he taken the trouble to thoroughly enquire into the truth or falsity of his information? In this country we often hear of many things regarding public men, both officials and non-officials

Is the charge true?

but such rumours, though very plausible at first sight, do not always stand the test of close scrutiny or examination. It is therefore the bounden duty of the ruler of a

Province, when he hears of serious charges against a body of public men, entrusted under the law with responsible duties, to institute a searching enquiry, openly and publicly conducted, by proper and reliable men. No such enquiry has been made in this instance, and under the circumstances to accuse some of the Commissioners of "jobbery and corruption" is very unfair and wholly unjustifiable. 'Whatever the rumours may be, it is impossible to say how far they may be true, unless there be a full and proper enquiry by trustworthy persons; and no right-thinking man, much less the Governor of a Province, should take any action whatever, unless and until the reports that reach him are duly established after proper investigation. If Sir Alexander Mackenzie had appointed a commission of enquiry, only to enquire into the alleged misconduct of some of the Commissioners, he would have done a great public service not only to Calcutta, but to the whole country at large. If there be "some" Commissioners open to this imputation, there can be no doubt that if their conduct in public life had been made the subject of an open enquiry and subjected to exposure and public censure, that would have served the purpose of a strong moral deterrent in future, and would have done real good to the country. A public enquiry on the subject, moreover, would have given the elected Commissioners an opportunity to vindicate themselves; and if these rumours had been proved to be unfounded, the honor and dignity of the Corporation of Calcutta, the capital of the Indian Empire, would have been triumphantly upheld.

Has any proper enquiry been made to ascertain the truth?

Until information of this nature is established after proper enquiry, no right-thinking man, much less a Governor of a Province, is justified to openly accuse a public body on its basis

The appointment of a Commission of enquiry in this connection by Government would have done real good to the country.

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Is there any provision in the Bill that will put a really effective stop to iniquities such as are complained of?

Sir Alexander Mackenzie, however, very rightly observes that "the work of no city can be carried out until there is some effective stop put to iniquities of that description." But what is there in the Bill, may we ask, that will put a stop to such iniquities? Is there any provision in the Bill that will prevent

such objectionable men, if there be any, from coming into the Corporation again? No, as Mr. Risley has stated in his opening speech, "the Bill leaves untouched the number of the Commissioners and the methods

of electing and appointing them, it does not propose to alter the franchise." So the Commissioners, whom Sir Alexander objects to, will continue to be members of the Corporation. And in order that their vagaries may be put a stop to, in the Bill to withdraw from the Corporation important powers and vest them in the General Committee. But will the proposed alteration bring about the desired result? It may or may not. For there is nothing in the Bill to prevent any unscrupulous Commissioners, if there be any, from coming into the General Committee; in fact, such men will always have greater chance of being elected to the General Committee by means of canvassing than the "many good men" in the Corporation spoken of by Sir Alexander Mackenzie; and when once they are there, they will have much greater opportunities for the perpetration of jobbery with impunity than they have at present. Thus the remedy will be worse than the disease. Even the existence of a European majority on the Committee will be of no avail.

There is no provision in the Bill to prevent objectionable men from coming into the Corporation.

They will continue to be in the Corporation

provision has been made

To make these men harmless, important powers have been proposed to be withdrawn from the Corporation and vested in the General Committee

But there is nothing in the Bill to prevent the objectionable men from coming into the General Committee.

And if such men find their way into the reformed General Committee, the remedy will then be worse than the disease.

majority on the Committee will be of no avail.

There is another great drawback to this proposal: in proposing to withdraw powers from the objectionable men and thus making them harmless, you will do so from the "many good men" in the Corporation (who, according to Sir Alexander Mackenzie, "do good and effective work," and to whose worth he has been anxious to give full credit) and render them also quite useless. Thus in withdrawing powers from the Corporation, you do so not only from the few bad men, but also from the many good men; and then in vesting the same powers in a small Committee you make no provision whatever to guard against the bad men getting into it and nullifying the object which the Government apparently has in view.

Another great drawback to the remedy proposed is that while it will not be effective in putting a stop to the iniquities of a few, it will make the "many good men" in the Corporation quite useless.

Thus in withdrawing powers from the Corporation, you do so not only from the few bad men, but also from the many good men; and then in vesting the same powers in a small Committee you make no provision whatever to guard against the bad men getting into it and nullifying the object which the Government apparently has in view.

The Bill, as introduced in the Council, differs materially from the views of Sir Alexander Mackenzie so clearly expressed in his speech.

Sir Alexander Mackenzie very frankly states: "My theory of the Bill, the cardinal principle of the Bill, the essence of it, is that we must have the ordinary every-

Sir Alexander Mackenzie's theory of the Bill that the ordinary every-day work of the City should be in one man's hands is the same as that of the present law.

Commissioners. So the law?

day work of the city in one man's hands." But is not *that* the theory, the cardinal principle, of the present law? Section 61 of Act II (B.C.) of 1888, distinctly authorizes the Chairman to exercise all the powers (executive powers in regard to the ordinary every-day work) vested in the cardinal principle remains untouched, why then amend the present

Further on, Sir Alexander Mackenzie says: "I do not want to make the Chairman absolute."

Sir Alexander Mackenzie does not want to make the Chairman absolute; so he is not under the present law. But the Bill would make the Chairman absolute.

Chairman absolute.

Similarly, the Chairman is not absolute under the present law; he is subject to control by the Commissioners-in-meeting. This salutary provision is proposed to be taken away under the Bill, and the Chairman will be made absolute in his own sphere of work, although Sir Alexander Mackenzie, as quoted above, says he does not want to make the

Towards the conclusion of his speech, however, Sir Alexander says: "The Chairman is given

Sir Alexander Mackenzie objects to only "minute interference" with the Chairman in his executive work; but the Bill proposes to stop *all* interference and makes the Chairman the autocrat of the situation.

Sir Alexander Mackenzie would give the Corporation the "functions of superintendence and check;" but the Bill would not.

and check over the Chairman, it must be allowed to retain its present powers; this is exactly what the Bill does not provide for. It makes the Chairman absolute in his own sphere.

and must be given the power of conducting executive operation, the every-day work of the city, without minute interference." Evidently Sir Alexander Mackenzie is opposed to "*minute* interference;" but the Bill goes much further and stops *all* interference and makes the Chairman the autocrat of the situation. According to Sir Alexander Mackenzie, interference by the Commissioners-in-meeting in large and important

matters—involving questions of policy, of expenditure and the like—seems desirable, and provision for it should be made in the Bill; for he agrees with Lord Reay, the late Governor of Bombay, and holds that "the functions of a representative assembly, such as the Corporation, are those of superintendence and check." If then the Corporation is to exercise superintendence and check over the Chairman, it must be allowed to retain its present powers; this is exactly what the Bill does not provide for. It makes the Chairman absolute in his own sphere.

Again, under Section 66 of the Bombay Municipal Act III of 1888, the Corporation is authorized

Section 66 of the Bombay Act authorizes the Corporation to require the Commissioner to produce documents, furnish reports, &c., concerning the municipal government of the City.

But the Bill does not give to the Calcutta Corporation even such functions as they possess in Bombay.

the General Committee or of any sub-committee relating to matters reserved by this Act for the decision of the Corporation, or to any return, statement, account or report concerning or connected with any such matter, and not with "the administration of the Act or the Municipal Government of the city" as in Bombay. Thus the Bill as introduced in Council is in reality much more retrograde and reactionary than what even Sir Alexander Mackenzie himself would make it. The Bill would make the Chairman absolute, but Sir Alexander would not; the Bill would not give the Corporation the power of superintendence and check, while Sir Alexander would give it!

to require the Commissioner (corresponding to the Chairman in Calcutta) to produce documents and furnish returns and reports, &c., *concerning or connected with any matter appertaining to the administration of this Act or the Municipal Government of the city.* This evidently gives to the

Bombay Corporation the power of supervision and review over the whole including the sphere allotted to the Municipal Commissioner. But in the Bill no such authority is given to the Corporation of Calcutta, the only power given, which may be said to approach it, though very remotely, is that contained in Section 95, which relates to extracts from proceedings of

of any sub-committee relating to matters reserved by this Act for the decision of the Corporation, or to any return, statement, account or report concerning or connected with any such matter, and not with "the administration of the Act or the Municipal Government of the city" as in Bombay. Thus the Bill as introduced in Council is in reality much more retrograde and reactionary than what even Sir Alexander Mackenzie himself would make it. The Bill would make the Chairman absolute, but Sir Alexander would not; the Bill would not give the Corporation the power of superintendence and check, while Sir Alexander would give it!

Sir Alexander Mackenzie talks of "less corruption" in the cities of America than in some of the other cities!!

Sir Alexander Mackenzie says: "That is a principle (*i. e.*, of leaving the ordinary every-day work of the city in one man's hands) which, as the Hon'ble Mr. Risley

Sir Alexander Mackenzie is evidently ignorant of the fact that until lately corruption in its worst features was rampant in New York.

has told us, is recognised in the more advanced cities of America, where there is less corruption than in some of the other cities;" but his knowledge of the real state of affairs in the American cities must be very

meagre indeed. For, is it not notorious that until lately corruption in its worst features was rampant in New York? Extracts from Mr. Stead's pamphlet entitled "Satan's invisible World displayed," already quoted, will show the nature and extent of the corruption that prevailed in New York. Dr. Parkhurst denounced the City Government of New York in the following terms:—

There is not a form under which the Devil disguises himself that so perplexes us in our efforts, or so bewilders us in the devising of our schemes, as the polluted harpies that, under the pretext of governing this city, are feeding day and night on its quivering vitals. They are a lying, perjured, rum soaked and libidinous lot.

There is little advantage in preaching the Gospel to a young fellow on Sunday, if he is going to be sitting on the edge of a Tammany-maintained hell the rest of the week. Don't tell me that I don't know what I am talking about. Many a long, dismal, heart sickening night, in company with two trusted friends, have I spent since I spoke on this matter before, going down into the disgusting depths of this Tammany debauched town; and it is rotten with a rottenness that is unspeakable and indescribable, and a rottenness that would be absolutely impossible, except by the connivance, not to say the purchased sympathy, of the men whose one obligation before God, men, their own consciences is to shield virtue and make vice difficult.

Mr. Stead in the preface to his pamphlet wrote:—

The trite old saying that "Truth is stranger than Fiction" has seldom been better exemplified than in the story of the way in which the Second City in the World has been governed; unless it be in the consequences of the resulting despair. For if the revelations made before the Lexow Committee are almost incredible, the deliberate decision of the ablest and most public-spirited Americans, there is no way of escape save by the hamstrung Cæsarism of the Charter of Greater New York, is still more marvellous as a confession of shipwreck of faith. Sin, when it has conceived, bringeth forth Death, and the corruption that rotted the administration previous to 1894, has only brought forth its natural fruit in the adoption of a bastard Bonapartism of the Second Empire as the best Government for the First City in the American Republic.

Sir Alexander Mackenzie on the question of too frequent changes of Chairman.

Sir Alexander Mackenzie says: "You talk of your Chairmen constantly breaking down. I say you do your best to kill them; both Mr. Williams and Mr. Bright, and others besides them, have been broken down by the way in which the work has to be done and redone." There has been

Sir Alexander Mackenzie introduces the "break down" theory as an explanation for too frequent changes of Chairman, for which Government is responsible.

no complaint about the breaking down of the Chairmen; the universal complaint however is about the too frequent change of Chairman. The appointment of the Chairman under the law is left entirely with the Government; so the responsibility for frequent changes evidently lies with the Government. Sir Alexander Mackenzie is therefore particularly anxious to turn the tables against the Commissioners, and goes so far as to charge them with "doing their best to kill the Chairmen" in thus accounting for the frequent changes. He refers to the cases of Messrs. Williams and Bright, both of whom were appointed Chairmen of the Corporation by Sir Alexander Mackenzie. But if there was any "breaking down" in these two cases, Sir Alexander himself was wholly responsible for it. For, when Mr. Williams was appointed Chairman in April, 1896, was he not entitled to leave and temporary rest? He took furlough for 1 year and 8 months in March, 1890; on his

return he acted as Magistrate and Collector of Burdwan, then of Durbhanga (1891-93), and as officiating Commissioner of the Presidency and the Rajshahye Divisions (1893-94); was employed as President of

the Mining Commission from May to August 1895, officiated for the Commissioner, Patna Division, during the latter end of 1895, lastly, was employed again as President of another Commission—the Labour Enquiry Commission—from December 1895 to April 1896. After thus putting in all this hard and laborious work in Government Service, he was called upon by Sir Alexander Mackenzie to fill the post of Chairman of the Corporation. Mr. Williams was not in good health even at the time of his appointment; he had therefore shortly afterwards to go on a sea-trip for six weeks for the benefit of his health. No wonder that Mr. Williams should within a year of his appointment take leave and go away on furlough for 1 year and 6 months.

Then take the case of Mr. Bright: he took furlough for about a year in April, 1889; on his

return he was employed as Deputy Commissioner, Sonthal Parganas (1890), officiating Magistrate and Collector of Monghyr and Purnea (1891), officiating Deputy Commissioner of Palamu (1892-94), Magistrate of Midnapur (1895-96) and in May, 1897, was appointed officiating Chairman. Mr. Bright was also

Mr. Bright's services under Government before being appointed Chairman.

not in good health when he was appointed Officiating Chairman; after working for about six months he took leave, and went up to Darjeeling; and before one year was over, he went away on furlough for 8 months in April 1898.

In these circumstances it is very unfair to accuse the Commissioners of causing "break-down" or attempting "to kill" the Chairman.

If any Chairman has "broken down" it is because of his having been transferred to the Corporation by Government just when he is entitled to furlough or rest.

spent horses of the Civil Service are brought in as Chairmen, and no wonder that they break down when harnessed afresh.

Sir Alexander Mackenzie says, "I have seen Mr. Bright coming staggering into my room after a day's work quite exhausted." This might have been due, as Sir Alexander must have known, to the nervous disease Mr. Bright was suffering from at the time, and not to the stress of hard municipal work. The allegation that it was due to "sitting with a Committee for four hours" is

wholly incorrect. Sir A. Mackenzie's allegation that the "breaking-down" of Mr. Bright is due to "sitting with a Committee for four hours" is wholly incorrect.

No Committee, not even the General Committee, ever sits continuously for four hours—the average time for Committee work in a day is an hour or an hour and a half.

certainly extraordinary logic to assume that work on committees is the only factor that determines a Chairman's health.

Thus the plea of "breaking-down" under heavy work is absolutely without foundation. The real

cause of the too frequent changes of Chairman,

is in the fact that men are appointed Chairmen who, having served their full term under Government, become entitled to furlough; so that within a year or so after being appointed, one Chairman goes away, making room for another similarly situated.

cause of the too frequent changes of Chairman, as pointed out above, lies in the fact that men are appointed Chairmen who, having served their full term under Government, become entitled to furlough; so that within

a year or so after being appointed, one Chairman goes away, making room for another similarly

The poor rate-payers of Calcutta and the Municipal Bill.

Sir Alexander Mackenzie says: "To talk about the poor rate-payers taking an interest in this Bill because they will be oppressed under it is an abject nonsense." It may be true that the poor rate-payers generally have not yet begun to take an active interest in the Bill, that function being now exercised by the educated class, who have come to know and realize what will be the probable effect of making the Municipal Executive autocratic in Calcutta. But that the poor rate-payers under the proposed law will be more oppressed by the Municipal underlings than at present, there can be doubt whatever.

Sir Alexander Mackenzie says: "They (the poor rate-payers) will have much less to pay under this Bill than they have now." Those who are intimately acquainted

with the condition of things as it obtains in this city, cannot but smile at the ignorance which has prompted observations such as the above. It is an open secret known all over the town that the poor residents fare the

worst at the hands of the Municipal underlings, whose acts of oppression and unblushing exactions have become notorious. The greatest apprehension of those who oppose the proposed law, is that under it the unscrupulous Municipal underlings—and their number is legion—will be more

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Sir Alexander Mackenzie's version of the Secretary of State's sanction to the Bill.

Sir Alexander Mackenzie observes that in regard to the representation on the General Committee of the trade and commerce of Calcutta, his proposals have the support of the Secretary of

State for India, who has also assured him (Sir Alexander) of "strong support in carrying out any measure necessary for the well-being of Calcutta." But what sort of support has he received from the Secretary of State? Sir Alexander Mackenzie quotes from the Secretary of State's despatch to the Government of India, and the first part of the quotation runs thus: "I accept the view taken by your Government and by the Lieutenant-Governor of Bengal, that some change is required in the Calcutta Municipal Law, with a view to strengthening the executive." This clearly shews that both the Government of India and the Secretary of State have taken it for granted that the representation of the Local Government regarding the Calcutta Municipality is wholly and substantially correct, and on this assumption both have acquiesced in the view that "some change is required in the Calcutta Municipal Law" to strengthen the executive. But the Bill, introduced in Council, proposes

The Secretary of State has approved of *some change* in the Municipal law, but the Bill proposes to introduce radical and fundamental changes.

The Secretary of State has approved of giving to the Commercial and Trading community a *voice* on the General Committee, but the Bill proposes to give a *predominating* and effective voice.

not *some change*, but radical and fundamental changes; the Secretary of State's idea evidently is *reform*, but not *revolution*, such as the Bill contemplates. The Secretary of State further says: "I approve of the proposal that the bodies which represent the trade of Calcutta should have a voice on the General Committee **;" he does not even remotely suggest to give "predominant influence "or *effective* voice," as Mr. Risley has done; he only wants that they should have a *voice* on the General Committee. The Secretary of State seems to have been misled in thinking

as if the trading community have no voice on the General Committee. There are 10 representatives of the commercial and trading community on the Corporation, and they together with the 15 Government nominees have the privilege of electing 6 members amongst them to the General Committee, and as a matter of fact there have always been 1 or 2 trading men on the General Committee, and if the 10 representatives had taken the least interest they could have easily raised the number to 3 or 4; at the present moment there are two such representatives sitting on the General Committee. Thus, it must be clear to any impartial observer that the opinion of the Secretary of State for India, quoted by Sir Alexander Mackenzie, is based upon questionable representations of the Local Government, and that the measure actually introduced into the Council goes a great deal further than what the Secretary of State has really sanctioned.

The Speech of the Hon'ble Sir John Woodburn at the Bengal Legislative Council on the 12th November, 1898, on the Calcutta Municipal Bill.

"According to custom I have to make to you a statement of the business before you in the present Session. There are at present no new Bills to be introduced. The main duty in the Session will be the consideration in the Select Committee of the Calcutta Municipal Bill. It will, I cannot conceal, be a long and troublesome task. But questions that concern the government of a great city can never be light, and the Committee will be encouraged in their labours by the importance of the work on which they will be engaged.

"There are questions in connection with this Bill on which I feel that I am called upon to make a personal statement. Because, to the misfortune of the Province, Sir Alexander Mackenzie no longer presides in this Council, I have been challenged to give my personal opinion on the issue upon which an overwhelming majority of this Council has already given its decision. Not except upon the strongest and clearest grounds could I ask this Council to suspend or vary its decision. But I am bound to say that after a patient and, I venture to think, an impartial examination, I am independently of the opinion that that decision was right.

"The Corporation of Calcutta has under its present constitution assented to some great and far-reaching schemes of improvement for the City, and they are entitled to all the credit—and it is a high one—of realizing the value and necessity of the great schemes which have been drawn up for their approval, such as those for the drainage of the City, and the construction of the Harrison Road. They have not shrunk from the heavy taxation which was needed to bring these beneficent projects into effect; and I have myself had evidence of the high public spirit and laborious circumspection which many members of the Corporation bring to the discharge of their municipal duties. These are qualities which not in Calcutta alone have elicited my respect, and it is a pleasure to me to have this opportunity of acknowledging them.

"Nevertheless, it has also been my own experience, in even my limited time of office among you, that the judgment of Sir Henry Harrison on the constitution of the municipal government of

Calcutta was right. No man has ever had such long and such favourable opportunities of judging it. No Chairman has ever wielded such an influence in the Corporation; no Chairman has ever been so much beloved or so much trusted; no Chairman's advice was ever so promptly and unhesitatingly accepted; and yet it was his judgment that under its present constitution there is a lack of motive power. The energies of the municipal government expend themselves in criticism and not in action. That opinion was confirmed in the experience of my predecessors. In my own period of office, I have been compelled to admit its justice. In the administration of a great city there must be provision for prompt, steady, and efficacious action, and there is no room for doubt that reform of some sort is needed.

"The real issue is the shape which this reform shall take. The solution which Sir Alexander Mackenzie proposed, and which this Council has accepted, is that the executive body of the Corporation—its agents for all purposes of action—shall be a committee limited in numbers, in which the three great interests of the city shall be equally represented—the rate-payers, the men of commerce, and the Government. Under the name of the Government are gathered those great sections of the people—the Muhammadans for instance and the poor—who but for Government nomination may never be represented at all. Against this proposal the Select Committee of the Council will find that several protests have been presented. The most important of these is the memorial submitted by a meeting at the Town Hall. The gravamen of these protests is that the constitution of the Executive Committee, as proposed in the Bill, is an infringement of the great principles of Local Self-Government. If it were so, the Bill would have had from me a most reluctant adherence; but whatever may or may not be the demerits of the scheme, it most certainly cannot be alleged of it that it infringes in any way the principles of Self-Government. Self-Government is not circumscribed into one solitary and sacred system. Self-Government would cease to be a defensible method of Government, if it were refused permission to adjust itself to the lessons of experience. No Government is defensible which does not seek to amend and improve itself whenever weakness and inefficiency become apparent. From this essential law Self-Government is no more free than an autocracy. If Self-Government in one form has proved unequal to the whole of the task imposed on it, that form must be varied.

"In the humdrum monotonous duties of every day, in duties, nevertheless, of such imperious necessity as the cleanliness of the city, the present constitution has not succeeded as we hoped. I am sorry to say it, but there is no shutting our eyes to that which is patent. We must try and improve it. I think the method which this Council has decided upon is a good one. It limits the members of the Executive where it was overgrown; it increases the share in the administration of the city of those great interests in the community which had been overborne by the single interest of the rate-payers; it keeps strictly within the lines which all the principles of Self-Government permit, and at the same time it has the great merit of clearly defining and distinguishing the functions and relations of the Corporation, the General Committee and the Chairman.

"Of course this is a reform which is unpalatable to the representatives of the rate-payers. They lose the predominance that they have been accustomed to, and we part with annoyance from anything to which we have been habituated. The change, moreover, does convey a slight. In all these feelings they have the sympathy of all of us. Had they been indolent, negligent, false to their duty, they could have had no sympathy. Their virtues have indeed been their vices, and a very excess of zeal has paralyzed their agents. But we should not be true to those very principles of Self-Government which are now said to be assailed; we should not be true to those very principles if we allowed our tenderness to these most natural feelings to hold us back from setting our house in order when its defects have been pointed out. The end must otherwise indeed be that blow to Self-Government in which I should be the last to wish to have a hand.

"In the criticisms on the Bill the Select Committee will further find the suggestion that the central body of the Corporation should be reduced in number and brought into harmony with the constitution of the General Committee. It is alleged that it is unscientific and illogical to leave the Corporation unchanged while you materially change your Executive Committee, and that the result is certain to be a constant friction. I am not concerned about the charge that the proposals are illogical and unscientific. The most scientific constitutions have not been the most successful in our knowledge. And I have no apprehensions of any injurious friction. At the commencement of all changes there is certain to be opposition and friction of sorts, but as soon as people become

accustomed to the change, these temporary sorenesses vanish. It is from the representatives of the rate-payers alone that any friction could come, and they have shown so much good sense and public spirit in all the greater matters of the past, that I have entire confidence in their bearing in the future. And, speaking for myself, I endorse with the heartiest pleasure and satisfaction the decision that the constitution of the Corporation shall remain as it is. I look upon it as of the greatest value to the administration of the City that there should be numerous wards and numerous delegates. The information and advice about local needs, which these delegates bring, will be of most important service. There could be no more excellent illustration than in the assistance they gave last hot weather in calming the fears of the people and establishing the temporary hospitals, which were the best means of reassuring them. I welcome, therefore, personally the arrangement which retains a large number of local Councillors, and the dangers of possible friction I personally regard as enormously outweighed by the certain advantages of their help.

"In the main lines of the Bill, therefore, my personal opinions are in complete accord with the decisions of this Council—decisions which have since received the support of such important bodies as the Chamber of Commerce, the British Indian Association, and the two leading Muhammadan Societies.

"The Committee will find, however, in many points of detail very valuable and important suggestions in the criticisms that have been presented during the last few months. I will not take up the time of the Council at present by entering into any examination of these opinions. But there are two matters on which I think I may with propriety now state the opinion of the Government. I have already referred to the memorial from the Town Hall Meeting. I read it, and the speeches at the Meeting itself, with the careful attention which it was my duty to give to them. The speeches, if I may say so, were not comparable, in practical knowledge and dialectic skill, to those which were delivered in this Council room by my honourable colleagues, Babu Norendranath Sen and Babu Surendranath Banerjee. Those speeches I had not the pleasure of hearing, but I have read them with equal attention to those in the Town Hall. There are, however, two points made in the memorial which I think are perfectly reasonable, and to which the Government will give a ready assent. The first is that the duty of sanctioning the bye-laws shall be given to the Corporation instead of to the General Committee. This is just one of those legislative functions—determination of the general lines of the administration—which eminently fall within the jurisdiction of the Corporation. There will, no doubt, be greater delay in fixing the form and character of these bye-laws, but it is well that they should be framed with the most thorough consideration, and the Government willingly agree to this modification.

"The second is that the General Committee shall not exceed the budget allotment on any project without the express sanction of the Corporation, unless within reasonable limits by way of re-appropriation. This again I think is reasonable. I have been warned that, at least so long as friction lasts, the Corporation may hamper its Executive by assigning inadequate funds for necessary undertakings. I decline to believe this is possible. I have too much faith, as I have already said, in the commonsense and patriotic feeling of the leaders of the representatives. Should there happen to be a difference of opinion between the Corporation and the General Committee on a question of the kind, I have no doubt that a reference will be made to Government, as the Bill itself provides, and its impartial decision will close the matter.

"The chapter on the registration of deaths was avowedly tentative and will require very careful examination, and there are numerous details on which the Select Committee will be able to make improvements.

"With these observations I commend the arduous duty to the Committee. The result of it we await with much interest and entire confidence. I am persuaded that they will endeavour to complete their conclusions with as little delay as is consistent with a thorough examination of the criticism and suggestions offered by the public bodies we have consulted. It is obvious that it is of great importance to the City that we should settle this matter as early as possible."

A Criticism of the speech of the Hon'ble Sir John Woodburn in the Bengal Legislative Council on the Calcutta Municipal Bill on the 12th November, 1898.

(By BABU NALIN BIHARI SIRCAR.)

With the conclusion of the debate on the second reading of the Calcutta Municipal Bill and its reference to the Select Committee, the winter session of the Bengal Council came to a close in April 1898. The next session of the Council opened on the 12th November, 1898, and Sir Alexander Mackenzie having resigned the office of Lieutenant-Governor, his successor, Sir John Woodburn, presided. According to the usual custom, the new President made a statement of the business before the Council during the session which had just commenced. This was the first opportunity Sir John Woodburn had to express his views in regard to the Calcutta Municipal Bill then pending before the Council.

Was the decision of the Council arrived at really by an "overwhelming majority"?

His Honor began by saying: "I have been challenged to give my personal opinion on the issue, upon which an overwhelming majority of this Council has already given its decision. Not except upon the strongest and clearest grounds could I ask the Council to suspend or vary its decision." The position taken up by Sir John Woodburn is no doubt strong and reasonable; surely, he cannot lightly go against the decision of the Council, if it was arrived at by "an overwhelming majority." But an analysis of the voting in Council on the motion to refer the Bill to a Select Committee will shew that the "overwhelming majority" was, in point of fact, more nominal than real.

On that day, the 4th April, 1898, when the Bill was referred to the Select Committee, there were only 16 members present in Council, including the President, of whom 9 were officials (8 being in Government service directly under the Lieutenant-Governor) and 7 non-officials; or 9 Europeans and 7 Indians (5 Hindus and 2 Mahomedans). All the officials (including 1 Hindu and 1 Mahomedan) together with 3 non-officials (2 Europeans and 1 Mahomedan) voted for the Bill and formed the "overwhelming majority," while only the 4 non-official Hindus voted against it. In the debate on the Bill only two officials, the member-in-charge and the President, took part, so did all the non-official members. The 8 official members remained mute, and no body could know how they would vote. But every body in Calcutta knew beforehand what the voting would be; so did the President, Sir Alexander Mackenzie, for, towards the close of his summing up, he spoke of "the cardinal principle of the Bill, which will be affirmed by the vote which will be taken to-day."

Sir Alexander had either issued his mandate to the officials or had sufficient confidence in the unflinching loyalty of his subordinates to expect them to say "Aye" with him, in a matter upon which he had set his heart; otherwise he could not have so confidently anticipated the result of the voting.

Therefore, strictly speaking, the whole of the 9 official votes should be rolled up into really one single vote; this official vote was supported by 3 non-official votes—the votes of the representatives of the Bengal Chamber of Commerce, of the Trade Association, and of the non-official Mahomedan member. That the representatives of the Chamber and the Trades would vote for the Bill was a foregone conclusion, because the Bill had been avowedly framed with the sole object to give their constituencies a preponderating voice in the management of the affairs of the town; and as for the non-official Mahomedan member, he owes his seat in the Council to Government, and was therefore more official than the officials themselves.

Such then is the value and character of the "overwhelming majority" in the Council which affirmed the principles of the Bill. Sir John Woodburn will, however, refuse to accept this view of the case as puerile and calculated to cast a reflection on the independence of the official members of the Council. But if His Honor were to change his mind before the Bill was finally passed and propose any material amendment in regard to, say, the constitution either of the Corporation or of the General Committee, he would find the same "overwhelming majority" according to their support to him; they will readily give up in a body the position they took up in April, 1898, in regard to even the cardinal principles of the Bill. What is then the value of such "overwhelming majority?" Let the impartial public judge.

The real value and character of this 'overwhelming majority.'

But the result of the voting was anticipated by every body in Calcutta beforehand.

But the result of the voting was anticipated by every body in Calcutta beforehand.

The position of an official member in Council forcibly reminds one of the following conversation between Hamlet and Polonius:—

Ham. Do you see yonder cloud that's almost in shape of a camel?

Pol. By the mass, and 'tis like a camel, indeed.

Ham. Methinks it is like a weasel.

Pol. It is backed like a weasel.

Ham. Or like a whale?

Pol. Very like a whale."

For this, however, the official members are not to blame; most of them are honourable men, having liberal ideas and a sympathetic temperament, but the discipline and the traditions of the Service, unfortunately, are such as ordinarily to prevent an official member from voting counter to the views of the Government.

There is nothing new in all this. The official members in a body have always supported the Government. So late as February, 1876, the Hon'ble Babu Kristo Das Pal made a similar complaint; speaking about the position of the non-official members in the Council, he said:—

"But their position was anomalous. They were a standing minority in the Council, two-thirds of the members being paid officers of Government; and considering that the present Bill was a Government measure it could not be expected that the opinions of the non-official members would carry sufficient weight to influence the votes of the official members. These being the facts of the case, the non-official members gave it up as hopeless to persist in the amendments which they had thought it their duty to put before the Council at the previous sitting."

Sir John Woodburn's misapprehension as to what was really Sir Henry Harrison's Judgment on the constitution of the Calcutta Corporation.

Sir John Woodburn then says: "that after an impartial examination, I am independently of the opinion that that decision was right." He further observes that "it has also been my own experience, in even my limited time of office among you, that the judgment of Sir Henry Harrison

on the constitution of the Municipal Government of Calcutta was right." And this judgment of Sir Henry Harrison's, His Honor says, was "that under its present constitution there is a lack of motive power." These observations clearly shew that Sir John Woodburn's "impartial examination," at any rate so far as Sir Henry Harrison's judgment on the Calcutta Municipality is concerned, must have been confined to the narrow and limited groove of the official correspondence and perhaps to Mr. Risley's speech on the subject. For, as shewn conclusively in a previous Note, Sir Henry Harrison's judgment was in fact very different from Mr. Risley's version of it. What was really Sir Henry Harrison's deliberate and final judgment after viewing the question then under discussion from all points of view? Why, it is to be found in the very speech from which Mr. Risley has quoted "the brake-power and the motive-power" theory. Sir Henry Harrison then said (February 4th, 1888): "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. * * 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."

Sir John Woodburn's observations show that his "impartial and independent examination," so far at any rate as Sir Henry Harrison's judgment is concerned, must have been confined only to the official correspondence and to Mr. Risley's speech on the subject.

For, Sir John Woodburn's version of the judgment is very different from what it really is.

Extract from Sir Henry Harrison's speech (the same from which Sir John Woodburn has quoted) shewing what the final and deliberate judgment of Sir Henry was on the question then at issue.

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. * * 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."

If, however, Sir John Woodburn really likes to ascertain for himself what the deliberate judgment of Sir Henry Harrison actually was in regard to the Calcutta Corporation and its system of government, he would do well to take the trouble of reading the speech delivered by Sir Henry Harrison at a meeting of the Commissioners on the 4th April, 1889, extracts from which have already been published in the last Note.

The allegation that the energies of the Municipal Government expend themselves in criticism, and not in action.

It is stated that "the energies of the Municipal Government expend themselves in criticism, and not in action." These are Sir John Woodburn's words, and not Sir Henry Harrison's; it is Sir John's own opinion, not the "judgment" of Sir Henry Harrison, who knew well that the Commissioners formed a deliberative and not an executive body. "Action," that is, the actual carrying out or execution of work, has all along belonged to the executive, as represented by the Chairman and his subordinates; deliberation and "criticism" to the Commissioners.

These are Sir John Woodburn's words, and not Sir Henry Harrison's.

Sir Henry Harrison could not possibly have made such an observation, for he knew well that the Commissioners were a deliberative and not an executive body.

Sir Henry Harrison once

Sir John Woodburn's ideas about the functions of the Commissioners are wrong.

their functions have always been consultative and deliberative; it is the Executive Officers of the Corporation that have carried out the results of those deliberations.

observed: "In a body like the Corporation, the Executive alone is in a position to push on the work." Sir John Woodburn's ideas about the functions of the Commissioners are therefore wholly mistaken. The Commissioners have never been looked upon as an executive body: their functions have always been consultative and deliberative; it is the Executive Officers of the Corporation that have carried out the results of those deliberations.

His Honor says: "In my own period of office, I have been compelled to admit the justice of this opinion;" but he does not give any concrete instances in which the energies of the Commissioners were largely taken up by criticism. On looking up the proceedings of the Commissioners, during the period referred to by His Honor, we find that there are perhaps only half a dozen matters in regard to which the Commissioners indulged in elaborate criticism. These are the Byntola buildings, the Palmer's bridge engine and boiler house, the existing big contracts, viz., the unfiltered water supply contract, No. I, and the drainage contracts, Nos. II, III and IV, and the Town Hall repairs. The criticisms of some of the Commissioners on these matters have no doubt been long and detailed and sometimes wearisome, but they were quite pertinent, and arose out of the business brought up before the Commissioners by the Executive themselves. They referred to works either finished, or not begun, and consequently there could be no question of "no action" or stoppage of work and interference with the Executive. When proposals to pass estimates, or to sanction payment of bills are brought forward by the Executive before any meeting, it is the duty of the Commissioners to closely examine them, and when gross irregularities on the part of the Executive are found out, they cannot pass them over without criticism, and cannot sanction either the estimates or the bills unless and until these are put right by the Executive. There were indeed serious irregularities in regard to the matters mentioned above, which led to prolonged criticisms.

During Sir John Woodburn's term of office, there have been only half a dozen matters to which the observation as to spending energies on criticism may be applied.

But he has given no concrete instances

The criticisms of the Commissioners on these matters, although long, detailed and sometimes wearisome, were quite pertinent, and arose out of business brought forward before them by the Executive.

irregularities on the part of the Executive are found out, they cannot pass them over without criticism, and cannot sanction either the estimates or the bills unless and until these are put right by the Executive. There were indeed serious irregularities in regard to the matters mentioned above, which led to prolonged criticisms.

It is an open secret that the ears of His Honor were poisoned by interested parties, in respect of the Commissioners' action regarding the Byntola and Palmer's bridge buildings and the other works, referred to above. If Sir John Woodburn had only sent for the proceedings of the Commissioners and read them himself, he would have then seen with his own eyes how far the Commissioners were to blame in the matter. The facts are briefly these:—

Superintendent's quarters at Byntola.—This work forms a part of Drainage Contract No. 2. Before tenders for this contract, amounting to 20 lacs, were called for and accepted in October 1896, plans, estimates and detailed specifications for the work had been duly prepared, but there was no plan nor estimate prepared for the Superintendent's quarters at Byntola. This omission was detected subsequently, and an estimate for Rs. 32,972 was submitted to the Commissioners on the 14th October, 1897. A revised estimate for Rs. 32,455 was submitted on the 10th November, 1897, when it was found out that this estimate had been sent to the Contractors to be checked and revised. The Commissioners took serious exception to Contractors checking and revising departmental estimates before their submission

The facts regarding the Byntola, the Palmer's Bridge and other controversies have been misrepresented to His Honor. He has heard only one side of the question.

these:—

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to the Commissioners, and resolved that such a procedure should not be followed in future by the Engineer's Department. It was also discovered on examination by the Commissioners that there was really no reduction in the estimate, as erroneously stated by the Executive, but an actual increase of about Rs. 1,000. The Chairman, moreover, stated that the rates in the revised estimate were the accepted rates in the schedule attached to contract No. 2. The Commissioners found out that this was not so; not only were some of the rates in the estimate higher than those in the schedule, but there were several rates not included in the schedule, and therefore unsanctioned by the Commissioners and unauthorized. On the 19th November, 1897, the estimate was brought up again, the Engineer certifying that the mistakes had been corrected. The estimate was still incomplete and the Commissioners asked for further information. On the 6th December, 1897, the second revised estimate for Rs. 27,593 was submitted by the Executive; again on the 23rd January, 1898, a third revised estimate for Rs. 23,922 was submitted, and finally the fourth revised estimate for Rs. 22,864 was submitted and sanctioned by the General Committee on the 29th April, 1898. The Executive again came up for sanction of an additional sum of Rs. 8,073 in respect of this work, urging that a mistake had been made in getting only sanction for Rs. 22,864 on the 29th April, 1898, instead of Rs. 30,937. The action of the Engineer's Department very naturally gave rise to strong comments from the Commissioners, who called for an explanation for such gross carelessness. The estimate was finally brought up and sanctioned on the 2nd September, 1898. The work, however, did not actually commence till December, 1898.

Palmer's Bridge Boiler and Engine House.—This also forms part of contract No. 2; and in this case also the Executive omitted to prepare the necessary plans and estimates, and the question of rates for this work consequently remained open and undetermined, although under the terms of the contract the Commissioners were bound to give the work to the contractors. The question was brought before the Commissioners in March, 1898, long after contract No. 2 had been disposed of. In this case also there were four estimates prepared and submitted to the Commissioners, on four different occasions—one for Rs. 54,973, the second for Rs. 59,333, the third for Rs. 58,444 and the fourth for Rs. 55,084—and there were many discrepancies in the rates. The final estimate was sanctioned by the General Committee on the 2nd September, 1898, and the work commenced by setting down lines for excavation on the 20th idem.

The big Contracts.—In this case the Vice-Chairman, himself a high Executive Officer, brought several serious charges against the Engineer's Department, shewing, among a lot of things, the perfunctory manner in which they were supervising the works that were being constructed and the objectionable way in which contractors' bills were being recommended for payment by the Department, without accurate measurement and without proper check. The matter was laid before the Commissioners by the Chairman for their consideration; and they considered it their duty to go into the whole question in detail. In the course of a long and laborious enquiry, serious irregularities have been discovered, instances of gross carelessness and unpardonable negligence on the part of the Executive have been detected, necessitating criticisms, sometimes of an unpalatable and irritating character.

The Town Hall repairs.—In this case the "criticisms" by the Commissioners began sometime after the work had been practically finished, so there could be no question whatever as to interference with the Executive in the discharge of their duties; there was no "paralyzing" of the Executive by "a very excess of zeal" on the part of the Commissioners. In point of fact the Commissioners, from the beginning of these repairs, gave the Executive a free hand, but the final result was a perfect muddle. The Commissioners were at last forced to take up the matter in right earnest, call for reports, and go into the details of the contractors' bills; the Commissioners interfered because they felt that it was their duty to do so, and that if they had quietly passed over the matter, it would have been little less than criminal on their part. The facts are these: on the 30th July, 1896, the Commissioners-in-meeting decided to have only the "urgent repairs" carried out; accordingly tenders were called for, and the work was given to Messrs. Burn & Co., their tender having been the lowest, amounting to Rs. 33,686. This work originally consisted of renewal of 56 old beams, the relaying of the wooden floor in the upper story, the rebuilding of the band gallery and partial repairs of the portico. As the roof was opened out and the old wooden beams were being replaced by suitable iron joists, it was found that the condition of the roof of the main hall was such that the whole of

it was urgently required to be changed. The members of the General Committee, some of whom used to inspect the work of repairs from time to time, therefore sanctioned, with the approval of the Chairman, the reconstruction of the entire roof; it being then distinctly agreed upon that the rate to be charged for the extra quantity of joists and T-irons, required for the purpose, would be higher than that specified in the Contractors' tender, and that the rates for all other items would be the same as in the tender accepted. Estimates for this additional and other works, such as the remodelling of the gas-lighting, &c., were submitted to the General Committee on subsequent dates, and were sanctioned by them in due course. The work of repairs, however, went on in the meantime without let or hindrance. On the 3rd December, 1896, a revised estimate was submitted for Rs. 91,455 by the Engineering Department.

This was strictly speaking more a statement of probable expenditure of works undertaken (as admitted by the Engineer) than a regular estimate,—without mention of any rates or measurements, it contained only lump sums under different headings of work. In submitting this statement, the Engineering Department did not point out to the Commissioners that it was based upon several rates higher than those in the accepted tender; it is doubtful whether the Engineer's Department was aware of it. However, the General Committee accepted the document on trust as usual, and, believing that it was in order, sanctioned it on the 11th December, 1896, with instruction "to take in hand the reconstruction of the roof of the landing and of the north porch as well." Subsequently the Engineer's Department came up before the General Committee on the 12th March, 1897, with the final revised estimate, or as they called it "the final bill" for Rs. 1,26,000. It was then pointed out by the Engineer that the only item for which higher rates had been charged than those sanctioned by the Commissioners was the ironworks. This was also sanctioned by the General Committee in the ordinary course of business without any criticism. Within a week of this sanction, however, the Vice-Chairman, as the Chief Comptroller of Accounts, pointed out in a note to the Chairman, that there were many items in the "final Bill," for which much higher rates had been charged than those in the accepted tender, and for which there was no sanction by the Commissioners. The note was accordingly sent to the Engineer for an explanation; the attention of the Chairman was again drawn to it subsequently by one of the leading Commissioners, and there was a second call for explanation from the Engineer; but no explanations then came forth. In May, 1897, the resolution of the General Committee sanctioning the estimate of Rs. 1,26,000 came up for the confirmation by the Commissioners-in-meeting, and it was then pointed by one of the Commissioners, who had in the meantime studied the question and gone into details, that the estimate contained several items of work for which higher rates had been charged without any sanction whatever. On this, the estimate was referred back to the General Committee for further consideration; and as it involved going into a mass of details, the matter was referred to a Sub-Committee. The disclosures made by this Sub-Committee are of an appalling character. It was found out that the final estimate was not prepared by the Engineer's Department, but made up by the Contractors; and that the same was submitted to the General Committee for sanction, without the Engineer's Department even checking it at all. In their explanation to the Sub-Committee the Engineer's Department once stated that the difference due to higher and unsanctioned rates would be only about Rs. 500; the Vice-Chairman, however, in a subsequent note, pointed out that the difference would be about Rs. 40,000, this enormous difference being due to excessive rates, unauthorized charges, mistakes in calculation, lump sum charges without any measurement, counting an item twice over and including works not done. It is believed that the Sub-Committee, after making most liberal allowances, have fixed the total unsanctioned amount to about Rs. 25,000. The report of the Sub-Committee, which will be shortly published, discloses a most scandalous state of things.

If Sir John Woodburn, however, were once to take the trouble to look into some of these matters with his own eyes, he would be startled at the grossly and recklessly negligent way in which business was done by the Municipal Executive, and would not fail to be impressed with the urgent necessity of putting such an Executive in order and placing them under proper supervision and restraint, rather than "strengthen them" by making them irresponsible, as proposed in the Bill.

The practical result of these criticisms, to which such serious exception is taken by His Honor, however, has been to make the Engineer's Department already exercise greater care than before.

The reform proposed exists in the present law and is redundant.

Sir John Woodburn observes: "In the administration of a great city there must be provision for prompt, steady, and efficacious action." This is a proposition which nobody has ever questioned;

it is in fact a truism. But Government says that there is no such provision in the present law, and a reform of some sort is needed. On the other hand, it is held that such a provision does exist in

Ample provision for prompt, steady and efficacious action exists in sections 61 and 66 of the present Act.

If the Municipal work has not been carried out promptly, steadily and efficaciously, the fault is wholly with the Executive.

sections 61 and 66 of the present Act, which authorize the Chairman and his subordinate officers to carry out all executive work as *promptly, steadily and efficaciously* as they can. If, however, there has been no prompt, steady and efficacious work in the past, the fault is wholly with the Executive, and real reform should certainly lie in directions other than those indicated in the Bill.

Sir John Woodburn's misapprehension as to the position assigned in the Bill to the General Committee.

Sir John Woodburn, however, accepts the "solution" proposed by Sir Alexander Mackenzie and endorsed by the Council; but he seems to have failed to grasp the real position assigned to the General Committee in the Bill. He says, "the executive body of the Corporation—its agents for all purposes of action—shall be a Committee, &c., &c.," meaning the General Committee; but "the executive body," "the agents for all purposes of action," will under the Bill be the Chairman, and not

The Chairman is the only executive authority.

the General Committee. Mr. Risley said in his opening speech: "the Bill vests the *entire executive power* in the Chairman;" so said Sir Alexander Mackenzie: "the Chairman is given and must be given the power of conducting executive operations, the every-day work of the city;" again, "my theory of the Bill, the cardinal principle of the Bill, the essence of it, is that we must leave the ordinary every-day work of the city in one man's hands."

The position and function of the General Committee under the Bill is identically of the same

The General Committee and the Corporation are both deliberative bodies.

nature and character as that of the Corporation, except that the General Committee is limited in numbers, *i.e.*, twelve. Mr. Risley has observed: "To the Corporation are reserved the right of fixing the rates of taxation and all those general functions which can be efficiently performed by a *large body* * * *. The General Committee stands between the deliberative and executive authorities, and deals with those matters which by their nature are ill-adapted for discussion by the Corporation * * *." Sir Alexander Mackenzie also observes: "The Corporation is given those powers, which can properly be exercised by large deliberative assemblies. The Committee is given the special control, which cannot well be exercised by the body." Thus there is no doubt that the functions of both the Corporation and the General Committee are of a deliberative and consultative nature; while those of the Chairman alone are executive; it is only the deliberative portion of the municipal government of the city that has been divided between the Corporation and the General Committee.

The representation of the Mahomedans and the poor is said to be wholly dependant upon nomination by Government.

Speaking about the equal representation of three great interests on the General Committee,

This is not correct.

A fair number of Mahomedans has invariably been elected to the Corporation by the rate-payers, and there have always been some Mahomedans returned to the General Committee.

The representation of the poor in the City on the Municipal Board is a new thing altogether. The theory is started by Government for the first time in this connection.

representation of the poor in the city on the Municipal Board seems to have been started by Government for the first time in connection with this Bill.

Sir John Woodburn says: "Under Government are gathered those great sections of the people—the Mahomedans, for instance, and the poor—who but for Government nomination may never be represented at all." This, however, is not correct: a fair number of Mahomedans has invariably been elected by the rate-payers to the Corporation, and there has always been at least one (sometimes two or three) Mahomedans on the General Committee. As for the poor, nobody has ever been appointed a Commissioner by Government as their representative; the poor of the city have always been represented and their interests looked after by the elected Hindu and Mahomedan Commissioners. The theory of representation

Alleged failure of the present constitution in the humdrum monotonous duties of every-day life—And the method proposed in the Bill to improve the constitution.

Sir John Woodburn says that "in the humdrum monotonous duties of every day, in duties, ertheless, of such imperious necessity as the cleanliness of the city, the present constitution

has not succeeded as we hoped." If that is so, what is the cause, and who is to blame? How has

the present constitution failed in the work of every-day life? If so, what is the cause, and who is to blame?

Sir John Woodburn seems to have merely accepted the *ipse dixit* of Sir Alexander Mackenzie, *viz.*, that the Commissioners have interfered with the Executive.

An independent Commission of Enquiry has been repeatedly asked for.

But no notice of all these has been taken by Government, all representations have been disregarded.

Sir John Woodburn

There can be no objection to making real improvement on the present method of managing the affairs of the city.

It is the method of improvement proposed in the Bill that is so objectionable

Every resident of Calcutta knows what the Municipal Executive is, specially if it is unfortunate enough to have at its head

The real opposition to the Bill is based upon making the Executive absolutely independent of the Corporation, and vesting it with almost autocratic powers.

If the powers of superintendence and check over the Executive were given to the Corporation, half the opposition to the Bill will cease.

said:—"In respect of the Corporation, the Bill follows the principle laid down by Lord Reay. * * * " As Lord Reay said:—"The functions of a representative assembly such as the Corporation are those of superintendence and check." Why should not such a power and such functions be given to the Corporation?

Sir John Woodburn's opinion that all legislative functions—"determination of the general lines of administration"—ought to be the duty of the Corporation.

Although Sir John Woodburn has accepted the Bill, as introduced in the Council by Mr. Risley, he says that "the duty of sanctioning bye-laws shall be given to the Corporation, instead of to the General Committee." Because, he argues, "this is just one of those legislative functions—determination of the general lines of the administration—which eminently fall within the jurisdiction of the Corporation." The rate-payers of Calcutta are no doubt very grateful to His Honor for this important concession. But is Sir John Woodburn prepared to say that in executing or carrying out the numerous provisions of the law, dealing with the every-day work of the city, questions do not frequently arise, involving decision on principles of action—"determination of the general lines of administration" (as he pithily puts it)? Who is to consider and finally decide such questions, determine such issues, as they arise? The Chairman alone? Or should he not be advised, guided, and, if necessary in the public interests, controlled by the Corporation, not by "minute interference" but by simply laying down those "general lines" of action in the form of resolutions?

We beg of Sir John Woodburn to look at this important aspect of the question (*viz.*, investing the Corporation with powers of general superintendence and control, and of determination of the general lines of the entire administration) from the point of view set forth in this and previous Notes, and if His Honor will do so, free from all preconceived ideas, and if he will bring to bear on this consideration the broad and liberal instincts, which so eminently distinguish him, both as an Englishman and as a ruler, we do not despair of the ultimate result,

Joint Note of Dissent on the first Report of the Select Committee on the Calcutta Municipal Bill by the Hon'ble Narendra Nath Sen and the Hon'ble Surendra Nath Banerjee.

We desire to record the following Note of Dissent. The Bill, as amended by the Select Committee, makes little or no changes in the constitutional part of the Bill, as originally introduced. Only in regard to two matters has any concession been made in this part of the Bill, and the last of these concessions is nullified by the powers reserved to the Government under the sections relating to control. We note these changes below :—

(1) Under the Bill, as originally introduced, the office of Vice-Chairman, who is usually an Indian gentleman, had been dispensed with, and the Corporation divested of the right which it now possesses of making the superior appointments. Under the Bill, as amended by the Select Committee, this office has been restored, but with its status lowered and its powers curtailed; and the power of making the superior appointments has been partially conceded to the Corporation. The Engineer, the Health Officer, the Assessor, the Surveyor, the Collector, the Joint-Collector and the License Officer will be appointed by the Corporation; the Corporation also appoints the Vice-Chairman, subject to the approval of the Government—an approval which is necessary in the case of appointments made by the Corporation to the offices of Engineer and Health Officer.

(2) Further, under the Bill, as amended by the Select Committee, the Corporation is to pass the Budget, which is to be framed by the General Committee; and the orders of the Corporation in respect of the Budget are to be final. No transfers and no reductions are to be made, and no excess expenditure is to be incurred, without the sanction of the Corporation. In our opinion the effect of these wholesome changes is nullified by the extraordinary powers which the Government assumes under the new sections relating to control. Under these sections to which we shall have to refer later on, at somewhat greater length, whenever the Local Government is of opinion that any of the duties imposed on any municipal authority has not been performed or has been performed in an imperfect or unsuitable manner, or has not been adequately provided for, the Local Government may interfere, and, if necessary, direct, the enhancement of the rates, and even the raising of a loan. Thus the financial control of the Corporation which is given with the one hand is taken away with the other. We are, therefore, justified in the view that the Bill, so far as it relates to the grave constitutional changes which it proposes, remains substantially unaltered.

2. And here we must take note of the statement which has been made that the motion made in Parliament for a Commission of Enquiry involved a blow at the root of Local Self-Government in India, "because it must stop the investigation now being carried on by a Special Committee (meaning this Select Committee) of the Bengal Council." No investigation into the merits of the measure has been made by the Select Committee. We had to carry out a mandate, which we received from the Council, namely, to consider the details of the Bill, the principle having already been accepted by the Council, when the Bill was read the second time, and was referred to the Select Committee. No enquiry was made by us as to the necessity of such a measure. Such an enquiry, however useful in itself, would have been obviously beyond the scope of our reference. We cannot indeed but regret that an exhaustive enquiry has not been held by a duly qualified Commission, preparatory to the introduction in Council of a measure of this magnitude and importance. In England municipal legislation, between 1835 and 1882, is contained in no less than 55 Acts of Parliament, which were consolidated in 1888 and 1892; and most of these Acts were framed after a laborious Parliamentary enquiry. Nobody is under the delusion that the Municipal Act of Calcutta is perfect; and a Bill, framed after an exhaustive enquiry, with a view to remove the wants and needs which are actually felt as the result of practical experience, would have commanded the assent of all sections of the community, and would certainly not have given rise to the alarm and anxiety which the present measure has caused.

3. The principal features of the Bill, so far as they affect the constitutional clauses, to which we take exception, are these—

- (a) The withdrawal from the Corporation of the power to make the superior appointments except those already referred to by us (*vide* Sections 28-A and 57).
- (b) The supersession of the authority of the Corporation over the proceedings of the Executive and the General Committee; and the creation of three co-ordinate authorities, perfectly independent of each other in by far the bulk of the functions assigned to them.

(c) The constitution of the General Committee in which the representatives of the rate-payers will be in a hopeless minority.

4. The Government of India in their letter, dated the 16th March, 1898, described the Bill as introducing "wide and far-reaching changes in the law under which the municipal affairs of Calcutta are at present managed"; and while giving a "general approval" to the measure, felt "confident that the views of the Corporation and the leading Associations, which are being invited by the Lieutenant-Governor, will receive careful and attentive consideration at their (the Select Committee's) hands." We cannot say that the Select Committee have allowed their deliberations, so far at any rate as this part of the Bill is concerned, to be influenced by the views of the public Associations which have been consulted, and the large and influential representative public Meetings which have been held in all parts of Calcutta, and two of them in the Town Hall, convened by the Sheriff and presided over by two noblemen, namely, Raja Benoya Krishna and Maharaja Bahadur Sir Narendra Krishna, K.C.I.E.

5. As a matter of fact, some of these opinions were not received, and in consequence could not be placed before us until after the Select Committee had commenced their deliberations. The appearance of the Plague in Calcutta, soon after the second reading of the Bill in Council in April, 1898, had, to a great extent, upset the public mind, and in great many instances had thrown additional duties on public bodies and individuals in connection with the Plague operations. Having regard to this fact, the voluminous character of the Bill, and the far-reaching changes contemplated under it, we certainly think that some allowance might have been made for the delay on the part of the Calcutta public in submitting their views on the Bill. In the marginal note attached to the first paragraph of the Select Committee's Report, we have a statement showing the public bodies and the public Meetings which have discussed the Bill, and it will be found that the bulk of the opinion expressed by them is distinctly opposed to the important constitutional changes proposed in it. It will thus be seen that despite the distinct mandate of the Government of India that the representations from the public were to receive "careful and attentive consideration," their views with regard to the constitutional changes proposed have received but scant attention at the hands of the Select Committee.

6. The character of these representations, the parties from whom they proceed, and the class of opinion they express, are considerations which are not to be overlooked. It is the natives of the country who object to these constitutional changes—the supersession of the authority of the Corporation, and the formation of a General Committee in which their representatives will practically have very little voice. The Bill affects them more than it does any other section of the community. Whatever may be its merits in the abstract—and regarding them there are strong differences of opinion—the active opposition of the people seals the fate of the measure, and must go a great way to mar whatever good its framers might have anticipated from it. There are instances of recent date, in the history of Indian legislation, which show how laws made in the teeth of strong popular opposition, might as well not have been made at all. The Drainage Bill passed in 1894, despite the unanimous opposition of the non-official members, remains, and will always remain a dead-letter.

7. We thankfully admit that Sections 28-A and 57 of the Bill, as amended by the Select Committee, restore to the Corporation, in respect of the appointments mentioned in those sections, the power of making the superior appointments. Under the present law the Corporation makes all appointments, carrying a salary of Rs. 500 a month and upwards, and sanctions the nominations of the Chairman, in respect of all appointments carrying a salary of above Rs. 200 and under Rs. 500 a month. Under the Bill, the whole of this power is withdrawn from the Corporation, except that it may appoint the Vice-Chairman, the Secretary, the Engineer, the Health Officer, the Assessor, the Surveyor, the Collector, the Joint-Collector and the License Officer. Not a word is said in support of this modification of the law in the Statement of Objects and Reasons; but the Hon'ble Mr. Risley, when introducing the Bill, quoted the authority of Sir Henry Harrison in support of the change. Sir Henry Harrison is reported to have said that the Municipality "failed most conspicuously in personal questions, when each Commissioner is subjected to private solicitation and unwholesome pressure, and gives his vote under the influence of motives, very few of which are consistent with the well-being of the city."

8. It is remarkable that Sir Henry Harrison, notwithstanding this expression of opinion, did not seek to deprive the Corporation of the power of making these higher appointments. It is obvious that it is much easier to canvass 12 persons than 75 persons, and 75 persons, acting in the

full light of publicity, are much less likely to perpetrate a job than 12 persons acting in secrecy and responsible to none but their own consciences. The records of the Corporation fully bear out this view; and the fact remains that, ever since the reconstitution of the Municipality upon an elective basis in 1876, all the higher appointments made by the Corporation were duly sanctioned by the Government. The one case in which such sanction was refused in the course of 23 years, was that of the late Mr. Wyman, who was nominated as Secretary by the Corporation. We are therefore of opinion that the Corporation should be empowered to appoint to, and from time to time fix the salaries of, all offices of above Rs. 500 a month, in addition to those specifically enumerated in Sections 28-A and 57; and that as regards offices carrying a salary of between Rs. 200 and Rs. 500 a month, the salaries fixed and the nominations made by the Chairman or the General Committee, as the case may be, should be subject to the final approval of the Corporation.

9. The Bill provides for the creation, at the discretion of Government, of a new appointment, namely, that of Deputy Chairman, which we consider to be wholly unnecessary; and it vests the Government with the power of making the appointment, and fixing the salary within certain prescribed limits. Under the Bombay Act, it is the Corporation with which rests the discretion of creating such an office, and of filling it up and fixing its salary, from time to time. With a Vice-Chairman in Calcutta, there is, as we have already said, no necessity for such an appointment; and when on an emergency it is found that the Chairman and the Vice-Chairman have more work thrown upon them than what they can efficiently perform, the Corporation may be depended upon to meet the situation, as it has recently done, by appointing temporarily a suitable Personal Assistant.

10. One of the points, connected with this part of the Bill, is the withdrawal from the Corporation of the power of fixing the Chairman's salary, subject to a minimum, and giving him an allowance, at its discretion, for house rent. The reason for this change, as given in the Statement of Objects and Reasons, is that "a Government officer, especially selected for this difficult and important post, is placed in a wholly false position by the present law which makes him dependent on the good-will of the Commissioners for an addition to his pay which, owing to the great cost of living in Calcutta, is in most cases no more than is required to save him from positive loss, while holding the appointment of Chairman." The Corporation has exercised the power of fixing the Chairman's salary and granting him house-allowance for the last 36 years. Nobody has ever complained of this law. Not even the Chairmen themselves ever complained that they were placed in a false position; for, if they did, nothing could have been easier for Sir Steuart Hogg when he was in charge of the Bill, which became the law of 1876, and for Sir Henry Harrison when he was in charge of the Bill, which is now the Municipal law of Calcutta, than to have modified this provision. Further, we may ask—is it not distinctly advantageous to the ends of municipal administration that the Chairman should cultivate the good-will of the Commissioners, and that the law should be such that in his own personal interest he should do so? All that we can say is that it is most unwise to withdraw a provision of the law which would supply the Chairman with a strong motive to be on friendly terms with the Commissioners, and thus promote that harmony so essential to the efficiency of municipal administration. As for the suggestion that the Corporation has not been as generous as it might have been, we have only to point out that the Corporation has always paid due regard to the claims of the Chairman in the matter of salary and house-allowance. If the Corporation has erred, it has erred on the side of liberality. In the case of Mr. Lee, the Corporation sanctioned a house-allowance of Rs. 500 a month, which was disallowed; and in accordance with the suggestion of the Government, the Corporation subsequently reduced the allowance to Rs. 250. In the case of three Chairmen, namely, Mr. Williams, Mr. Bright and Mr. Greer, the Corporation did no more than follow the recommendations of the Government.

11. The Bill, as revised by the Select Committee, withdraws the maximum limit of salary which the Chairman may draw, and which had been fixed by the Bill, as originally introduced. So it comes to this—that the Chairman's pay is to be fixed by the Government, the increments are to be given by the Government, though the Commissioners are much more likely to be better acquainted with his work than the Government could be, and finally the Government may raise ^(a) any to any sum it pleases. This is an arrangement which, it is obvious, is inconsistent with the financial independence of the Corporation. The Bombay Municipal Act fixes the maximum

(b) The Chairman at Rs. 2,500 a month, subject to the proviso that *with the approval of the Government* the monthly salary may be raised to a sum not exceeding Rs. 3,000, in the case of an officer who has held the appointment for not less than 3 years; and it may be remarked that the ^(a) Bombay, if not higher, is certainly not cheaper than what it is in Calcutta.

12. The supersession of the supreme authority of the Corporation, as proposed in the Bill, is a novel feature in the municipal system of Bengal, and is foreign to municipal government in England. The Corporation of Calcutta has always exercised supreme authority since there has been a Corporation, and with the best results. In Calcutta, the Executive of the Port Trust are subordinate and responsible to the corporate authority of the Port Commissioners; and in the mofussil the same principle obtains in connection with our local bodies, whether they be District Boards or Municipalities. But it is now proposed to deal differently with the Corporation of Calcutta. The effect of the supersession of the authority of the Corporation will be, not to strengthen the Executive, which indeed is the principal object of the Bill, but to make it irresponsible. In our opinion, the Bill will distinctly reduce within narrower limits the power of the Executive, and make it irresponsible. Under the existing law, the Chairman exercises almost *all* the powers which are vested in the Corporation. His powers and those of the Corporation are very nearly co-extensive. Only he has to exercise them under a sense of responsibility to the Corporation. Under the Bill, his powers will be limited, and he will no longer be responsible to the Corporation in the exercise of the functions which are assigned to him as a Municipal authority. When it is borne in mind that he cannot possibly himself exercise the vast and varied powers which will be entrusted to him, that with certain restrictions referred to in Section 26, they must be delegated to subordinate officers who no longer will be subjected to the watchful supervision of the Ward Commissioners and the controlling authority of the Corporation, one can readily explain the consternation and alarm which these provisions of the Bill have created in the minds of the Indian rate-payers. They can now appeal to their Ward Commissioners, and through them to the Corporation, which exercises revisional jurisdiction over the proceedings of the Executive. The Bill withdraws this power from the Corporation, and places the rate-payers of Calcutta at the absolute mercy of the Executive, and in regard to matters which affect their daily lives. The responsibility to one's own conscience has not been found always sufficient in matters relating to human Government; and the whole system of administration, municipal and otherwise, in British India and elsewhere, provides for an elaborate system of checks and counter-checks which the wisdom of statesmen has devised to bring home a sense of responsibility to the possessors of power. The Calcutta Municipal Bill inaugurates a departure from this universally accepted principle of administration. It is at the best an experiment which discards the lessons of experience, so valuable to the practical administrator.

13. The establishment of co-ordinate authorities must tend to friction. An emasculated Corporation, but lately in possession of supreme power, must view with uneasiness, if not with positive jealousy, the creation of authorities hitherto subordinate to it, but now rendered independent of it, in respect of the bulk of their powers and functions. It is practically impossible so to distribute the powers among three independent authorities, so 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 the indifferent management of the affairs of the city committed to their charge. That the Legislature itself is half-conscious of the possibility of such friction is apparent from the increased stringency of the sections relating to control. The Government must be armed with plenary powers to be able to deal with the new situation which the conflict of authorities might create. In this connection, it may not be out of place to quote the remarks of Mr., afterwards Sir Frank Adams, late President of the Bombay Chamber of Commerce, made in the Bombay Legislative Council in connection with the third reading of what is now the Bombay Municipal Act. He said:—

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

14. The system of co-ordinate authorities provided in the Bill is based upon the Bombay Municipal Act. But it was clearly understood by the distinguished Indian gentlemen who took part in the enactment of that law, that the Executive of the Corporation were to be responsible to the Corporation and subject to the general control of that body. The idea of the Executive being a co-ordinate authority was far from their thoughts. The Hon'ble Mr. Telang, who afterwards became a Judge of the Bombay High Court, said in this connection—

"Mr. Pherozshah and myself are most anxious that there should not be any interference with the executive functions of the Commissioner. We only want that it should be subject to the general control of the Municipal Corporation, and that is substantially provided for in the present Bill. I am not prepared to admit that, under the sections of the Bill as we have passed them, the Commissioner is what is called a co-ordinate authority, I do not think he is. That is not a correct description of his position under the Bill. I understand he is a subordinate in every respect except as regards the details of executive work, in which he is untrammelled and not to be interfered with. That is his position, and that is what it ought to be."

15. The Hon'ble Mr. Pherozshah Mehta, now a member of the Imperial Legislative Council, went so far as to suggest that the system of co-ordinate authorities in municipal administration was a discredited system, a reversion to which would be a blunder. He observed :

"The greatest work that the Corporation has yet undertaken—the construction of the Tansa Water Works—was undertaken by it, not at the initiation of the Municipal Commissioner, but of one of its own members. I could multiply these instances, but I think I have said enough to show that the credit of this remarkable success justly belongs in the main to the constitutional scheme under which the Corporation carries on the administration by the hands of its executive officers, constantly and continuously controlling, criticising, supervising and directing him. To revert from a scheme of such promise and performance to the discredited principles of the Act of 1865 would be a blunder indeed."

16. We now proceed to consider that part of the Bill which deals with the constitution of the General Committee. The General Committee is to be a Committee of the Corporation, but, unlike all other Committees, it is to be independent of the body of which it is to be a Committee, in regard to the exercise of by far the greater part of its duties. It is to be the real governing body of the Corporation, but it is to be independent of the Corporation. This is an innovation. Under the present law, the General Committee is subordinate to the Corporation, and all its proceedings must be confirmed by the Corporation; though action need not be delayed, for when the Chairman is in agreement with the General Committee, the resolution of the General Committee may at once be given effect to, without waiting for the sanction of the Corporation. The present procedure, which has been in force since 1876, has been attended with no inconvenience. For purposes of speedy and effective executive action, it is not necessary to make the General Committee independent of the Corporation.

17. Under the present law, the number of members of the General Committee is limited to eighteen. The average attendance is from 13 to 14. Under the law of 1876, the number was thirty. Nobody had greater experience of municipal administration than Sir Henry Harrison. In the words of His Honor Sir John Woodburn, "no man has ever had such long and favourable opportunity of judging it"; and Sir Henry Harrison fixed the number at eighteen, and was prepared to "go up to 20 or even 24" (*vide* page 184, Bengal Council Proceedings, Vol. XIX, Part II). If the work can be properly done with a Committee of eighteen, then, having regard to the representative character of the Corporation, and the ends of political and popular education, which, by the Resolution of the Government of India, it is one of the objects of the scheme of Local Self-government to promote, it would be a mistake to reduce it still further. No inconvenience has been felt owing to the number being fixed at eighteen, while it has secured a more adequate representation of all interests, and has created a more diffused interest in the working of the Corporation. We would keep the number at eighteen, and not reduce it to twelve, as proposed in the Bill.

18. But the most important change in connection with the General Committee is that which seeks to provide for the adequate representation of "the three chief interests in Calcutta", and reduces the representatives of the rate-payers to one-third of the entire number of the Committee. The Statement of Objects and Reasons says—

"Section 8 reduces the number of the General Committee from 18 to 12 members, and provides for the appointment of these from among the general body of Commissioners in equal proportions by—(a) the elected Commissioners voting in four electoral divisions, (b) the Chamber of Commerce, the Trades Association and the Port Commissioners; and (c) the Government. It is based on the principle of giving adequate representation on the governing body of the Municipality to the three chief interests in Calcutta—to the European commercial community which has made the city a centre of trade; to the Government which has made it the Capital of the Indian Empire, and is responsible to the world at large for its efficient and progressive municipal administration; and, lastly, to the residents, householders, and ground-landlords who have been attracted to Calcutta by its creation and maintenance as a Commercial Capital."

19. The division which gives to the rate-payers only four out of the twelve seats on the General Committee, is based on the principle of providing adequate representation on the governing body of the three chief interests in Calcutta. We have no hesitation in saying that it is giving most inadequate representation to the rate-payers to place their representatives in a hopeless minority in the governing body of the Corporation. If this is adequate representation, why is it not observed in the Corporation, where, however, the representatives of the rate-payers are permitted to be in the proportion of two-thirds of the entire number? The interests of the rate-payers in the town are permanent. They constitute the bulk of the population; they contribute the bulk of the municipal taxation*; they have the largest financial stake in the town;† yet they are to have little or no voice in the deliberations of that body which will practically administer the municipal affairs of Calcutta. In the Bombay Corporation, one-half of the members are elected, and the other half are nominated. But in the Standing Committee of the Corporation, which occupies the same position as our General Committee, two-thirds of the members are elected by the Corporation, and one-third nominated by the Government. Under the Calcutta Municipal Bill, which closely follows the lines of the Bombay Act, the proportion, however, is reversed. In the Corporation, which is to have far less real authority than the General Committee, the rate-payers will continue as now to be represented by two-thirds of the entire number; but in the General Committee which is to exercise real power and authority, they will be represented by only one-third of the entire number.

20. The Statement of Objects and Reasons makes a distinction between the interests of trade and those of the Government. As a matter of fact the two interests are identical; they represent the interests of sanitation, pure and simple, as distinguished from the interests of the rate-payers, who, having to bear the burden of municipal taxation, necessarily look at questions of sanitation from the point of view of finance. If we are right in this view, the Bill gives an overwhelming preponderance of representation to one interest, and does not provide for an equal representation of the three chief interests in the town.

* The following statement, lately prepared under the authority of the Chairman of the Corporation, is for the whole town (Wards I to XXV):—

					Rs.	As.	P.
1. Total annual valuation of property	...	...	...	...	2,10,56,689	8	0
2. Total annual rate payable by Owners	..	...	...	...	19,75,548	2	6
3. " " " " " Occupiers	...	..	...	...	14,34,861	12	3
4. Total annual consolidated rate payable	...	..	..	...	34,10,409	14	9

Nationality.	Total annual valuation of property owned.			Annual rate payable as owners.			Annual rate payable as occupiers			Total annual consolidated rate payable.		
	Rs.	As.	P.	Rs.	As.	P.	Rs.	As.	P.	Rs.	As.	P.
Europeans and Eurasians ..	26,58,201	0	0	2,19,634	5	9	4,05,760	8	0	6,25,394	13	9
Jews and Armenians ..	9,21,312	0	0	83,529	15	0	27,729	14	9	1,11,259	13	9
Hindus ..	1,27,17,433	8	0	12,67,245	15	9	7,61,964	8	6	20,29,210	8	3
Mahomedans ..	14,41,894	0	0	4,33,103	5	9	61,798	14	6	1,94,902	4	3
Other communities ..	1,07,834	0	0	7,976	14	3	12,446	13	0	20,423	11	3
Government, Corporation and Port Commissioners ..	32,10,015	0	0	2,64,057	10	0	1,65,161	1	6	4,29,218	11	6
Total ..	2,10,56,689	8	0	19,75,548	2	6	14,34,861	12	3	34,10,409	14	9

Europeans, &c.,	own 12·6	per cent. of assessable property in town and pay 18·3 per cent. of the total rate levied.
Jews and Armenians	own 4·3	" " " " " " " 3·3 " " " " " "
Hindus	" 60·4	" " " " " " " 59·5 " " " " " "
Mahomedans	" 6·8	" " " " " " " 5·7 " " " " " "
Other communities	" 0·5	" " " " " " " 0·5 " " " " " "
Government, &c.,	" 15·2	" " " " " " " 12·5 " " " " " "

21. With a view to secure the adequate representation of trade on the General Committee, the Bengal Chamber of Commerce is to return two members, and the Trades Association and the

Port Trust are each to return one member. It is forgotten that the Marwaris and the Bengalee merchants of Burrabazar, Hatkhola and Beliaghatta are important factors in the trading community of the city. But they have not been accorded the right of representation on the General Committee. It is worthy of note that the principle which is embodied in this Bill of giving direct representation to Trade and Commerce on the General Committee is not recognised in the Bombay Municipal Act.

22. How anomalous the provisions of the Bill are, which we are now considering, will appear from the following statement, which indicates the constitution of the proposed General Committee in relation to the Corporation :—

4	members out of 50 Commissioners elected by rate payers
4	“ 15 “ nominated by Government.
4	“ 10 “ nominated by the commercial and trading communities.
<hr/> 12	<hr/> 75

23. Thus out of fifty elected Commissioners, only four are to be elected as members of the General Committee; while the same number is to be elected for the General Committee out of only ten members, nominated by the commercial and trading communities, and out of the fifteen members nominated by the Government. *Local Self-government, if it means anything, means government by the representatives of the rate-payers.* It is clear that a Committee in which the representatives of the rate-payers, that is, practically of the Indian public, shall be in a minority, cannot successfully administer executive functions in a Corporation, whose subordinate officers, in their dealings with the poorer people, require to be kept under steady control. Sympathy and knowledge are the first conditions of successful administration, and those elements, from the nature of things, cannot abound as much in European or official Commissioners as in native and independent Commissioners. The Legislature must have seen good reasons to recognise and maintain a preponderance of elected Commissioners in the general body of the Corporation. But no reason has been shown why the ratio of the number of the representatives of rate-payers to that of the representatives of all other interests, should be in the Corporation as 2 to 1, and on the General Committee as 1 to 2. Besides, we consider it objectionable on principle that bodies outside the Corporation should have the privilege conferred on them of appointing members directly to the General Committee, which is a committee of the Corporation. We recommend that the present number of members, which is eighteen, be retained; that two-thirds of them, as at present, be elected by the elected representatives of the rate-payers in the Corporation; and that the remaining one-third be elected by the nominees of the Government and of the special constituencies as provided in the existing law

24. The constitutional part of the Bill, as we have already remarked, is largely modelled on the Bombay Act of 1888. But the fact is lost sight of that while the Bombay Act is the natural outgrowth of the systems of municipal administration, previously in force in Bombay, the principles of that Act are entirely foreign to the spirit which has characterized the municipal legislation of Calcutta since 1863. Besides, the present Bill only partially borrows from the Bombay Act, incorporating some of its objectionable provisions, while all those which tend to popularise that system have been altogether left out. In the course of this Note, we have pointed out how in certain important respects the provisions of the Bill differ from those of the Bombay Act, and we now propose to draw attention to some of the most prominent features of the Bombay Act which find no place in the present Bill. In Bombay, the Corporation is the superior administrative body. It chooses its own President, who is the chief spokesman of the Municipality. The Standing Committee, corresponding to the General Committee under the Bill, is really a Committee of the Corporation, and not so merely in name, fully $\frac{2}{3}$ of its members being elected by the Corporation. There is thus a solidarity of feeling among the majority of the members of the Standing Committee, who owe their position, and are responsible to one central authority, whose policy they are obliged to carry out with the utmost loyalty. The Standing Committee too elects its own chairman, and the Municipal Commissioner, the chief executive officer, is not even a member of either the Corporation or the Standing Committee. The Municipal Commissioner performs all executive work and carries out all orders of the superior administrative body. It is true he is appointed by Government, but the appointment is for a renewable period of three years, and his salary cannot be increased beyond Rs. 2,500 a month, except with the approval of the Corporation. Can any one say that this is the constitution that is proposed for Calcutta under the Bill? We are no advocates of the Bombay system; but if it is at all to be given a trial

in Calcutta, we are certainly of opinion that it will not do to borrow from it here and there, but that the system should be introduced into Calcutta in its entirety.

25. Under the Bill, the members of the General Committee and of Sub-Committees, appointed by the General Committee, are to be paid fees for their attendance, the members of the General Committee receiving a fee of Rs. 32, and of Sub-Committees Rs. 16 for each meeting. The payment of fees for attendance at municipal meetings is a thing altogether unknown to the municipal system in vogue in this province. The suggestion was made when the Municipal Act of 1876 came on for revision in 1888, but it was abandoned. The work of the town has hitherto been performed without the payment of any fees to Municipal Commissioners; and competent authorities, including Heads of the Administration, have testified to the satisfactory character of that work. To pay fees is to throw an unnecessary charge upon the municipal funds. It is said that unless fees are paid Europeans will not take part in municipal work. But will the fees that are proposed to be paid draw the leading men of the European community—the heads and senior partners of the great mercantile firms—to the civic work of the town? But if the representatives of the European community need the stimulus of fees for work to which public spirit should furnish the only incentive, the Hindu and Mahomedan Commissioners require no such inducement, for, without fees, they have done good service in the past; and in our opinion no fees should be paid for attendance at meetings, or if they are to be paid, they should not be paid to officers of Government and to natives of India as defined by the statute; for they do not need the inducement of fees to do public work.

26. We may here remark that under the Bill, while fees are to be paid to members of the General Committee, and of Sub-Committees appointed by the General Committee, members who attend meetings of any Committee appointed by the Corporation are not entitled to any fees. Why this distinction should be made between Committees of the Corporation and Sub-Committees of the General Committee, placing these Sub-Committees on a more favoured footing, it is difficult to see; but it is in perfect accord with the tenor of the Bill, which is to exalt the General Committee and the Executive, and to lower the Corporation.

27. Under the Bill, as originally introduced, a Commissioner could not for any week draw more than one fee for attendance at the General Committee, even if there should be more than one meeting in a week. This restriction has been withdrawn in the Bill, as revised by the Select Committee, and a Commissioner may receive as many fees at the meetings of the General Committee which he may attend in the course of the week. This restriction has also been withdrawn in regard to payment for attendance at meetings of the Sub-Committees of the General Committee. While the prospects of emolument have been raised, a wholesome condition which the Bill, as originally introduced, laid down, has been withdrawn and which entitled a member to receive a fee only if he attended from the commencement of the meeting till the end of the proceedings. The Select Committee have provided instead (Section 93) that no fee shall be paid in respect of any meeting at which only adjourned business is transacted. The changes made, to which we have referred, are distinctly for the worse, and it will be our duty to object to them in Council.

28. We now pass on to the consideration of the sections relating to control (Sections 26-B to 26-F.) They are far more stringent than the similar provisions of the existing law. We will briefly indicate the points of difference. Under Section 38 of the Calcutta Municipal Act, the Government can only interfere when "general default" is made by the Corporation, and such default is of "a serious character." Under Sections 26-D and 26-E of the Bill, if the Local Government is of opinion, upon the report of an officer appointed for the purpose, that *any* of the duties imposed on any Municipal authority "has not been performed," or has only been imperfectly performed, or performed "in an inefficient or unsuitable manner," or "adequate financial provision has not been made for the performance of any such duty," then the Local Government may take action. It will thus be seen that, whereas under the present law, the Government can only take action when "general default" of "a serious character" has been made by the Corporation, under the Bill the Government may interfere on the slightest cause when *any* duty has not been performed. Nay, more, if the duty has been imperfectly performed, or if the method of performing it is considered to be faulty or unsuitable, the Government may interfere. The range of Government interference is thus made to extend to the pettiest details of municipal administration, and even to the manner and form in which municipal work is done. Further, under the existing law, if an appeal to the

Supreme Government is preferred against the orders of the Local Government, no further action is to be taken by the Local Government. Sub-section (3) of Section 26-E of the Bill, however, lays down that "no action directed by any such order (of the Local Government) shall be suspended in consequence of the transmission of any such petition." Then again, under the Bill, if the orders of the Local Government are not given effect to, the Local Government may, if necessary, direct the raising of the rates and the incurring of a loan on behalf of the Corporation. The present municipal law gives no such authority to the Government. We may here mention that the provisions of the Bombay Municipal Act in this respect are far less drastic. Section 518 of the Bombay Municipal Act limits the interference of Government to default made in respect of specific provisions of the Bill, mentioned in that section. It does not arm the Government with a general power of interference which may cover the entire sphere of municipal administration. Nor does it give authority to enhance the rates or to raise a loan.

29. The justification for these stringent sections is that they follow the lines of the English law, and that therefore we have no right to complain. We are prepared to accept the rough with the smooth; but it is not fair to ask us to accept the rough without the smooth. It is an unfortunate feature of this Bill, and we make it a matter of general complaint, that while apparently the municipal legislation of the Empire is laid under requisition to pile one drastic provision upon another, the beneficent features of that legislation are completely withheld from our view. We do not object to the severe provisions of the English law relative to control, if in return we are granted the full measure of civic freedom which distinguishes the municipal system of England. The *raison d'être* for these drastic provisions in the English law is completely forgotten. The English municipal system is the freest in the world. The municipal Councillors are all elected; the Executive is the Executive appointed and controlled by the Corporation. There is not the smallest interference on the part of the Government with the internal administration of municipal affairs. Obviously the external control must be rigid in proportion. The more the active interference of Government from within, the less there is occasion for rigid control from without: the greater the measure of freedom given to the local bodies and the less there is active interference from within, the greater becomes the need for strong external control. The history of municipal legislation in Bengal conclusively proves what the English system tends to establish. When the city was under the government of the Justices, who were all nominated Commissioners and more or less Government men,* there were no provisions in the municipal law relating to control. When for the first time a Municipality, independent of the Government, was created, the Government thought it necessary to reserve to itself the power of control. Having given up the power of control from within, it sought to enforce control from without. But now, when under the Bill the Government assumes large powers in the internal administration of the Municipality, when one-third of the members of the General Committee will be directly nominated by the Government, when in addition to the Chairman, a Deputy Chairman may be appointed by the Government, and when the Government assumes the power of taking action in various other matters, it seems to us that the circumstances are such as to call for the relaxation and not the strengthening of the powers of control reserved to the Government. As the *Times* newspaper justly observed, the Municipal Bill is "a partial return from Self-Government to the centralized official model." We make a long stride, under the provisions of this Bill, towards the form of municipal administration which prevailed under the justices, and therefore the sections relative to control ought to be relaxed rather than rendered more stringent.

30. Similar provisions found a place in the Bill of 1876, but in deference to the opposition which they evoked, they were abandoned. The public men of that time felt that with such a law, no man of self-respect could possibly consent to undertake the duties of a municipal commissioner. We reproduce here an extract from a petition submitted to the Government by the Justices, among whom were such men as Babu Kristodas Pal, Mr. J. B. Roberts, Mr. Brookes, Mr. Ferguson,

* "———, the Justices appointed by Government, were Government nominees, and it necessarily followed that there should be a community of sentiment and opinion between the Government and the Justices. The Justices were in a great degree part of the Government, and there was agreement between the Government and its nominees. Therefore, really the control which the Government now had was complete—the most perfect kind of control possible, inasmuch as the Justices were uncontrolled by law, but being Government nominees were in unison with the Government."—Extract from the speech of Sir Richard Temple in the Bengal Council. See Proceedings of the Bengal Council, Vol. IX Part II, page 31.

Dr. Ewart, Babu (afterwards Rajah) Rajendralala Mitra, Babu (afterwards Rajah) Degumber Mitter, c. s. i., and others :—

“That your Memorialists would suggest for your Honor's consideration in Council that in their view the principle of free election contained in the Bill is completely nullified by the absolute power of active interference reserved to the Government, and that, even on the supposition that the power would never be exercised, still so grave a distrust is exhibited of the possible abuse of the franchise proposed to be conferred, that no citizens possessed of self-respect and enlightened views, and commanding the confidence of the public, would consent to act as the members of a Municipality, subjected as they would be, by the provisions of the Bill, to the perpetual threat of the interference of the Government; and your Memorialists entertain grave forebodings that the Municipality would in consequence be deprived of the services of the most zealous, conscientious and upright of the residents in Calcutta.”

31. We desire to repeat the same warning, and that not only as regards these particular provisions, but the entire Chapter which deals with the constitutional changes, the effect of which would be to reduce the system of Local Self-Government in Calcutta to a nullity. When this Bill has been passed into law, we are afraid few Indians, possessed of self-respect and imbued with a due regard for public opinion, will consent to act as municipal commissioners.

32. We do not indeed object to the control of Government over the Municipality. Such control is healthful and necessary. But the Government having slept over its powers has partly made itself responsible for any default, of which the Corporation might have been guilty. Not having exercised the powers of control under the existing law, it cannot be said that by actual experience it has been found that the present provisions are inadequate. No case has been made out for the assumption of still further powers of control.

33. We recognize that the Corporation exercises delegated powers. But what with the active intervention of Government from within, and the stringent powers of control to be exercised from without, we submit that little of Self-Government will be left to the Corporation of Calcutta. Indeed, the Government assumes so many and such large powers under the Bill, that it ought fairly to be considered as a municipal authority under Section 6 of the Bill.

34. We therefore suggest that it is statutory obligations of the graver character which alone ought to come within the purview of the control to be exercised by the Government, as in the Bombay Municipal Act; that an appeal should be allowed to the Supreme Government against the orders of the Local Government, and pending the decision of the appeal, no action should be taken; and lastly, no power should be reserved to the Local Government to raise the taxes, or to incur a loan on behalf of the Corporation. Far better would it be to supersede the Corporation altogether than to provide for such powers of control.

35. We have dwelt at considerable length upon the constitutional changes, because they represent the most important part of the Bill, and the part which has excited the largest measure of criticism. No case has been made out for these changes. Sir Henry Fowler, in the recent debate in the House of Commons, speaking with a full sense of his responsibility as late Secretary of State for India, said that he “himself did not see any evidence to justify the statement that the system had broken down.” Sir Alexander Mackenzie said in his speech at Palmer's Bridge “that the state of the streets and lanes, which can be easily reached by your carts, is by no means bad,” and he added that, “with most of the evils detected by the Sanitary Commissioners, your existing Act gives ample powers to deal.” At that time at any rate Sir Alexander Mackenzie did not entertain any idea of changing the law. It was not until the debate in the Municipal Board, in which his views were challenged, that he addressed the Government of India with a view to the adoption of important modifications in the law. Sir Henry Harrison, whose authority in connection with the municipal affairs of Calcutta must stand very high, observed when the present constitution of the Corporation came on for discussion in the Bengal Council on the 4th February, 1888 :—“In the work of legislation, gradual construction on existing lines is the safest. We have existing lines, to work upon, and unless we are prepared to say that the Corporation will not work upon those lines, it is undesirable to change them. I am not prepared to say that the proposed constitution is unworkable.”

36. In the speech of Sir Alexander Mackenzie, from which we have quoted, he says—“Behind these streets and lanes (where the Municipal sweepers and carts have access) there is a festering area that it is at present almost impossible for your agency to scavenge effectually, and that must be opened up.” The question of the sanitation of Calcutta, therefore, resolves itself into a question

of opening out the congested areas in the town. Does the Bill make any provision for this important purpose? Sir Alexander Mackenzie will give us the answer. In his speech delivered on the 26th February, 1898, from his place as President of the Bengal Legislative Council, he said—"The question of opening up the unhealthy and congested areas in Calcutta, in some of which 78 per cent. of the space is occupied by solid masonry, is a very difficult one, and no attempt has been made to deal with it in this Bill." The conservancy arrangements, provided by the Municipality, according to Sir Alexander Mackenzie, are not bad: the Bill makes no provision for the opening out of the congested areas which are a menace to the health of the town. One may therefore fairly ask—what useful purpose is this Bill intended to serve? The question of opening out the congested areas, which is the great sanitary need of Calcutta, is not one of legislation but of funds, and the Calcutta Building Commission, presided over by the Hon'ble Mr. Justice Trevelyan, were of opinion that the funds at the disposal of the Corporation are inadequate for the purpose, and recommended that the provincial and imperial revenues "should bear a part in reducing Calcutta to order." We would quote here paragraph 133 of the Commission's Report—

"So far back as 1803, we have the opinion of the then Governor-General that it was the duty of Government to contribute in a just proportion to any expense which may be requisite for the purpose of completing the improvements of the town. We submit that now, after the expiration of nearly a century since that minute was signed by the Marquis of Wellesley, it is equally the duty of the Government to come to the aid of the citizens of Calcutta, in order to relieve them from the dangers to which they are subject. In the letter written by the Secretary of the Bengal Chamber of Commerce to the Secretary of the Government of Bengal, dated the 4th of January, 1897, the Committee of that Chamber say 'that they bear in mind that taxation in the city is almost at a maximum, and that it presses very heavily upon all classes, so that the question of money is one as to which probably the Government may, in the general interests of the Empire, feel called upon to come to the assistance of the city. That it is in the interests of the Empire that Calcutta should be rendered as wholesome as possible, there can be no doubt. A serious epidemic, such as plague, if its ravages extended to Calcutta, would seriously dislocate the whole trade of the East. The Imperial revenues would be impaired, and the damage done to English Commerce, and thus to the interests of England, would be incalculable.'"

37. There is an impression in some quarters, and this impression found utterance in the recent debate in Parliament, that there has been a steady deterioration in the health of Calcutta. The truth is that, if there has been any deterioration in this respect, it is due to general causes which have been operative throughout the Province; and in the opinion of the Government, the sanitary conditions of Calcutta—the work of the Corporation which is now about to be superseded—counteracted to some extent the insanitary influences at work. The largest percentage of the mortality of these provinces is due to fever, and we set out a table showing the deaths from fever in Calcutta as compared to the deaths from the same cause in the other parts of the Province:—

CALCUTTA.			BENGAL (other parts).	
YEAR.	DEATHS.	RATIO.	DEATHS.	RATIO.
1889	3,307	8·3	1,101,521	16·72
1890	4,112	9·4	1,155,569	17·54
1891	4,614	10·5	1,333,395	18·94
1892	4,593	10·5	1,615,334	22·72
1893	4,713	10·7	1,477,288	20·87
1894	5,667	12·9	1,799,833	25·32

38. The Bengal Government, in its Resolution on the Administration Report of the Corporation for 1894-95, made the following remarks:—

"On comparing the Calcutta statistics with those for the surrounding country, a certain degree of correspondence between the two sets of figures may be traced, and the conclusion which they seem to indicate is that the prevalence of fever in both areas is determined in the main by the general causes which produce fever everywhere in Bengal; but that the operation of these causes in Calcutta is counteracted to a varying extent by improved sanitary conditions, among which the reduction of subsoil moisture by drainage occupies a prominent place."

39. The main object of these important constitutional changes is to secure the co-operation of the representatives of the European community in the municipal work of the town and to curtail

the preponderance of Hindus in the Corporation. Under all the various systems of municipal government which from time to time were in force in Calcutta before 1876, the official and the European elements always preponderated; yet all these systems were found in working to be so unsatisfactory that frequent changes* had to be made in the municipal law; and it was not until the introduction of the elective system that the elements of a stable municipal government were found.

40. The co-operation of the European community in the work of the Municipality is an old question, and has engaged the attention of successive Governments since 1876. It has come up for consideration every time the Municipal law of Calcutta has been amended. Under the law of 1876, the southern wards, which are inhabited by Europeans, were allowed three Commissioners for each ward, although they were smaller in population than those Indian wards which returned only two Commissioners. Under the Act of 1888, a still more important step was taken in this direction, and special constituencies were created for the return of European members, and from 1876 up till now the Government has retained in its hands the power of nominating members to the Corporation, and that for the express purpose of adjusting the adequate representation of different interests on the Board. But the members of the European community would not offer themselves for election; the European constituencies, as for instance the Chamber of Commerce, would sometimes nominate Indian members, while the Government itself did not always appoint as many European Commissioners as it could. Surely, no case has been made out for the supersession of the law when everything that might have been done under it has not been done by the Government itself and the European community. The difficulties which beset the problem are serious, and the Government now proposes an experiment which, if past experience is to be our guide, is foredoomed to failure. Sir Steuart Bayley, the late Lieutenant-Governor of Bengal, said from his place in Council—"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."

41. As regards the curtailment of the preponderance of the Hindus in the Corporation, the policy of the Government of India is cast upon totally different lines. It is to associate the people more and more largely in the administration of their local affairs. In the Resolution of the Government of India and in the practical application of that Resolution no difference is made between the presidency towns and the townships in the interior. The great Resolution of 1882 did not specifically refer to the Presidency towns, because they were already in possession of a form of self-government in advance of the system which it proposed to create for the Mofussil towns and rural areas. The Government of India attaches so great an importance to the policy of the local self-government that it has distinctly laid down in the Resolution referred to above that even the ends of efficient administration may be sacrificed for the still higher purposes of popular and political education. There has, however, been no loss of efficiency by the application of the elective system to the municipal government of Calcutta. On the contrary, the government of the town by the elected Commissioners has been marked by sanitary works which have contributed to the improvement of the health of the town, and have won for the Commissioners the acknowledgments of the Government. At the same time it has brought to the front rank in public life, men who, devoted to their own particular occupations, would never have felt any attraction for public affairs, were they not drawn by an irresistible impulse to the affairs of their own native town.

It has always been the settled policy of the British Government in India never to withdraw a concession once made. It may not be out of place here to quote in this connection the words of Sir Douglas Straight, late one of Her Majesty's Judges of the Allahabad High Court :—

"Speaking from thirteen years' residence in India, during which I hope I kept neither my eyes nor ears shut, I am firmly convinced of one thing, and it is this—that while innovations and changes there should only be very gradually and cautiously introduced, a concession once made should never be withdrawn, except for reasons of the most paramount and pressing emergency."

42. The whole question is whether the Government is prepared to sacrifice the system of Local Self-Government which has now been in force in Calcutta for nearly a quarter of a century,

*Act XXIV of 1840, Act XVI of 1847, Act XII of 1852, Act XXVIII of 1854, Act XIV of 1856, Act XXV of 1856, Act XXVIII of 1856 and Act VI of 1863 During the next eleven years many defects were found from time to time to exist in the law of 1863, and were amended by special legislation, so that by the end of 1874, the municipal government of Calcutta was regulated by no less than 14 Acts, the provisions of some of which were obscure and inconsistent.

which has conferred great sanitary boons on the town, and which has fostered and stimulated the public spirit of the people for the sake of more than a doubtful experiment.

43. Having regard to the reasons adduced above, we are of opinion that the constitutional clauses of the Bill should be abandoned, for, we apprehend, that if they be enacted into law, not only will a great principle, which has received the sanction of the Government of India, and which represents the deliberate policy of that Government, be sacrificed, but there will arise serious practical difficulties in the working of the Municipal system of Calcutta—there will be friction—there will be conflict of authorities—and there will be the possibility of a deadlock. We are entitled to speak with authority upon the matter, as both of us have been associated with the municipal administration of this city for 20 years or more.

44. We thankfully admit that in regard to details, considerable modifications have been made by the Select Committee, and a great deal of contentious matter removed; but at the same time we think that if more time had been allowed, the Select Committee would have been able to make further improvements in this part of the Bill. It is a noteworthy circumstance that the Hon'ble Member who introduced the Bill in Council was not able to take any part in the deliberations of the Select Committee. We think it, however, right to place on record our acknowledgments to the Hon'ble Member in charge of the Bill, whose practical experience of the details of the municipal administration of Calcutta, gained by his long connection with the Municipality, as an active member, both of the Corporation and the General Committee, has proved of great help to the Select Committee in settling this part of the Bill. Whole chapters have been withdrawn from the original Bill and new chapters have been substituted, while considerable modifications have been made in the provisions of the original Bill which have been retained. Exclusive of the chapter relating to the constitution, the parts of the Bill which excited considerable apprehension and were the subjects of earnest discussion, were the chapters relating to water supply, the construction and alteration of buildings, the erection of privies, and the registration of births and deaths. Every one of these chapters has been withdrawn and new ones substituted in their place. But despite all this there are still not a few provisions in this part of the Bill to which we consider it our duty to take exception. We propose to refer in brief to some of the more important of these provisions, while generally reserving to ourselves the right of dealing with them when the Bill comes up for discussion before the Council.

45. The provision of the law as regards the assessment of buildings is felt to be a grievous burden by the owners of residential houses. Some years ago, the Indian rate-payers of Calcutta addressed a memorial to the Government, protesting against the new system of assessment introduced under the Act of 1888. The memorial was forwarded to Sir Henry Harrison for his opinion. Sir Henry Harrison observed in a Note, that when the whole town had been revalued, the equity of the valuations would be tested by a Committee. "If," he wrote, "they find that residential houses, occupied by their owners, are proportionately more highly valued than other class of buildings, let redress be promptly given." This assurance was repeated by the Government of Bengal; for the Government stated in a Resolution—"In the Lieutenant-Governor's opinion, the suggestion is one which may very properly be attended to, if the owners of houses, built for their own occupation, should, when the present re-valuation of the town is finished, still be found to maintain that they have been unfairly treated." The complaint of unfair treatment is universal among owners of houses built for their own occupation, and the prompt redress which was promised has not been forthcoming. Advantage has not been taken of the present opportunity afforded by the revision of the law to give the house-owners the redress to which we think they are entitled. The system of rating, embodied in this section is based upon the principle laid down by John Stuart Mill. "A valuation," says he, "should be made of the house, not at what it would sell for, but at what would be the cost of rebuilding it, and this valuation might be periodically corrected by an allowance for what it had lost in value by time or gained by repairs and improvements. The amount of the amended valuation would form a principal sum, the interest of which at the current price of the public funds would form the annual value at which the building should be assessed to the tax." Now, it is worthy of notice that this principle is not accepted in England in assessments for purposes of municipal taxation. The rating is based upon the rent which the holding may reasonably be expected to fetch. Further, the section under discussion only partially embodies Mill's views; for, according to Mill, the percentage should be that of the public funds, which is $3\frac{1}{2}$; but the percentage under the Bill, and also under the present law, is five. Again, a house-tax is in the nature of an income-tax; and as small incomes up to a certain level are exempted from taxation, a similar principle ought to apply to holdings which pay a small rate, say one rupee a quarter. This

principle was pressed for the acceptance of the Select Committee, but it did not find favour with the majority. We are of opinion that the law of 1876, which is the English law of rating, should be accepted. If that be considered impracticable, the percentage should be reduced to $3\frac{1}{2}$, and the houses which pay a small rate should be altogether exempted.

46. In this connection we desire to call attention to the consolidated rate imposed upon *busti* lands and huts built thereon, which is now realized from the owners. This was an innovation in the law introduced in 1888, and is retained in the Bill. It is felt as a great hardship, and has interfered with the collection of the rate. We are in favour of the modification of the present law, and the acceptance of the provisions of the law of 1876. We thankfully admit that discretion has been given under the Bill to the Chairman to realize the occupier's share of the rate from the occupiers in the case of poor owners, though we think that this discretion should be vested in the General Committee or in the Corporation.

47. The part of the Bill relating to the erection of buildings has been completely recast, and we thankfully admit that the modifications are a distinct improvement on the Bill as originally introduced; yet there are several provisions, especially in the Rules (for the modification of which from time to time power has been reserved to the Government under the Bill), to which we must take exception. The effect of these Rules would be that in future no house could be built on less than three cottahs of land, while all Indian houses in Calcutta built upon four or five cottahs of land would have to dispense with the luxury of court-yards, which all acquainted with Indian life and habits are well aware would entail very great hardship upon the people. Rule 22, Sub-rule (2) provides that an open space of 10 feet should be left at the back. We would recommend that where there is a court-yard, there should be a proportionate reduction in the open space to be kept at the back. Further, it is obvious that an open space at the back without means of access for conservancy purposes would be a nuisance. We would, therefore, suggest that an open space of 6 feet be kept at the back, and 4 feet on the side best suited to the position of the building in regard to the direction of the breeze. It may be pointed out that at present an open space to the extent of only 4 feet is required to be kept at the back. Rule 52 makes the building sections applicable to a variety of alterations to a building which are indicated in that Rule. The effect of a Rule like this, we are afraid, would be to override the concessions which have been made. We recommend the omission of all the clauses except (e) and (f). We are of opinion that it is only when "any alteration of the internal arrangements of a building which affect an alteration of its court-yard or court-yards, or its drainage, ventilation or sanitary arrangements, or which affect its security," or "any addition to any building, room or outhouse" is made that the building sections should apply. The provisions as regards privies, we are afraid, are a little too stringent, and likely to operate as a great hardship upon people of moderate means.

48. The chapter on water-supply has been recast, and again we have to acknowledge that much of the contentious matter which the chapter contained has been removed. There is, however, an important provision in the Bill as originally introduced, to which we must take exception, and which has not been altered. The Government takes power under the Bill (Section 232) to direct the Corporation to provide filtered water to the adjacent Municipalities, named in that section, whenever it considers that the supply of filtered water is more than sufficient to meet the requirements of Calcutta; and, further, the Government is to prescribe the rate at which the water is to be supplied. Up till now the discretion as to supplying filtered water to the neighbouring Municipalities and fixing the price of the water has belonged exclusively to the Corporation. It is with the money of the rate-payers of Calcutta that the Water Works have been constructed, and the water-supply is maintained. Their representatives ought surely to have the right of determining as to whether they should supply the water to the neighbouring Municipalities, and the rate at which the supply should be granted. As to whether the requirements in respect of the water-supply of Calcutta have been fully satisfied or not, is a question which the Corporation will always be in a much better position to decide than the Government.

49. One of the professed objects of the Bill is to advance the interest of sanitation and improve the health of the town. We are therefore all the more disappointed that the Bill does not expressly make any provision for periodically testing, by approved scientific methods, the purity and fitness for human consumption of the filtered water supplied to Calcutta and similarly testing the unfiltered water supplied with a view to make sure that it is free from dangerous impurities. We are further of opinion that the law should fix a minimum daily supply of filtered water per head of the population. A copious supply of pure and wholesome water is of the utmost necessity from a

sanitary point of view, as well as from a consideration of the peculiar habits of the people of this country. The Bill, as originally introduced, provided that connected buildings should be entitled to a supply of filtered water at the rate of 3,000 gallons for every rupee of water-rate paid. We thankfully admit that the Select Committee have raised the rate of supply, but not to the extent we consider necessary. We are of opinion that 5,000 gallons of filtered water should be supplied for every rupee paid as water-rate, and that the quantity, consumed in excess of the allotted supply, should be charged for at the same rate. We object to the power of the Chairman to cut off the water supply of a connected building for non-payment of the consolidated rate or other dues. The law gives ample powers to the Chairman for the prompt recovery of municipal dues, while it should be borne in mind that the stoppage of the water-supply might affect the health, not only of the inmates of the house concerned, but of the houses in the neighbourhood. The proper cleansing and flushing of the sewers with an abundant quantity of water is a highly important factor in the health of the town; and it is a matter of regret to us that the Bill does not explicitly provide for the efficient and periodical performance of this duty by the Chairman. The provisions of the Bill, as originally introduced, relating to the registration of deaths and the restrictions regarding the hours of cremation or burial created the most intense and widespread alarm. We gratefully acknowledge that the Select Committee have struck out these sections altogether and have restored the existing law on the subject.

50. The Bill, as introduced in Council, contained 668 Sections, and there were 20 Schedules attached to it. In the course of the deliberations of the Select Committee, various new sections were, from time to time, brought up and discussed, and a large number of them have since been embodied in the Bill. The Bill, as now revised by the Select Committee, contains 639 Sections, of which 218 are entirely new, while considerable modifications have been made in many of the sections which have been retained. The Schedules to the revised Bill are almost the same in number as those attached to the original Bill, but cover more than twice as many pages, some of the sections of the original Bill having been transferred to the Schedules of the revised Bill as Rules, and a great many new Rules having been added. We have no hesitation in saying that the Bill, as now revised by the Select Committee, is, with the exception of the constitutional clauses, altogether a different measure from the Bill introduced in Council. That being so, we are of opinion that the views of the Corporation and other public bodies should again be invited, so as to give effect to the orders of the Government of India that the fullest discussion should be invited with regard to this important measure; and that these views should be further considered by the Select Committee. We therefore recommend that the Bill should be published for three months, and that thereafter it be referred back to the Select Committee for the consideration of the opinions of the public bodies. We have precedents on our side in support of the course we recommend. The Municipal Bill of 1876, and the Calcutta Municipal Bill, which became the Act of 1888, were both referred back to the Select Committee for further consideration; and we may add that a similar course was followed in connection with the Mofussil Municipal Bill, which became the Municipal Act of 1894. The present Calcutta Municipal Bill is not inferior in importance to any of the above measures, while the changes which it contemplates are more numerous and more fundamental than any ever proposed by any municipal law in Bengal. Such further reference need not stand in the way of the revised Bill coming up before the Council, at the commencement of the next winter session, with a view to its being passed into law before the 1st of April next, when it is intended that the Act is to come into operation.

Correspondence between the Government of Bengal and the Government of India on the Calcutta Municipal Bill, as originally revised by the Select Committee of the Bengal Council.

No. 180T., dated Calcutta, the 4th May, 1899.

From—The Asst. Secy. to the Government of Bengal, Legislative Department,

To—The Secretary to the Government of India, Legislative Department.

I AM directed to submit, in pursuance of Rules 3 and 7 (4) of the revised instructions regarding legislation in Local Councils, a copy* of the Calcutta Municipal Bill as amended by the Select Committee, together with a copy* of the Report of the Committee, and

*With 25 spare copies. to request that the sanction of the Government of India may be accorded to the penal clauses of the Bill, namely, sections 602 to 609. These sections have been

modified by the Select Committee, and His Honour the Lieutenant-Governor proposes to accept them as they stand in the amended Bill.

No. 93, dated Simla, the 17th June, 1899.

From—A. H. L. FRASER, ESQ., C.S.I., Offg. Secy. to the Govt. of India, Home Dept.,

To—The Secretary to the Government of Bengal, Legislative Department.

I AM directed to acknowledge the receipt of your letter No. 180T., dated the 4th ultimo, submitting a copy of the Calcutta Municipal Bill, as amended by the Select Committee, with a copy of the Committee's report. These papers have been carefully considered by His Excellency in Council, and I am to communicate the following remarks and proposals.

2. The late Lieutenant-Governor of Bengal, Sir Alexander Mackenzie, set forth the grounds for the introduction of this Bill in Mr. Risley's letter No. 383T.M., dated the 17th June, 1897. He drew attention to certain matters in respect of which the existing system of municipal government in Calcutta had failed, and to certain flagrant abuses which had grown up under it. The principal grounds for the introduction of the present Bill, as summarized by him, were as follows:—

- (1) the complete failure of the elective system to secure adequate representation even of the different interests existing in the native city;
- (2) the practical exclusion of European men of business from all share in the municipal government of Calcutta;
- (3) the growth of party spirit and the appearance among the elected Commissioners of a class of professional and in some cases corrupt politicians;
- (4) the abuse of the Committee system, which paralyzed the executive officers and demoralized the subordinate staff; and
- (5) the consequent breakdown of the conservancy and water-supply of the town and of every department of municipal administration.

3. The Government of India fully accepted the necessity for the remedy of these abuses; and they assented generally to the principle of the proposed legislation, while in respect of details they relied at that early stage upon the high authority of Sir Alexander Mackenzie. In submitting the Bill to the Secretary of State (Despatch No. 1, dated the 6th January, 1898), the Government of India said: "We desire to give our fullest support to the Lieutenant-Governor in his endeavour to improve the system of municipal government and to remove the sanitary defects of Calcutta, and we approve of the introduction in the Legislative Council of Bengal of a Bill based on the general lines of the Bill under consideration. But we have refrained for the present from any general discussion of the details of the Bill; and we think that the responsibility for them should rest with Sir Alexander Mackenzie." It may be noted also that in this Despatch the Government of India, even at that early stage, indicated a preference, as regards the constitution of the General Committee, for the model of the Bombay City Municipal Act. It was only in deference to Sir Alexander Mackenzie's strongly-expressed objections that they did not at that time persist in their views in this respect.

4. The Secretary of State (in His Lordship's Despatch No. 25, dated the 10th February, 1898), after summarizing the views of the Bengal Government and of the Government of India, communicated in very cautious language his acceptance, not of the Bill itself, but of the principle that the executive should be strengthened, and that the bodies representing the trade of Calcutta should have a voice on the General Committee. He added that he would watch with interest the discussion of the proposed Bill in the Council of the Lieutenant-Governor.

5. In these circumstances the Bill was introduced into the Local Council on the 19th March, 1898; and it was referred to a Select Committee on the 4th April, 1898. Meanwhile Sir Alexander Mackenzie resigned the office of Lieutenant-Governor; and Sir John Woodburn succeeded him on the 7th April, 1898. In opening the winter session of the Local Council on the 12th November, 1898, His Honour made a statement upon the course of business. He dwelt especially on this Bill, the consideration of which by the Select Committee was to be the main work of the session. He accepted fully the decisions of the Council, which had endorsed the proposals of his predecessor. He specially quoted with approval the opinion of Sir Henry Harrison, a distinguished Chairman of the Corporation, that "under its present constitution there is a lack of motive power. The energies of the municipal government expend themselves in criticism and not in action;" and His Honour

added, "in the administration of a great city there must be provision for prompt, steady and efficacious action; and there is no room for doubt that reform of some sort is needed."

6. The Select Committee began their sittings on the same date, the 12th November, 1898, and have met forty times, discussing the Bill, section by section, and devoting to it what appears to have been a very patient and thorough examination. They have carefully considered the Bill itself, the voluminous criticisms referred to in the first paragraph of their report, and the views of the Calcutta Building Commission. They have recognized the limitations imposed by the reference from the Local Council under which they were acting; but they have proposed a large number of alterations, some of which are of considerable importance. And now the amended Bill with their report is submitted for the renewed consideration of the Government of India.

7. The Government of India cannot fail to realize that they have a special responsibility in this case. It would be strange indeed if they did not feel a peculiar interest in a measure affecting the municipal constitution of a city, which is not merely the capital of the Province of Bengal, but also the seat of the Imperial Government and the capital of the Indian Empire. They are deeply persuaded of the importance of a local administration, which shall adequately represent the various great interests that have placed, and still keep, Calcutta in its premier position in India, and which shall be business-like efficient, and free from scandal or reproach. At the same time it would be their natural desire, in the interests both of continuity of administration and of public harmony, to see these objects attained, not by any contravention of the broad principles of Local Self-Government already conceded, but by a curtailment of the abuses to which in practice they may have become exposed, and by a restriction, within limits suggested by experience, of the range of their future operation. In these opinions the Government of India are convinced that they have the sympathy of the Lieutenant-Governor.

8. In the course of the passage of the Bill through its various stages, much criticism has been bestowed upon it from many quarters; and, while a good deal of this criticism has been of only ephemeral value and has rested upon no solid foundation, the Government of India have been led, after a careful and independent investigation, to think that there are features in Sir Alexander Mackenzie's Bill, which are not in entire accordance with the principles just laid down, and which might not in practice ensure that amicable and patriotic co-operation of all parties in the future municipal government of the city, which is essential to its efficient administration.

9. The first of these points is the want of correspondence, in constituent proportions, between the Corporation, which is still left under the Bill with its original numbers (75), and constituent elements (50 elected by wards, 10 elected by bodies representing trade, and 15 appointed by the Government) and the new General Committee of 12 members, to be constituted in the opposite proportions of 8 from the 25 members representing trade or appointed by the Government and 4 from the 50 ward members. This proposal, however fairly it may be held to give representation on the General Committee to the leading interest in the city, and however well it may have been expected by Sir Alexander Mackenzie to work in practice, is undoubtedly illogical, inasmuch as it introduces a wholly different basis of representation in the small executive body from that upon which the larger administrative body is constituted. Moreover, it has been anticipated that this lack of proportion, and the divergent interests which it may be expected to some extent to create, will be liable to produce friction between the two bodies, upon whose harmonious co-operation the future government of Calcutta must so largely depend. To the success of any scheme of municipal reform the absence of such a spirit of concord would unquestionably be detrimental, if indeed it did not in the long run prove to be disastrous.

10. Such were the opinions which the Government of India had been led to form by attitude of public opinion towards the Bill, and by a careful study of the Bill itself at the time when the Select Committee began their labours. It has now emerged from the Select Committee; and the Government of India are called upon to consider the Bill in its amended shape.

11. In some respects the Bill is now a stronger and a better Bill than when it was introduced into the Local Council. Passing over minor details, in respect of which there has been improvement, there have been inserted, for example, sections 26-D, 26-E and 26-F in place of sections 22 and 63 (b) of the Bill as introduced. These modifications follow the English law; and the powers of inspection and of prompt and effective intervention thus bestowed will enable the Local Government to exercise much more efficient control. And though an appeal will still

lie to the Government of India, the provision for the suspension of action pending appeal has been very properly abandoned. Another instance of the improvement of the Bill in important respects is the action taken in the Select Committee to reduce the burden of work and responsibility laid upon the General Committee by the Bill as originally introduced.

12. On the other hand, the fears entertained by the Government of India as regards the institution of co-ordinate authorities and as to the possibility of friction resulting therefrom have been confirmed by changes which have been made in the Bill in the Select Committee, and by the opinions recorded by the Honourable Messrs. Narendra Nath Sen and Surendra Nath Banerjee in their Minute of Dissent. The powers of the Corporation over its officers and over the work of the General Committee have been very considerably increased by the provisions of sections 28-J, 57 and 66 regarding the appointment and leave of the officers, and by the provisions of sections 79, 95 and 126 regarding contracts, control and finance, as well as by several other provisions of perhaps minor importance. At the same time an unequivocal declaration has been made by the two members of the Local Council, who represent the opinions of the majority of the Corporation as constituted by the present Bill, that "an emasculated Corporation, but lately in possession of supreme power, must view with uneasiness, if not with positive jealousy, the creation of authorities, hitherto subordinate to it, but now rendered independent of it, in respect of the bulk of their powers and functions." The Government of India are not without alarm that the want of homogeneity already complained of may, if uncorrected, prejudicially affect the future success of the measure.

13. In these circumstances, the Government of India have carefully considered whether the Bill should receive their sanction in its present form, or whether it is susceptible (without any such radical reconstruction as would produce general irritation and throw away the labours of the past year) of modifications either of principle or form which would meet the objections previously stated, and lessen, if not altogether remove, the possibilities of future friction. The Government of India have been struck, in their examination of the grounds advanced both by Sir Alexander Mackenzie and Sir John Woodburn for the measure, by the allegation that the existing Corporation has devoted itself to speech and to criticism rather than to action. This charge, while doubtless to some extent due to the temper and spirit in which it has approached its work, is in the main to be attributed to the considerable and, as it would seem excessive, numbers of the municipal body. Their numerical strength, when viewed in regard either to the number of electors by whom the majority are returned, or to the experience of municipal institutions elsewhere, seems to be disproportionately and unnecessarily large. There can be no reason why a number of voters returned as only 13,890 out of a total ward population estimated at about 650,000, or a proportion of little more than 2 per cent., should return as many as 50 members; or why the interests of a city even of over 681,000 inhabitants should require the services of 75 Commissioners for their proper protection. The Government of India are disposed, therefore, to think that a most effective, though hitherto unsuggested, check upon the abuses and anomalies complained of might be found in a reduction of the numerical strength of the Corporation.

14. Such a reduction might further enable the Government of Bengal to secure that more just and adequate representation of the various interests that compose the corporate life and wealth of Calcutta, which has been the avowed object of the promoters and supporters of the existing Bill, without presenting the illogicality of form, or producing the possible friction, associated with the measure now under discussion. It should be found, if possible, in a plan which would recognize, and constitute in some sort, an equality of balance between the two main interests and classes in the population of the city, *viz.*, the European interest largely preponderating in wealth and influence, and the Native interest largely preponderating in numbers.

15. It will be remembered that already, at a very early stage in the history of this Bill, the Government of India had indicated a partiality for the Bombay model, as regards the constitution of the General Committee, and the numerical ratio existing between its constituent elements and those of the main body of the Corporation. Their attention has been recalled to this suggestion by a remarkable paragraph in the able Note of Dissent recorded by the two native members of the Select Committee who have most distinguished themselves by their frank and intelligent criticisms of the present Bill. It will be found that they there (paragraph 24 of their Note) throw out the following noteworthy suggestion:—

The constitutional part of the Bill, as we have already remarked, is largely modelled on the Bombay Act of 1888. But the fact is lost sight of that while the Bombay Act is the natural outgrowth of the systems of municipal

administration, previously in force in Bombay, the principles of that Act are entirely foreign to the spirit which has characterized the municipal legislation of Calcutta since 1863. Besides, the present Bill only partially borrows from the Bombay Act, incorporating some of its objectionable provisions, while all those which tend to popularise that system have been altogether left out. In the course of this Note we have pointed out how in certain important respects the provisions of the Bill differ from those of the Bombay Act, and we now propose to draw attention to some of the most prominent features of the Bombay Act which find no place in the present Bill. In Bombay, the Corporation is the superior administrative body. It chooses its own President, who is the chief spokesman of the Municipality. The Standing Committee, corresponding to the General Committee under the Bill, is really a Committee of the Corporation, and not so merely in name, fully two-thirds of its members being elected by the Corporation. There is thus a solidarity of feeling among the majority of the members of the Standing Committee, who owe their position, and are responsible to one central authority, whose policy they are obliged to carry out with the utmost loyalty. The Standing Committee too elects its own Chairman, and the Municipal Commissioner, the Chief Executive Officer, is not even a member of either the Corporation or the Standing Committee. The Municipal Commissioner performs all executive work and carries out all orders of the superior administrative body. It is true he is appointed by Government, but the appointment is for a renewable period of three years, and his salary cannot be increased beyond Rs. 2,500 a month, except with the approval of the Corporation. Can any one say that this is the constitution that is proposed for Calcutta under the Bill? We are no advocates of the Bombay system, but if it is at all to be given a trial in Calcutta, we are certainly of opinion that it will not do to borrow from it here and there, but that the system should be introduced into Calcutta in its entirety.

16. The Government of India are inclined to think that in this suggestion, and in a more close adaptation of the Bombay model, might be found the solution for which they are seeking. I am desired, therefore, to submit, for the consideration of His Honour the Lieutenant-Governor, the following amended plan for the constitution of the reformed Corporation of Calcutta and of its Committees.

17. The Bombay Corporation is composed of two factors equal in numbers, and consisting respectively of members elected by the wards and of members appointed by the Government or elected by representative bodies. These two sections consist of 36 members each, or a total of 72. For the reasons already named, the Government of India are inclined to think that this total, which falls little short of the 75 hitherto allotted to Calcutta, is not required in the latter city in the interests either of adequate representation or of efficiency. They are the more disposed to take this view in the case of Calcutta, because any attempt to raise the strength of what may be described as the European element to the existing level of the Native element would not merely greatly augment total numbers, which are already in their opinion excessive, but would give to European interests a share in the numerical strength of the Corporation to which it is believed they have no desire to lay claim; whilst if the Native proportion in the Corporation were diminished by 14, and the European proportion were increased by 11, so as to follow exactly the Bombay model, it is conceived that while the objection already stated would apply to the increase of the European section, serious exception would also be taken to a reduction of the Native element, which would either involve a radical reconstruction of the wards, or would call into existence an illogical and ill-balanced scheme of representation. I am accordingly to suggest that the future Calcutta Corporation should, like that of Bombay, consist of two equal factors, the strength of which should be determined by that of the moiety now returned by what are in the main European interests. In other words it is advised that the Corporation should be composed of 50 members, 25 being elected as now by the 25 wards into which the city is already divided, and 25 being partially nominated (as now) by the Government and partially elected (as now) by bodies representing commercial interests. The Bombay model would in this way be faithfully reproduced, though with smaller numbers, in Calcutta. There would be created a strict equality and balance of interest between the European and the Native elements. And, owing to the fact that no reconstitution of the existing wards would be required, and that the European element would continue to be constituted as at present, the change could be introduced with the minimum of friction and delay. In speaking, however, of the European element, the Government of India must guard themselves against a possible misinterpretation of the phrase. For convenience sake the term may be employed and has here been employed by them. But they are well aware that the section of the Corporation of which they are speaking need not necessarily be exclusively European in its composition; since it is to the Bengal Government and to the power of nomination enjoyed by the latter that certain non-European and Native elements of the population of Calcutta must look for representation, in the event of their being unable to secure it under the existing method of election by wards. The Government of Bengal have never failed in this respect to consider the interests of the sections of the population here alluded to; and it is not unlikely that under the amended scheme, which is now

suggested, their good offices may be called into action in defence of non-European and Native interests, that might otherwise remain unrepresented in the remodelled Corporation. To this extent must a qualification be admitted in the use of the phrase which has been employed in this paragraph.

18. The Select Committee have already in section 89A followed the Bombay model in giving to the Corporation power to appoint Special Committees to consider matters which are reserved by law for decision by the Corporation, and to delegate such of their duties to such Committees. The Bill also provides in section 88 for the appointment of Sub-Committees by the General Committee. But I am desired specially to suggest that that model be more nearly followed in the constitution of the General Committee. They note the special approval with which the Honourable Messrs. Narendra Nath Sen and Surendra Nath Banerjee draw attention to that feature of the Bombay constitution which provides for the formation of what is there known as the Standing Committee. Their words are as follow:— "The Standing Committee, corresponding to the General Committee under the Bill, is really a Committee of the Corporation, and not so merely in name, fully two-thirds of its members being elected by the Corporation. There is thus a feeling of solidarity among the majority of the members of the Standing Committee, who owe their position and are responsible to one central authority, whose policy they are obliged to carry out with the utmost loyalty." The Government of India, who see much force in this argument, are disposed to recommend to His Honour the Lieutenant-Governor a similar procedure at Calcutta. They think that a General Committee, thoroughly representative both of the principal interests involved and of the larger Corporation, and qualified to discharge the important duties which it is proposed to place upon its shoulders, might be constituted by the nomination, as in Bombay, of one-third of its total number of 12 members by the Government and by the election of the remaining two-thirds by the Corporation itself.

19. The circumstances of Bombay, however, differ materially from those of Calcutta, in one respect, *viz.*, in the numbers and strength of the various communities that compose the total population of the city, and are represented in the Municipal body. The Bengal Government* will doubtless, therefore, find it desirable to suggest some plan that will secure to that proportion (two-thirds) of the General Committee which is to be elected by the entire Corporation a strictly fair and proportionate representation of the constituent elements of the electoral body. Otherwise it might be possible for either party, in the chances of voting, by a bare numerical majority, to swamp the General Committee, and to secure that the entire two-thirds proportion should be of their own political complexion or class. Such a result would be destructive of that fairer representation of interests which the Government of India, equally with Sir Alexander Mackenzie and Sir John Woodburn, desire to secure. And it would be fatal to the harmonious co-operation of all parties in the future, which they hope by this suggestion to produce.

20. I am also to suggest that it might be desirable to lay down rules for the appointment of the Special Committees and Sub-Committees which would secure their being truly representative, in respect of their constituent elements, of the Corporation or General Committee appointing them. The provisions regarding the making of rules and bye-laws for the conduct of the business of Special Committees and Sub-Committees under sections 89A and 590, in connection with sections 595 and 597, might be extended to include their constitution in general agreement with the principles already laid down. It might not be necessary or feasible for all such Special Committees and Sub-Committees to be homogeneous in constitution with the body appointing them; but it is clear that in some cases at least such homogeneity alone would secure efficiency and obviate friction.

21. Such are the outlines of the revision of the existing scheme which, in the interests of the future efficient and orderly administration of Calcutta, the Government of India commend to the consideration of the Government of Bengal. No scheme that can be proposed will secure the unstinted approbation of all parties. The Bill already introduced has excited no small share of criticism. Exception can also doubtless be taken to the provisions of the suggested, or indeed of any other possible, modification of that Bill. The Government of India, however, who in framing these proposals have been actuated by a sincere desire to promote harmony equally with good government in the future, entertain the hope that there may henceforward be a truce to such dissension, and that the Bill as remodelled may be accepted by all classes in the spirit in which its modification has been discussed and put forward by them. For the successful municipal administration of a city like Calcutta, composed of such various and important interests, and with fortunes so momentous at stake, are required both a high standard of public duty on the part

of those of its citizens who may be willing to enter its service, and the friendly and disinterested co-operation of every section of the community. Such a co-operation the Government of India confidently hope that His Honour the Lieutenant-Governor may look forward to receiving. That evils and abuses have grown up in the existing municipal system will not be disputed. That they stand in need of correction cannot be denied. It should be the aim of all parties so to apply or to accept this correction as to purge the reputation of the city, of which they are the guardians, from the least stigma of reproach, and to vindicate the wisdom of the decision that twenty-three years ago first accorded the privileges of Local Self-Government to the capital of the Indian Empire.

No. 276T.—M., dated Darjeeling, the 3rd July, 1899.

From — E. W. COLLIN, Esq., Offg. Secy. to the Govt. of Bengal, Municipal Dept.,

To—The Secretary to the Government of India, Home Department.

I am directed to acknowledge the receipt of your letter No. 93, dated the 17th June, 1898, conveying the views of the Government of India on the subject of the Calcutta Municipal Bill.

2. It is pointed out in paragraph 9 of your letter that there is a want of correspondence, in constituent proportions, between the Corporation, which is to consist of 75 members, of whom 50 are to be elected by wards and 25 are to be selected by Government and bodies representing commercial interests, and the new General Committee, which is to consist of 12 members to be constituted in the opposite proportion of 8 from the 25 members selected by Government and commercial associations, and 4 from the 50 members elected by the wards. It is anticipated that this lack of proportion, and the divergent interests which it may be expected to create, will be liable to produce friction between the two bodies upon whose harmonious co-operation the future government of Calcutta must depend. It is also observed that the defects of the existing Corporation have been due to a great extent to the fact that the numbers of the Municipal body were excessive. It is therefore proposed to reduce the number of Commissioners, so that the future Calcutta Corporation should, like that of Bombay, consist of two equal factors; and in order to effect this object, it is suggested that the Corporation should be composed of 50 members, 25 being elected by the 25 wards into which the city is at present divided, and 25 being partially (as now) nominated by Government, and partially elected by bodies representing commercial interests. With regard to the General Committee it is suggested that the Bombay model should again be followed, with certain reservations necessary on account of the special features of Calcutta, and that two-thirds of its members should be elected by the Corporation. The object of the reservations suggested above is to secure that the members of the General Committee, who are to be so elected, should constitute a strictly fair and proportionate representation of the constituent elements of the electoral body.

3. The Lieutenant-Governor desires me to acknowledge the courtesy with which the Government of India have discussed the solution, which they have presented to his consideration, for the future government of Calcutta. The solution is one which had of course been examined by himself in studying the manifold criticisms upon the scheme of the Municipal Bill, and the precedent and authority of the Bombay system assumed, undoubtedly, the greater prominence when the dissenters from the report of the Select Committee had declared their general adherence to it. The Lieutenant-Governor has not therefore been surprised that an adaptation of the Bombay system to the circumstances and conditions of Calcutta is commended to him by the Government of India.

4. With the Government of India, as it has always been with himself, the first consideration is the good government of Calcutta—the prompt and efficient discharge of the multifarious duties which the administration of so great a city involves. The adaptation of the Bombay system, which the Government of India propose, does not conflict with the arrangements which he considered to be necessary in Calcutta to that end, and he has no objections to offer to the settlement of the issue on the lines they recommend. The reasons which led him personally to prefer the maintenance of the present numbers of the Corporation have been publicly stated and were before the Government of India. They have held that these reasons are outweighed by the danger of friction in a Corporation, where the executive and managing committee is out of harmony with the main body. Sir John Woodburn has never concealed the force of these objections, and he will not press his personal opinion on this point further against the deliberate conclusion of the Government of India.

5. With regard to the suggestions in paragraph 19 of your letter, that provisions should be made to secure to the portion of the General Committee, which is to be elected by the Corporation, a proper representation of the constituent elements of the Corporation, he recognizes that such provision is necessary. The necessary amendment will accordingly be introduced into the Bill.

***Second Debate on the Calcutta Municipal Bill at the Bengal Council,
(on 5th August, 1899).***

The Hon'ble the President (Sir John Woodburn) said:—"Gentlemen of the Council,—The first item on the list of agenda to-day is a statement—and it shall be a short statement—by the President as to the legislative business that will come before the Council during this session. It is probable that later on in the session a Bill will be brought before you for consideration in regard to the appointment and remuneration of the establishment of Civil Court amins. That will be a short and simple Bill. Otherwise your time will be absorbed by the great and engrossing discussion regarding the Calcutta Municipal Bill. Under ordinary circumstances it would have been our duty to-day to commence the discussion upon the Report of the Select Committee which presented its opinions last April. As you all are aware, there has been received from the Government of India a grave and important despatch, in which the Government of India convey to us their opinion that there should be a material alteration in the constitution of the Corporation of Calcutta. My answer to that as Lieutenant-Governor of Bengal is in your hands. To that answer I have nothing to add, and from that answer I have nothing to retract. It is now the business of the revived Select Committee to consider the recommendations which have been made to it by the Government of India. The Select Committee will be re-constituted to-day, and it will be its business to go through the draft prepared by the Select Committee of April, and to determine in what way changes are necessary to give effect to the views of the Government of India."

The Hon'ble Mr. Baker moved that the Calcutta Municipal Bill be referred back to the Select Committee for further consideration, with reference to the correspondence between the Government of India and the Government of Bengal, which was published in the Supplement to the *Calcutta Gazette* of the 12th July, 1899, and with instructions to report within two weeks. He said:—

"The object of this motion is to enable the Select Committee to consider the views expressed by the Government of India in their letter No. 93 of the 17th June last, which have received the acceptance of the Local Government.

"After the remarks that have fallen from His Honour the President, it is not necessary for me to enlarge upon the proposals put forward by the Government of India. Those proposals and the reasons for them have been before the public since the 12th of last month, and are no doubt familiar to all Members of this Council. They are four in number. Firstly, it is proposed to reduce the number of Ward Commissioners from 50 to 25, so that the Corporation shall consist of 50 Commissioners, of whom one half are elected at ward elections and one half are appointed by Government or nominated by special constituencies. This plan follows generally the model of the Bombay Corporation. Secondly, it is proposed to follow the same model in respect of the constitution of the General Committee, and to provide that of the total number of 12 members, eight shall be elected by the entire Corporation and four shall be appointed by Government. Thirdly, it is proposed to enact provisions to secure that the proportion of the General Committee, which is to be elected by the entire Corporation, shall be a strictly fair and proportionate representation of the constituents of the electoral body. And fourthly, it is proposed to lay down rules for the appointment of Special and Sub-Committees which shall secure their being truly representative.

"These proposals, if adopted, will involve comparatively few changes in the Bill as now amended, and the Select Committee should have no difficulty in coming to a decision upon them within the time allowed.

"There is, however, another point as to which I wish to say a few words; for although it arises directly out of the proposals of the Government of India, it is not expressly mentioned in the correspondence. I refer to the initial arrangements for constituting the first body of Commissioners under the new Bill. It will be within the recollection of Members that the Select Committee proposed that the 25 Commissioners appointed by Government or nominated by the Chamber of Commerce, the Trades Association, and the Port Trust should all vacate their seats on the 1st April, 1900, the

date on which it is expected that the Bill will come into force: but that, at the instance of the members representing the Corporation, it was provided that the 50 elected Ward Commissioners under the present Act should retain their seats until 1st April, 1901, the date up to which they would have been entitled to sit if there were no change in the law. This arrangement was urged upon us with a view to avoid the trouble and expense of holding a fresh general election in advance of the usual date. As the original Bill proposed no change in the number of the Commissioners, there seemed no good reason why the wishes of the representatives of the Corporation should not be acceded to: and for this reason the Select Committee agreed to adopt them.

"But if, in accordance with the views of the Government of India, it is now decided to reduce the number of elected Commissioners to 25, it is no longer possible to allow the old Ward Commissioners to retain their seats when the new Act comes into force. They will have to vacate their seats, like the nominated Commissioners, and arrangements must be made to constitute an entire new body of Commissioners, who shall hold office from 1st April, 1900. As regards the nominated Commissioners, there is no difficulty. The Bill already provides for their appointment in advance of the necessary date, and no change is required. But as regards the elected Commissioners, the matter is less simple. We cannot hold an election under the new Act in advance of the due date, because under the Bill changes have been made in the procedure for holding elections. The preparation of an election roll has been made compulsory, and the compilation of this must be taken up in the month of September preceding the elections. These conditions could not, for obvious reasons, be carried out in respect of the first general election if that is held before the Act comes into general operation. It has accordingly been suggested that the first general election should be held in March, 1900, under the provisions of the present Act of 1888, with the proviso that each ward shall elect only one Commissioner instead of two; and each Commissioner so elected shall hold office under the new Act, from the 1st April, 1900, for the usual term of three years. This is the solution of the difficulty which commends itself to Government as at present advised, and it will be laid before the Select Committee, with a view to the necessary amendments being made in the Bill. Government, however, does not desire to bind itself to this plan, and if any Member has a better solution to offer, it will be open to the Committee to consider it."

The Hon'ble Mr. APCAR said: - "I crave the indulgence of the Council, which I am sure will be extended to me by yourself, in consideration of the circumstance that I appear here for the first time to day, and because of the present juncture relating to the great and engrossing subject which Your Honour has referred to, namely, the Calcutta Municipal Bill.

"If I am in order, I desire to explain, in order that I may not be put into a false position, the reason why I ask for an adjournment of the Council to enable me to prepare myself to represent the interests I have come here to represent. Your Honour is aware that there have been circumstances that delayed my appointment as a Member of this Council being made, and as a matter of fact it was not made until the 18th July last. I could not be expected before my appointment was made to begin to prepare myself for the consideration of the subjects to be brought before this Council. I have found that my attention has been required to be given to an overwhelming mass of material which has occupied my time wholly. I have been most anxious to learn what the course of business at this meeting would be, but I have for various reasons, which are known to you, Sir, wholly failed to learn anything with certainty until Thursday last; and therefore I could not, I dared not, stop my study of the subject as a whole to give my mind to the preparation of any particular matter. I do not seek to attach blame to any one for my being left uninformed as to the business to be brought forward. I certainly have not, on my part, been remiss in any way, and the fact remains that I tried my best and I received no notice of the business until very lately. And, lastly, my attention was drawn to certain points of detail in the Bill which I have not had time to consider, but to which I have thought that I ought to give my attention with the view of proposing amendments to help the Council. That distracted my attention and threw me back, and I am now in the position that I have not got the papers I require and I am not prepared. If Your Honour desires that I should go on, I shall do so; but I shall be better able to do so if I am allowed an extension of time, and I shall be glad if you, Sir, will see your way to postpone the further consideration of the matter now before the Council to next Saturday. I leave myself entirely in your hands, feeling sure that every consideration will be shown to me, and that Your Honour will do what is right under the circumstances."

The Hon'ble the PRESIDENT said:—"Gentlemen,—I think it would be the wish of all of you that every reasonable consideration should be given to any Hon'ble Member of this Council, particularly to a newly-joined Member, who has described the difficulties of his position in the very feeling language in which the Hon'ble Mr. Apcar has described his difficulties to you. But I venture to think that the question upon which he and other Hon'ble Members of this Council wish to address us is, after all, however grave, not a very complicated or difficult subject. The issue before us at this moment is simply the proposal of the Government of India as to the alteration in the constitution of the Corporation. These are, as I have said, grave matters in which we are all deeply interested, and upon them there are very strong and differing opinions. But the issue is not one which requires great study or extremely elaborate application. And therefore, I think it will meet all purposes of Hon'ble Members of this Council if, in order to give time to finally prepare themselves upon an issue of this description, I adjourn the Council till Monday. The Council is accordingly so adjourned."

The debate was adjourned to Monday, the 7th August, 1899.

***Second Debate on the Calcutta Municipal Bill at the Bengal Council
(on 7th August, 1899—continued.)***

The Hon'ble the President (Sir John Woodburn) read the Hon'ble Mr. Baker's motion that the Calcutta Municipal Bill be referred back to the Select Committee for further consideration with reference to the correspondence between the Government of India and the Government of Bengal, which was published in the supplement to the *Calcutta Gazette* of the 12th July, 1899, and with instructions to report within two weeks.

The Hon'ble Babu Surendranath Banerjee, by leave of the President, moved the following amendments to the above motion, *viz.*—

- (1) for "two weeks" substitute "six weeks";
- (2) add at the end the words "and that the opinions of the Corporation and other public bodies be invited with reference to such correspondence."

***Speech of the Hon'ble Babu Surendra Nath Banerjee at the Bengal
Council, on the 7th August, 1899.***

"Sir, my first words will be words of regret at the retirement from this Council of my friend Babu Norendra Nath Sen. I do not in the smallest degree desire to make any reflection upon my hon'ble friend to my left, who so worthily represents the Corporation, and in whose hands I am sure the interests of the rate-payers of Calcutta in regard to the Calcutta Municipal Bill will be perfectly safe. But the tide of human circumstances sometimes demands a tear from us. *Hinc illa lachrymæ*—sang Virgil in the olden times. Those who were associated with Babu Norendra Nath Sen in his arduous labours in connection with the early stages of the Calcutta Municipal Bill must share the regret that he has not been permitted to participate in their toils and anxieties amid the closing scenes of the final struggle.

"However that may be, now that we have been placed once again by a fortunate accident in possession of our deliberative functions, if we have made a mistake, we may rectify it, if we have acted, I will not say in defiance of, but if we have acted not in conformity with, the dictates of public opinion, we may now pay that ampler homage to public sentiment which, as it seems to me, is imperatively called for at our hands in dealing with a measure such as this, affecting as it does the habits and every-day lives of the people; for a municipal measure is essentially a measure of sanitation, and in order that it may be successful, that it may promote the great ends of sanitation, it must enlist the sympathies of the people on its side. By no stretch of language, however, can it be said that the Municipal Bill, even as revised by the Select Committee, has secured the sympathies or the support of the community, whom it most deeply affects. On the contrary, I will say this—that in the whole course of my public life, now extending over the space of nearly a quarter of a century, I have not witnessed a measure which so profoundly stirred the hearts and excited the apprehensions of the people of Calcutta as this Bill has done. Their apprehensions may be well-founded or ill-founded—I believe them to be well-founded—but there they are—real, intense, deep-seated, influencing the thought and moulding the feelings of the people, driving them in their thousands to those great public meetings held all over the town, with a view to record their protest against this measure. A protest so real and so influential, and at the same time so universal and so all-pervading, a responsible Government could not ignore. It is with thankfulness we note that the action of the Government of

India has been determined by the attitude of public opinion. I may or I may not be able to assent to the proposals of the Government of India. I am afraid I cannot assent to them; but all the same I feel that I should be false to myself and to my representative character if I did not place on record the expression of my admiring gratitude for the spirit in which that Government have approached the consideration of the subject, the temper of the discussion, the sensibility to public opinion which their intervention at this stage indicates, and above all for the desire by which they are actuated and which pervades every line of the despatch, to arrive at a settlement that shall be conducive to the efficiency of municipal administration in Calcutta, and yet at the same time preserve intact the great principle of Local Self-Government. As in the past, so in the future, I hope and trust Your Honour's Government and the Government of India will be pleased to extend to our observations that indulgent consideration which both these Governments are accustomed to accord to the temperate expression of responsible opinion. In that hope and in that confidence I approach the consideration of this subject. Could I persuade myself to believe that the Government of India has definitely made up its mind that it is inexorably wedded to the opinions it has expressed, and that it is inaccessible to the voice of reason and remonstrance, I for one would not waste my breath nor waste the time of the Council in a vain endeavour to persuade. But I know that the Government is highly deferential to the expression of public opinion, to the clear and unerring dictates of reason and sound sense, and, therefore, it is that I have taken upon myself the task of entering upon a somewhat prolonged discussion of the issues raised in the letter of the Government of India.

"The letter of the Government of India begins with a statement of the principal grounds, as summarized by the Government of Bengal, upon which the amendment of the Calcutta Municipal Law is based. To three of these grounds I desire to call attention, because in the first place they seem to me to be important grounds which are now published for the first time. In the second place they seem to be absolutely unsustainable. They make a revelation in respect of which it will be my duty to ask my hon'ble friend in charge of the Bill to make some sort of an explanation."

The Hon'ble the PRESIDENT said:—"I apologise for interrupting the Hon'ble Member, but this is a point of order. I cannot permit any discussion of the reasons given by the Government of India at the beginning of their letter. The point to which we are limited is the discussion of the changes in the Bill which the Government of India have desired should be made. I cannot allow any discussion of the reasons which have led the Government of India to come to their decision."

The Hon'ble Babu SURENDRA NATH BANERJEE said:—"With your permission I desire to make one observation, namely, that the grounds to which I desire particularly to call the attention of the Council are grounds which do not appear in the letter of the 7th March, 1898. These grounds are absolutely new; therefore they are not covered by Your Honour's ruling that these matters have been decided."

The Hon'ble the PRESIDENT said:—"I regret I can hear no discussion on that point."

The Hon'ble Babu SURENDRA NATH BANERJEE said:—"That being the ruling of Your Honour, I shall proceed to lay before you statements which have been made in the letter of the Government of India, statements which are open to challenge and contradiction, and therefore it seems to me that, having regard to such statements, a case has been made out for the appointment of a Commission of Enquiry."

The Hon'ble the PRESIDENT said:—"This is a point which has been discussed in Council before. I must ask the Hon'ble Member to proceed with the remainder of his speech. These are points which I cannot allow to be re-opened."

The Hon'ble Babu SURENDRA NATH BANERJEE said:—"I want to suggest that in the letter of the Government of India there is one matter which raises a point which I think admits of discussion. The Government of India say that the broad principles of Local Self-Government are to be preserved, but that they are to be so re-cast as to check abuses and secure the continuity of administration. If abuses are to be discovered and to be checked, the best way of discovering and checking them is by the appointment of a Commission of Enquiry."

The Hon'ble the PRESIDENT said:—"I must repeat that that point has been discussed and decided by the Council, and I cannot permit it to be re-opened."

The Hon'ble Babu SURENDRA NATH BANERJEE continued:—"I bow to Your Honour's decision and will leave that point. The Government of India in the 7th paragraph of their letter say:—

"The Government of India cannot fail to realise that they have a special responsibility in this case. It would be strange indeed if they did not feel a peculiar interest in a measure affecting the municipal constitution of a city.

which is not merely the capital of the Province of Bengal, but also the seat of the Imperial Government and the capital of the Indian Empire. They are deeply persuaded of the importance of a local administration, which shall adequately represent the various great interests that have placed, and still keep Calcutta in its premier position in India, and which shall be businesslike, efficient, and free from scandal or reproach. At the same time it would be their natural desire, in the interests both of continuity of administration and of public harmony, to see these objects attained, not by any contravention of the broad principles of Local Self-Government already conceded, but by a curtailment of the abuses to which in practice they may have become exposed, and by a restriction within limits suggested by experience, of the range of their future operation. In these opinions the Government of India are convinced that they have the sympathy of the Lieutenant Governor.'

"As I read this paragraph I take it to mean that no changes in the present municipal system of Calcutta are to be introduced which would be in contravention of the broad principles of Local Self-Government already conceded. If I am able to show that the proposals of the Government of India are in direct conflict with their avowed policy and the principle which they here lay down, I am entitled to ask the Government for a re-consideration of their detailed proposals. [The Hon'ble the PRESIDENT said:—"That is a perfectly legitimate argument."] What then, Sir, are those broad principles of Local Self-Government which have already been conceded, and which I contend have not only been assailed, but completely superseded by the proposals of the Government of India? These principles may be classified under three heads:—

"In the first place, the paramountcy of the Corporation was affirmed. The Corporation was declared to be the one supreme authority in the administration of municipal affairs, fixing the rates, controlling expenditure, regulating finance, making the superior appointments, in short, controlling, guiding, supervising the affairs of the town. This was no new concession. The paramountcy of the Corporation had been recognized in the constitution of the Corporation under the Justices. The principle was only re-affirmed in 1876. In the second place, and this I regard as the dominating feature of the great concession of 1876, the rate-payers of Calcutta were now for the first time allowed to elect their own representatives in the proportion of two-thirds of the entire number of the Corporation. In other words, the government of Calcutta, the control of its municipal affairs, was for the first time definitely entrusted to the representatives of the rate-payers. This was the corner-stone of the great system of 1876—the essence of the broad principles of Local Self-Government that were then conceded—and it is this cardinal feature of the system which is now seriously menaced by the proposals of the Government of India. Lastly, as a safeguard, because the Government had parted with its powers and functions in this matter, the Government claimed and asserted the right of control over the Municipality, a control, however, which was to be exercised from without, and not from within. These were the three broad principles—especially the second—that formed the prominent features of the concession of 1876. Now the proposed system of co-ordinate authorities is in direct conflict with the paramountcy of the Corporation. Make the Chairman and the General Committee co-ordinate authorities, make the representative Corporation possessed of only certain definite powers, and the supremacy of the Corporation is at an end. With regard to this matter, I must say that the letter of the Government of India gives a very uncertain sound. Nowhere does the Government of India distinctly approve of the system of co-ordinate authorities; nowhere does it disapprove of it, though it quotes with approbation the strong expression of opinion from the dissenting members, where they speak of an emasculated Corporation recently in possession of supreme authority, viewing with uneasiness, if not with jealousy, the establishment of co-ordinate authorities. I hope the principle of co-ordinate authorities has been abandoned. I hope the Hon'ble Member in charge of the Bill will be able to give us that assurance. I hope he will not tell us that the passage is quoted with a view to show that in the absence of homogeneity there will be friction, there will be a conflict and a collision of interests, and that therefore the popular element in the Corporation must be curtailed. Then as regards the powers of control reserved to the Government under this Bill, the Government of India is in perfect agreement with the majority of the Select Committee. I thought it was possible that there was one feature in the recommendations of the Select Committee which would not commend itself to the approval of the Government of India. The Select Committee provided that, notwithstanding an appeal to the Government of India against the orders of the Government of Bengal, the injunctions and orders of the Local Government in regard to the works which were the subject of appeal should be carried out and the works proceeded with. I find that in regard to this part of the Bill the Government of India is in perfect agreement with the majority of the Select Committee. Let me ask what is the good of an appeal, if the works are to be proceeded with?

“Suppose the appeal is successful, but that in the meantime the works have been carried out that would mean so much waste of time, labour and money. I hope this part of the Bill will be re-considered. As regards the powers of control, they have been rendered far more stringent under the Bill, and the proposed changes in the law have been approved by the Government of India. I will not repeat the arguments which I have already urged from my place in the Select Committee. These provisions are apparently based upon the English Public Health Act, but they go much beyond the scope of the English Act. Under the English Public Health Act, the control of the Local Government Board is confined to sanitary measures. Under the Bill, the control of the Local Government may extend to *all* matters, sanitary or otherwise. Under the English Public Health Act, the Local Government Board can only interfere upon complaint made—that used to be the Municipal Law of Calcutta. Under the Bill, the Local Government may interfere upon its own motion, without any complaint of any kind being made. Under the English Act, the Local Government Board can only realize the sum actually due from the defaulting local body. Under the Bill, the Government may raise the rates and may even contract a loan. It is thus very evident that the powers of the Government over the Municipality will be largely added to, while, as I have hoped to be able to show, the authority of the representatives of the people will be practically extinguished.

“But it is the proposals of the Government of India to reduce the number of Commissioners, and to confine the reduction exclusively to the elected branch of the Corporation, that seem to me to completely supersede the concessions made in 1876. They restrict, and indeed practically abolish, Local Self-Government in Calcutta. To reduce the number of Commissioners is to restrict the diffusion of local interest. To reduce the elected element in the Corporation so as to place it to a hopeless minority is to lay the axe at the root of the system of Local Self-Government in Calcutta.

“In the first place, let me address myself to the proposal for the reduction of the number of Commissioners. Jeremy Bentham has observed in his *Theory of Legislation* that when a change in the law is proposed, it is incumbent upon those who propose the change to make good their case. All the more is this duty incumbent upon them, when the change proposed affects a scheme of legislation which is of long standing, which is consecrated by prescription, and which has come to be bound up with the civic life of the people. Now ever since there has been a Corporation in Calcutta, extending over a period close upon forty years, the number of Justices or Commissioners, for the members of the Corporation were known under these two names at two different periods of their history, was never less than 72, and sometimes exceeded 120. From 1863 to 1876 the municipal affairs of Calcutta were controlled by the Justices. Their number, unlimited at first, was over one hundred in 1876. When the Corporation was re-constituted upon an elective basis in 1876, the number was fixed at 72, and that was the number from 1876 to 1888. In 1888, when the Municipal Law was revised, the number was raised to 75, though with an extensively added area which was now for the first time included within the jurisdiction of the Municipality. Thus from 1863 to 1899, for a period extending beyond the life-time of a generation, the number of Municipal Commissioners has never been less than seventy-two and has sometimes exceeded one hundred. Look at the question from another point of view. No Lieutenant-Governor from 1863 to 1899 ever recommended the reduction of the number to what is now proposed by the Government of India. Many Lieutenant-Governors, possessed of the largest local experience, and intimately acquainted with our municipal affairs, have expressed themselves in favour of the higher number of 72 or 75. If, therefore, in spite of what has been the accepted constitution of the Corporation ever since there has been a Corporation, in spite of the overwhelming consensus of opinion on the part of responsible Rulers of the Province, it is proposed to reduce the number, the change can only be justified on the strongest grounds supported by the clearest necessity. A mere desire to correct an illogicality of form will not do. The reasons must be so self-evident, so palpable, so overwhelmingly impressive in their character as to carry home conviction to the most untutored mind. Have we such reasons disclosed to us in the letter of the Government of India? Let us examine the letter somewhat closely. The Government of India say in the 13th paragraph of their letter:—

“The Government of India have been struck, in their examination of the grounds advanced both by Sir Alexander Mackenzie and Sir John Woodburn for the measure, by the allegation that the existing Corporation has devoted itself to speech and to criticism rather than to action. This charge, while doubtless to some extent due to the temper and spirit in which it has approached its work, is in the main to be attributed to the considerable and, as it would seem excessive, numbers of the municipal body. Their numerical strength, when viewed in regard either to the number of electors by whom the majority are returned, or to the experience of municipal institutions elsewhere, seems to be disproportionately and unnecessarily large. There can be no reason why a number of voters

returned as only 13,890 out of a total ward population estimated at about 650,000, or a proportion of little more than 2 per cent., should return as many as 50 members; or why the interests of a city even of over 681,000 inhabitants should require the services of 75 Commissioners for their proper protection. The Government of India are disposed therefore to think that a most effective, though hitherto unsuggested, check upon the abuses and anomalies complained of might be found in a reduction of the numerical strength of the Corporation.'

"The Government of India say that the Commissioners are devoted to criticism rather than to action; and with a view to prevent the waste of time in frivolous talk, it is deemed necessary to reduce the number of Commissioners. I respectfully venture to join issue with the Government in this statement of facts. I go further and I contend that even if the facts were such as they are represented to be, they would involve no reflection on the character of the Corporation, for, by its constitution, the Corporation is a deliberative body; its business is to discuss, to criticize and to resolve upon action. There never was a greater authority on municipal affairs than Sir Henry Harrison—to him belongs the unique honour of being quoted by the friends as well as the opponents of this Bill—and he says that 'the Executive alone can push on the works.' But I respectfully decline to accept the statement that the Commissioners are given to criticism rather than to action. If that were so, how are we to account for the magnificent sanitary works which have changed the face of Calcutta and have made it, despite the plague, one of the healthiest cities in the Province? Again and again has this been brought against the Corporation, and as often it has been refuted. Many of the eminent men, who, from time to time, have presided over the deliberations of the Corporation, have defended it against an imputation which it has not deserved. We all remember Mr. Lee, whose early death we so deeply deplore, and the very last words which he said from his place as Chairman—words to which his early death has imparted a pathetic interest—were these:—

'Less frequently now than of old, because the outside public is better acquainted with the facts, but still, occasionally, we hear insinuations that much time is wasted in this hall by long speeches from the Municipal Commissioners. No charge could be further from the mark. In all my experience—and that has covered full three years—I have seldom listened to a speech that has not been useful and to the point. I can hardly recall a single instance in which I have made the reflection that the speaker was throwing no new light on his subject and was simply speaking to make a speech. The facts, indeed, are conclusive. In the course of the year you held some 30 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 40, items of business at a sitting. How long do you take over it? As a rule, between one and two hours! Who could say with fairness that that is excessive? How many similar deliberative bodies in the world are there that would dispose of the work in less time? The general rule that we endeavour to observe is not to speak without special knowledge and clear opinion, and then to express our thoughts in language as brief as we can make it.'

"I would like to repeat with Mr. Lee the question—'How many deliberative bodies in the world would dispose of work in less time?' The same charge has been brought against deliberative bodies of even higher status and dignity, and has been dismissed as unworthy of notice. Let me quote the observations of Sir Henry Fowler in the recent debate in Parliament on the Calcutta Municipal Bill:—

'He was not sure that the Mother of Parliaments was free from that objection. But with the Englishman who understood the working of Parliamentary and Municipal life and Local Self-Government in all its ramifications, those objections would not weigh in the least against the general principle of enlisting the people in their own Self-Government.'

"Even if it were admitted for argument's sake that there were prolonged debates in the Corporation which involved waste of time, is the remedy to be found in the reduction of the number of elected Commissioners? Here, again, I am able to rely upon the high authority of Sir Henry Harrison, who was of opinion that the matter of number was immaterial, that there would be only a few Commissioners, the leading Commissioners, who would speak, and the others would be quiet listeners. Sir Henry Harrison, speaking in the course of a debate in this Council on the 4th February, 1888, said:—

'At the same time I attach very little importance to this point. I do not believe there will be any practical difficulty in working, whether the number of Commissioners be 75, or 60, or 80, because we know that the time taken up by discussion does not depend on the total number of Commissioners present, but upon those Commissioners who wish to speak, and in a Corporation of even 40 members, the leading Commissioners would, for the most part, be returned, and these would take an active part in the discussion as at present. I do not think that in this respect there would be any great difference in a body of 40 members and a Corporation of 80 Commissioners, of whom 15 or 16 would, as a rule, take part in the discussions. Practically, therefore, I attach little importance to the number of the Corporation. We only revise the work of the Committees in general meetings of the whole body of Commissioners.'

" My own experience entirely confirms the opinion of Sir Henry Harrison, and, if so, the reduction of the number, looked at from this point of view, is wholly unnecessary.

" Then it has been said the number is excessive when viewed in connection with the experience of similar institutions elsewhere. Here, again, I find myself at variance with the facts as stated by the Government of India. I hold in my hand a statement which shows that in some of the great towns in the United Kingdom with a less numerous and a less homogeneous population, the number of Commissioners varies from sixty-four to over one hundred. I will read from the table :—

Names of towns.	Population in 1896	Number of Municipal Commissioners
Glasgow	705,052	78
Edinburgh	276,514	41
Manchester	529,561	104
Birmingham	501,241	72
Liverpool	632,512	64
Sheffield	347,278	64
Leeds	402,449	64

" Looking at the figures which I have just read, and having regard to the population of Calcutta, which is over 650,000, and is certainly more diversified than that of any of the English towns to which I have referred, it cannot be said that the present number of Commissioners is excessive as compared with those of other towns.

" Then, again, it has been said that the number of Commissioners is large as compared with the paucity of voters. The fact is lost sight of that we have no universal suffrage here, and the qualifications of voters are determined by law. Every rate-payer is not a voter. It is only those who pay rates and taxes to the extent of Rs 24 a year who are entitled to be voters. You lay down an artificial limitation, and then you find fault with the system. The representative character of the Ward Commissioners is, however, not to be judged by the number of those who vote for them. They represent the rich and the poor alike. I would remind the Council of that well-known provision in the Municipal Law which allows poor house-owners to claim a lower percentage of valuation. These applications are all sent to the Ward Commissioners for their opinion. These men have no votes. They are far too poor to have any votes. The Ward Commissioner is their representative as well as that of the richer voters in the ward.

" I am free to admit that the question of number is one more or less of opinion. But whether as regards the number or the strength of the representative element in the Corporation, you cannot lose sight of the past history of Calcutta or the policy which the Government has hitherto pursued. If we had a *tabula rasa*, we might inscribe on it what we pleased. But Calcutta has a municipal history, and that history has created associations and ideas in the public mind which no responsible legislator can ignore. Municipal institutions, like all other institutions, are a matter of growth. Our municipal institutions, though English in their origin, have taken a firm root in the Indian mind, because they are so entirely in accordance with our ancient institutions, the *panchayat* system and the village communities. Any violent change involving a disturbance of these institutions along the lines in which they are accustomed to move would be a shock to popular feeling which no Legislature can ignore. I should be false to myself and to my representative character if I did not say from my place in this Council that the proposals of the Government of India as regards the reduction of the number of Commissioners, and especially as regards the strength of the representative element, have excited the deepest alarm and apprehension in the public mind. We argue somewhat in this way—it may be that we argue in our ignorance or in our innocence—but the line of argument we adopt is somewhat as follows:—If it is considered necessary to cut down talk by reducing the number of Commissioners, why apply the pruning-knife to the elected branch of the Corporation and keep intact the number of nominated Commissioners? The nominated Commissioners can talk just as much and just as eloquently and sometimes just as tediously as the elected Commissioners, as my hon'ble friend Mr. Oldham will be able to say. If the object be to curtail talk, there ought to be a reduction all round; but instead of that, it is the elected element alone that is to be cut down,

" Distasteful as the reduction of the number is, it is the curtailment of the elected element in the Corporation, while the number of official and nominated Commissioners remains the same, which

has filled the community with alarm and astonishment. Here again the orders of the Government of India involve a violent disturbance of the municipal traditions of Calcutta. Ever since the Corporation has been re-organized upon a popular basis, the rate-payers have enjoyed the right of electing two-thirds of the entire Corporation. Sir Richard Temple was indeed prepared to go further. He was willing to raise the proportion of elected Commissioners to three-fourths of the entire number, if the Legislature agreed to fix the number of Commissioners to be elected by the different nationalities. The matter again came up for consideration in 1888, when the municipal system of Calcutta was revised. There were two conflicting proposals. Mr. Irving, representing the Trades Association, moved in this Council for the reduction of the number of Commissioners to 60 and the representative element to one-half. Babu Kali Nath Mitter moved that the number be raised to 80 and that three-fourths of the entire number be elected by the rate-payers. The Government objected to both the proposals, and the spokesmen of the Government were Sir Henry Harrison and the late Mr. Colman Macaulay. Sir Henry Harrison observed :—

‘ I think we ought to follow the old lines as laid down in the Bill, which allows 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 ’

“ You must not imagine that the arguments of Sir Henry Harrison were based upon mere sentimental considerations, or that he was actuated by the mere desire to preserve what is old. What he said in effect was this—that if the number was reduced and if the elected element was reduced to one-half, the business would suffer, for it would be difficult to get the European Commissioners to attend. He, therefore, objected to Mr. Irving’s proposal, not on sentimental but on practical grounds of the highest moment. Let me in this connection quote the remarks of Mr. Colman Macaulay, who for many years was Secretary to Government in charge of the Municipal Department, and afterwards became Chief Secretary :—

‘ I oppose the amendment of the Hon’ble Mr. Irving on the ground that it involves the contraction of both the principle of election and that of representation.’

“ Again :—

‘ I think that, looking to the experience we have had of the working of the elective system as a whole, we should be fully justified, were we in the position of our predecessors, the Legislators of 1876, in taking the proportion of two-thirds elected by the rate-payers. For this reason I will certainly oppose my friend the Hon’ble Mr. Irving’s amendment.’

“ It is now proposed to undo the past, to discard the lessons of the past and to deprive the rate-payers of Calcutta of the proportion of representation (which they have hitherto enjoyed with the full concurrence of the Government since 1876, and which even Sir Alexander Mackenzie did not want to deprive them of. If the object be to strengthen European representation, surely it is not necessary to curtail Indian representation in the Corporation. There are the European wards which may elect European representatives; there are the special European constituencies which may return European members; and there is the Government with its reserve power of nomination which may appoint European Commissioners. I have a complaint to make against the European community and the Government in this matter. The European community has not availed themselves of the opportunity created for them by the Government, and the Government has not exercised the power it possesses of balancing inadequate European representation. If the Government and the European community had done their duty in the matter, the complaint of inadequate European representation would never have been heard. And surely a law cannot be said to have failed when it has not been fairly tried. This is what Sir Henry Harrison said in 1888 from his place in this Council :—

‘ 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.’

“ But, Sir, it has been said that the reduction in the proportion of the elected element in the Corporation follows the Bombay model. The words used are that ‘ the Bombay model is faithfully reproduced except as regards numbers.’ Here, again, I am constrained to dispute the position of the Government. But if it were otherwise; if the proposals of the Government involved a faithful imitation of the Bombay model, which they do not, even then I should be disposed to object. What have we got to do with the Bombay municipal system? The municipal history of Bombay is different from ours. Its traditions are not our traditions. We are proud of our municipal system, the

product of the wisdom and statesmanship of distinguished Bengal Civilians. It is very much in advance of the Bombay system. In Bombay only one-half of the members of the Corporation are elected by the rate-payers; here in the Calcutta Corporation two-thirds of the members are returned by the rate-payers. In the municipalities in the interior of the Bombay Presidency only one-half of the members are elected; in our municipalities in the interior two-thirds of the members are elected. In the Bombay Presidency as a rule, the municipalities in the *mofussil* do not elect their Chairmen; in Bengal as a rule they elect their Chairmen. Are we to be deprived of a precious right which we have learnt to value and to cherish merely to satisfy the demands of logical precision? Logic is a great art, but it scarcely enters into the calculations of the Legislator. If it is illogical to have two-thirds of elected representatives in the Corporation and only one-third in the General Committee, why not meet the requirements of logic by raising the proportion of elected members to two-thirds of the entire body in the General Committee? If the demands of logical necessity may be satisfied by a downward as well as by an upward movement, why prefer the downward movement? Is that consistent with the dignity and the statesmanship of the Government of India? As a dissenting member of the Select Committee, I have recorded a strong protest against the introduction of the Bombay system. But if the Bombay system is to be forced upon us, let us have the system in its entirety, with its good and bad features, with its defects as well as its points of excellence. I venture, however, to challenge the position that we have a faithful reproduction of the Bombay system in the proposal of the Government which I am now considering. Let us examine the facts:—

“There are 72 Commissioners in the Bombay Corporation, elected and nominated, as follows:—36 elected at the ward elections, 16 elected by the Justices, 2 elected by the Chamber of Commerce, 2 elected by the University, and 16 appointed by the Government. The wards, I think, we may fairly take it, are Indian constituencies; the University and the Justices are also Indian constituencies; the bulk of the Justices and the bulk of the Fellows being Indians. There are 572 Justices, of whom 335 are Indians; there are 342 Fellows, of whom 208 are Indians. Therefore we have this fact, that the wards are Indian constituencies, the Justices and the University are Indian constituencies; and these three constituencies between them return 54 out of 72 Commissioners, or three-fourths of the entire Corporation. Will that be the case in connection with the constitution of the Calcutta Corporation under the orders of the Government of India? I say no; and I am sure you will say no, when you have heard me. The Calcutta Corporation, as it will be re-constituted in accordance with the proposals of the Government of India, will consist of members who will be nominated and elected as follows:—25 Commissioners will be elected by the rate-payers, 10 will be returned by special constituencies, and 15 will be nominated by the Government. The 25 Commissioners elected at the ward elections will be Indians; I take it that they will be Indians, though I do not think they will all be Indians; for the European wards, after this unhappy strife, will make serious efforts to return European representatives; but I will take it for argument's sake that the 25 elected Commissioners will be representative of Indian interests. The 10 members returned by the special constituencies will be Europeans, and the 15 appointed by the Government will be representative of interests other than those of the Indian rate-payers. Thus in a Corporation of fifty members, with the official Chairman, the representatives of the rate-payers will be in a minority, and if the European wards return European representatives, the popular element will be in a hopeless minority. In the Bombay Corporation the representatives of the Indian rate payers are in a majority; in the Calcutta Corporation, as it is now about to be re-constituted, the representatives of the Indian rate payers will be in a minority, and perhaps in a hopeless minority. Is this, I ask, a faithful reproduction of the Bombay system?

“Let us for a moment examine the bearing of this important change upon the broad principles of Local Self-Government. What is Local Self-Government but the administration of local affairs by the representatives of the local public? But what becomes of Local Self-Government when the representatives of the people are reduced to a hopeless minority—to a condition of pitiable impotence—in the body that controls the municipal affairs of the town? And what is the justification for these far-reaching changes? No charge of inefficiency has been brought against the Corporation of Calcutta. On the contrary, eminent Lieutenant-Governors have testified to the ability and zeal of the Commissioners and to the continued success of municipal administration in Calcutta. Sir Henry Fowler, speaking from his place in the House of Commons, observed in February last that he discovered no evidence of the break-down of the system. I am bound to say that the Bill as now revised by the Select Committee is distinctly worse and more retrograde than

the Bill submitted in April last. That Bill vested the power of the purse in the representatives of the people. The deliberation of large questions also belonged to them. All this power and authority will now be gone. They will not control finance or regulate expenditure. The rates and taxes will not be fixed by them. Their voice will be impotent for good or evil. The Hindu and Muhammadan rate-payers pay the bulk of the taxes, but their representatives will have no hand in determining how they are to be spent. The result will be disastrous to the ends of economical administration. It is a universal truth, confirmed by the experience of mankind, that the strongest security of the public purse is its control vested in the representatives of the rate-payers. When you have to spend other people's money you are apt to be extravagant. When you spend your own money you have the strongest motives to be economical, and the successful administration of the finances of the Calcutta Corporation is a conspicuous example of the truth of this remark. When it is borne in mind that finance is the backbone of every form of administration, municipal or otherwise, I have no hesitation in saying that it is a perilous experiment to deprive the representatives of the rate-payers of that financial control which they have hitherto exercised, with so much credit to themselves and benefit to the public.

"I have just a word or two to say with regard to the constitution of the General Committee as it will be affected by the orders of the Government of India. The constitution of the General Committee has been the subject of considerable criticism both here and in England. I cannot say that the alterations proposed by the Government of India in the smallest degree help the rate-payers or improve their position. In the Bill, as originally revised by the Select Committee, the representatives of the rate-payers on the General Committee were four in number out of a total of twelve. In the Bill, as further revised by the Select Committee, the number is still four. Of the twelve members of the General Committee, eight indeed will be elected by the Corporation, four being appointed by the Government. But these eight members are to be elected in accordance with the constituent elements of the electoral body, consisting of elected and nominated Commissioners in equal proportions, and this has been interpreted to mean that of the eight Commissioners to be elected by the Corporation, four are to be elected and four are to be nominated Commissioners. Thus, Sir, as in the Corporation, so also in the General Committee, the representatives of the rate-payers will be in a hopeless minority.

"These are the observations which I desire to make on the letter of the Government of India. I would now call attention to the terms of my amendment. I am sure the Council will consider my amendment to be reasonable, having regard to the important nature of the changes proposed. Probably my hon'ble friend in charge of the Bill will say that there are only two or three questions which have to be considered, *viz.*, the constitution of the Corporation, the constitution of the General Committee and of the Special Committee. These in themselves would be questions of sufficient importance to need careful consideration. But that is not all. I would refer the Hon'ble Member in charge of the Bill to paragraphs 7 and 8 of the letter of the Government, from which it will appear that the Government is of opinion that Sir Alexander Mackenzie's Bill is not in accordance with the broad principles of Local Self-Government, and the whole Bill will have to be considered in the light of those principles. The Government of India say:—

'In the course of the passage of the Bill through its various stages, much criticism has been bestowed upon it from many quarters; and, while a good deal of this criticism has been of only ephemeral value and has rested upon no solid foundation, the Government of India have been led, after a careful and independent investigation, to think that there are features in Sir Alexander Mackenzie's Bill which are not in entire accordance with the principles just laid down, and which might not in practice ensure that amicable and patriotic co-operation of all parties in the future municipal government of the city which is essential to its efficient administration.'

"I would in this connection call attention to paragraph 20 of the letter of the Government of India regarding the constitution of Committees and Sub-Committees. This is a matter of considerable difficulty and requires much careful thought. This is what the Government say:—

'I am also to suggest that it might be desirable to lay down rules for the appointment of the Special Committees and Sub-Committees which would secure their being truly representative, in respect of their constituent elements, of the Corporation or General Committee appointing them. The provisions regarding the making of rules and bye laws for the conduct of the business of Special Committees and Sub-Committees under sections 89A and 590, in connection with sections 595 and 597, might be extended to include their constitution in general agreement with the principles already laid down. It might not be necessary or feasible for all such Special Committees and Sub-Committees to be homogeneous in constitution with the body appointing them; but it is clear that in some cases at least such homogeneity alone would secure efficiency and obviate friction.'

"I therefore hope that Your Honour's Government will see its way to accept my motion. A few weeks' delay in the passing of this Bill will not be time wasted, if it gives the public an opportunity for considering a measure of this magnitude and importance.

"I do not know that I should be justified in further detaining the Council. His Excellency the Viceroy has expressed the hope that there may now be a truce to all dissension, and he has appealed to our patriotism to vindicate the cause of Local Self-Government in the capital of the Indian Empire. An appeal addressed to our patriotism, coming from so exalted an authority and from a Viceroy whose utterances have been so sympathetic, is bound to make a deep impression upon our minds. But a higher patriotism—the love that we owe to our country, the duty that binds us to the Government—demands that we should raise our voices in terms of earnest protest and remonstrance against proposals which are inconsistent with the wisdom and the policy of the Government and will wreck the best prospects of Local Self-Government in the capital of the Indian Empire. How can we vindicate Local Self-Government, when Local Self-Government will be at an end! How can there be any amicable co-operation on our part when a cherished institution is laid low to the ground! We have learnt to value Local Self-Government. We love it; we cherish it; the fond devotion of a people clings to it. It has stimulated our public spirit. It has inspired us with a sense of responsibility and that moderation which never fails to follow in the train of responsibility. It is a noble seminary of popular and political education. We have derived from it inestimable benefits, and we desire to transmit it, unsullied and unimpaired, to our children and our children's children. With such an aspiration the Government of this country must sympathize. Far be it from us to wish to exclude our European fellow-citizens from their legitimate share in the administration of our municipal affairs. Their interests and our interests are in many respects common. But they cannot wish us to be Uitlanders in the city of our birth. We shall indeed be worse than Uitlanders; for the Uitlanders never had the franchise—we are to be deprived of the franchise that we possessed. It has always been the crowning glory of the British Government never to withdraw a privilege which it has once conferred. There have no doubt been temporary aberrations, like the eccentricities of the planets; but the Government has soon resumed its steady career of beneficence and progress. I trust, Sir, it will be our high privilege to be able to associate Your Honour's administration and that of His Excellency the Viceroy, if not with the expansion, at any rate with the preservation of an institution which, while it has contributed to the sanitary improvement of Calcutta, has stimulated the public life of the people and has helped the cause of popular and political education, which it is one of the avowed objects of the Government of India to foster and to promote."

*Speech of the Hon'ble Mr. D. F. Mackenzie at the Bengal Council on
7th August, 1889.*

"May it please Your Honour,—I rise, Sir, to oppose the amendment proposed by the Hon'ble Babu Surendra Nath Banerjee, on the ground that postponement will make it impossible to pass the Bill this session, and I consider it detrimental to the best interests of Calcutta that legislation should be longer delayed. In the Note of Dissent, signed by two Hon'ble Members of the Select Committee, and largely referred to by the Government of India in their recommendations to the Government of Bengal, complaint is made that 'The Bill, as amended, makes little or no change in the constitutional part of the Bill as originally introduced, *and that* only as regards two matters has any concession been made in this part of the Bill, and the last of these concessions is nullified by the powers reserved to the Government.' From that view, Sir, I differ entirely. I find that very considerable changes have been made by the Select Committee, and, but for the 'powers reserved to the Government,' I have no hesitation in saying that I for one would not be in the position I am in of being able to give my vote in support of the measure. Government control, however, is an engine only to be brought into play on great occasions, and cannot be called upon for every-day purposes. In my opinion, Sir, the only practical way to increase the 'motive power' in the proceedings of the Corporation would be to largely increase the powers of the Chairman, empowering him to do, and holding him responsible for doing, all the ordinary work of the town; the General Committee acting as an advisory or consultative Board, the main body of the Commissioners being restricted to a quasi-legal function. To restore to the Corporation the power of electing the high officers of the city merely opens a door for canvassing and jobbery, which has not been wanting in the past.

"To this extent, Sir, I have to deprecate the action of the Select Committee in their dealings with the Bill. As to the necessity for the introduction of radical changes, there can be no reasonable

doubt; but if doubt did exist, perusal of the letter from the Government of Bengal to the Government of India, dated 7th March, 1898, would dispel it. Much capital has been made in various quarters, in which the Bill is opposed, of 'the blow at the root of Local Self-Government.' Perusal of the 'precis of opinions' (Papers 2 to 35) will show that this is the universal 'war cry' of the opponents of the Bill at their public meetings in the Town Hall, and in each of the several 'Wards'; and more astonishing still, it presents itself as the 'bogey' of the Government of India in its recent correspondence with the Local Government regarding the Bill. Speaking of these public meetings,

may say that there is nothing to show that the same set of people were not present at each and all of these meetings, whipped up to constitute themselves, for the time being, political agitators to swell the importance of the opposition. In fact, Sir, in Paper No. 7, we find one of the Wards (No. 8) appointing by 'Resolution' delegates to the number of 79 to attend the public meeting held at the Town Hall on the 31st August, 1898. But, Sir, be that as it may, this Bill, as its title indicates and as its provisions show, is distinctly a Calcutta Municipal Bill, and for my part, I have never seen or heard anything quoted to controvert the arguments adduced by Mr. Risley in his speech in this Council Chamber on the 4th April, 1898—that the argument as to its being the death-blow to Local Self-Government in Calcutta is absurd for the reason that one of the chief limitations of the Government of India's Resolutions on the subject of Local Self-Government is 'that it does not apply to Presidency towns.' Now, Sir, when I first read the Government of India's letter No. 93, dated Simla, 17th June, 1899, addressed to the Bengal Government, and read in page 7 of that letter, the reference to 'the broad principles of Local Self-Government already conceded'; and again in paragraph 21 of the said letter, where it refers to the necessity to 'vindicate the wisdom of the decision that 23 years ago first accorded the privileges of Local Self-Government to the Capital of the Indian Empire,' it occurred to me that either the Government of India or this Council had been seriously misled, and I set myself to enquire into the matter, with the result that I find the Government of Bengal never so much as asked for or recommended Local Self-Government for the Capital of the Indian Empire; and that its application to that Capital was expressly excluded by the Government of India's own Resolution No. 17, dated the 18th May, 1882, paragraph 4, from which I quote as follows:—

'Meantime, however, it will be convenient that the Governor-General in Council should explain somewhat more fully than he has hitherto done, the general mode in which he would wish to see effect given to the principles of Local Self-Government throughout British India outside the Presidency towns.'

"But, Sir, of course the reference to the concession having been made 23 years ago, shows that while the Resolution of the Government of India, dated the 18th May, 1882, expressly excludes Presidency towns, we have the somewhat phenomenal position presented to us of what is expressly forbidden in the present having been conceded in the past. To examine the position 23 years ago, one has to go back to the Proceedings in this Council extending from December, 1874, to April, 1876, and from a careful perusal of the record of the debates on the measure at that time before the Council, I have come to the conclusion that, as regards Local Self-Government said then to have been conceded, the most ever asked for by the late Hon'ble Babu Kristo Das Pal, to quote his own words, on the 3rd April, 1875, was—

'If it was advisable to give the citizens of Calcutta the right of Self-Government, they ought to have it fully and unreservedly. But then the question would arise, suppose the elective system be conceded, should the Chairman be elected by the representatives of the town, or should his appointment rest with the Government? Now there could be no thorough elective system unless the Chairman's appointment were also made elective, &c., &c.'

"Then on the 26th February, 1876, the late Hon'ble Babu Kristo Das Pal spoke as follows:—

'The rate-payers of Calcutta could not but be grateful to His Honour the President for the liberal announcement he had made in announcing that he was willing to give them the privileges of Self-Government; but they wanted a reality, and the question was whether the Bill, as framed by the majority of the Select Committee, gave a reality. With one voice the rate-payers had declared that it was not a reality; that it could not be a reality so long as the main spring would be in the hands of Government, and that it could not therefore be looked upon as a boon or a blessing.'

"This, Sir, by one of the first, if not the first, native gentleman to agitate for Local Self-Government, and he recognises (1) the impossibility of conceding the principle; and (2) the fact that it had not been conceded. His Honour the President's answer to the latter quotation was as follows:—

'It is perfectly true, as has been stated by three Hon'ble Members, that I never promised to give the Calcutta community an elective system without Government control, and on 27th November last, I promised an elective system on condition of a certain limited Government control.'

"The most, Sir, that the then Lieutenant-Governor ever suggested conceding, was a restricted principle of election, but no Bill since framed has suggested depriving them of that. Therefore, I submit, Sir, to say that, twenty-three years ago the privileges of Local Self-Government were first accorded to the capital of the Indian Empire is an error which it is impossible to conceive the Government of India have fallen into. Then, Sir, as to the meetings held in each of the 'Wards.' What are these Wards, and what their importance as representing public opinion? Are they important political divisions, such for example as Westminster; or are they, as I suppose, simply thanas or divisions for police administration purposes and such like? It is a fallacy to suppose that the body of rate-payers take any real interest in the present system, or that the present Commissioners truly represent them. This point was brought out by Mr. Risley in his able speech in this Council Chamber on the 19th March, 1898, when he showed that on the statistics of the ward elections of 1895 the registered electors amount to only two per cent. of the total population of Calcutta, and the figures of the 1898 election show an exactly similar result. Does such a result show that the privilege is as much cherished as the agitators would have it believed to be? The so-called 'boon' in reality has been mainly prized by those who sit as Commissioners and by their followers—not by the mass of the people who know or care little or nothing about it. I find the following to be an analysis of opinions 'For' and 'Against' the Bill:—

'For (1) Central National Muhammadan Association; (2) Bengal Chamber of Commerce and its allied associations; (3) European and Anglo-Indian Defence Association; (4) Calcutta Trades Association; (5) Imperial Anglo-Indian Association.

'Against (1) Bengal National Chamber of Commerce; (2) Indian Association; (3) nine so-called "public meetings," held between 31st August, 1898, and 15th March, 1899; (4) four "ward" meetings held between same dates.'

"What Calcutta requires, Sir, is representation of *interests*, not races. Commerce made Calcutta. By Commerce, I mean European commerce, and by that Calcutta has existed, and will continue to exist. The history of Calcutta shows it to have been little more than a mud bank until European merchants settled there. The present Bengali population who clamour for the Government of Calcutta are not for the most part natives of the place, but have been attracted to it. As long, therefore, as Calcutta holds a prominent position in relation to the commerce of the world, so long have the representatives of Commerce a right to demand that they shall have a preponderating voice in the Municipal Government. This principle is met by the present proposal of the Government of India, and in this view it has the support of the important interests which I have the honour to represent on this Council.

"The interests of Government and of Foreign Commerce are more important than all other interests put together, and ought consequently to be at least equally represented. It has been a matter of common complaint that Europeans have not hitherto attended and shared in the municipal administration of the city. The reply to this has been—and I would now beg to reiterate it—that while European merchants can and will find time to attend business functions, they will not give their time to functions where talk is the order of the day, and in which in the matter of arriving at any practical conclusion, they are in a hopeless minority. Under the provisions of the new Bill, I honestly believe they will attend and do good work. As an indication of this, I may be permitted to say that at the last general meeting of the Chamber, held in February last, special reference was made by the President and other prominent Members, to the Bill now before the Council, and of the necessity there would be, and the opportunity which would occur, for members of the mercantile community interesting themselves in the election of representatives of the Chamber on the Municipality under the new Act. It was then suggested, and the suggestion has been adopted, that under the new Act the Vice-President of the Chamber should generally be nominated to the General Committee. The Chamber of Commerce, in common with the other European bodies, are looking to the Bill being passed this session, and I trust, Sir, that you may see fit to direct the Council to see that in this they are not disappointed, and that the amendment favouring further postponement may be negatived."

*Speech of the Hon'ble Mr. J. G. Apcar at the Bengal Council on
7th August, 1899.*

"I take this opportunity to thank you, Sir, for having acceded to my request in part, and adjourned the Council on Saturday last. The time gained has been a help to me; at the same time I feel it to be due to myself to say that it has been insufficient to do justice to myself. The intervening day being Sunday, I have not been able to utilise it to obtain the papers I have wanted from the Municipal

Office. I have been wholly occupied, since the adjournment on Saturday, up to the time when I left for the Council Chamber, collecting material for my speech, and putting together papers to which I wish to refer to-day. I have been hurried to a degree, and I feel conscious that I shall take up more time to-day than if I had been allowed more time for consideration. I wish very distinctly to say that I am not prepared to make my speech.

"Before I enter into any discussion, however, it will be unbecoming on my part not to pay a tribute to the hard work done in this Council by my predecessor, particularly in regard to the present Bill before us. I now turn to speak on the Motion moved by my hon'ble friend, which reads as follows :—

'That this Bill be referred back to the Select Committee for further consideration, with reference to the correspondence between the Government of India and the Government of Bengal.'

"The pronouncement by the Supreme Government of their views on the subject of this measure has been waited for with anxiety, for those who are opposed to its principles were not without hope that, coming to the consideration of the question with an open mind, and being intimately acquainted with the conditions of popular and representative institutions, His Excellency would not entirely favour the strange and startling changes that are proposed to be made in the constitution of the Corporation of Calcutta. Now that the letter of the Government of India has been published, it forms a notable and eloquent addition to the literature on the subject. I heartily support the desire expressed in it that there might be an end to the dissensions that have been created by the Municipal Bill. The fair promise that seemed to underlie portions of that letter has not been realised in the suggestions conveyed by it, in such courteous terms, to the Local Government, and while I am thankful for small mercies, I must plainly say that dissatisfaction with regard to the measure is in no degree allayed by the fresh proposals that now are made. The main feature of the new recommendations is the reduction of the elected members from 50 to 25, the nominated members being maintained at 25, and the reduction being obtained by having only one member for each ward instead of, as now, two members. I have more than one objection to this proposal. I shall first mention the one which brings into prominence the flaw that, as it seems to me, runs through the Bill in so serious a degree—the omission by the framers of the Bill to consult those with intimate practical experience of the administration. It surely cannot be intended that no Muhammadan shall be elected? Yet the reduction of the members, as proposed, will tend to bring about that result. The Muhammadans will practically be disenfranchised. They will, it is true, continue to have the power to vote, but it will be a vain and useless labour to exercise that power in favour of their co-religionists. All the Muhammadan Commissioners elected at the last election came in second on the poll, with a single exception, who himself has told me that his position on the voting was largely due to Hindu support, for their votes were shared by him with his Hindu colleagues, and he has further expressly asked me to represent in the Council that, if there is to be only one member, the election will assuredly be fought out on class lines; that it is inevitable that in his ward all the Hindu votes will be cast for a Hindu, it will be a Hindu who will be elected over a candidate belonging to any other community, and that the same result will be experienced in every ward now returning a Muhammadan representative. I think that to exclude Muhammadans from election would cause a real hardship to that community, as I shall later endeavour more fully to explain.

"The reason given for reducing the number of elected Commissioners is to make it more in proportion with the number of the voters. In examining the number of representatives with reference to the number of voters, the Municipality cannot be compared with a political body. I urgently ask consideration for what I have to say. In a political assembly you have large issues discussed, which affect not individuals merely, but groups of persons. If for political purposes, votes be given to persons who are capable, or are supposed to be capable of understanding the burning question of the hour, the views held by such persons may comprise the views of all who need be considered, and their votes may give a proper and sufficient representation of a locality. Not so the 50 elected Commissioners. They do not represent their wards in the Parliamentary sense. Not the least important one of a Ward Commissioner's duties is the inspection of his ward. And both Ward Commissioners serve a useful purpose in this respect. But this is by no means all. He is not elected only to represent the views which may be entertained by the voters in his constituency or any group of them. With regard to large issues, your predecessor in office, Sir, as well as his spokesman

in this Council, eulogised the Municipality for the manner in which they treat large issues. Sir Alexander Mackenzie, even in his Entally speech, expressly admitted this. He said :—

‘The Municipality has, I am afraid, many shortcomings to answer for. But I must say this, that I have never been one to agree that it has shown niggardliness, or been backward in sanctioning money for either water-supply or drainage.

“Again, Mr. Risley, in his reply, in the debate in Council, said :—

‘No one denies that much has been done, and a great deal of money spent. I have every wish to do ample justice, and I admit that it is in their dealings with large issues that we see the Commissioners at their best.’

“So that there can be no reason to cut down the number of elected Commissioners because of any party feeling about what is the more important business of their administration. The administration touches the every-day life of each of the inhabitants, and particularly so in the crowded and poorer parts of the town, which lie in the northern quarter and in the suburbs. A Ward Commissioner represents the whole of the inhabitants of his Ward in a special sense, for his duties may lie with any individual among them, and so his representative character may be said to be, in effect, based on universal suffrage, and not only with regard to the voters in his constituency. Those who have votes may have common cause of complaint with those who have no votes. But the sufferings of the poor are widely different often to the experiences of their well-to-do neighbours. While those who are in good circumstances can make their voices heard independently of the Ward Commissioners, the poorer classes cannot do so. And the Muhammadans are among the poorest of the inhabitants of Calcutta. I do not exaggerate the melancholy truth when I say that the record of the Municipal Executive is detestable. It is the poorer inhabitants who are harassed by them most; it is the poorer inhabitants who need help most. The system of Municipal administration that the Government have in their wisdom given them, has taught them to go to their Ward Commissioners for assistance. And, further, there can be not a shadow of a doubt that the knowledge that each Ward Commissioner has a voice in the administration of the Municipality is an effective form of protection from the subordinate staff. Permit me to quote Sir Henry Harrison in my support on the question of the usefulness of the elected Commissioners. In enumerating the gain to Municipal Administration on the elective system, he said :—

‘Fourthly, the elective system has been successful in this, that people know that they have a Commissioner who represents them, and when they have a complaint, if it is not immediately attended to by the Executive, they appeal to get the assistance of their Commissioner. This has some beneficial results; it causes some degree of self-reliance in the people when they know that they have someone to whom they can go if they do not get immediate redress.’

“Sir Henry Harrison was stating facts that were the outcome of his experience so far back as 1888. Ten years have passed, events have developed, and the poor people have learned to rely more and more on the assistance of their Ward Commissioners, and they will feel the withdrawal of the practical support of the Ward Commissioner the more now, and it will cause discontent which need not be raised. In dealing with this particular matter I have touched upon a wider aspect than that affecting the Muhammadans. You, Sir, cannot have failed to observe, I am sure, that my comments have a bearing upon the position of native elected Commissioners generally, and not only about elected Muhammadan Commissioners, and also upon the larger issue of the new constitution that is proposed, which completely deprives the general body of Commissioners from an effective and direct voice in the administration of the Municipality.

“My hon’ble friend, Babu Surendra Nath Banerjee, has relieved me of the task of quoting the speech of Mr. Colman Macaulay, who was Chief Secretary to the Local Government and a Member of the Council when the Act of 1888 was passed. It will be seen how he regarded the reduction of the numbers to 60 as being a contraction of the principles both of election and of representation. Here it is proposed to contract the principle of election only, and to a greater degree than was proposed in the amendment which he opposed. It will also be observed how emphatically he spoke of the success of the elective system.

“The Select Committee who reported on the Act of 1888 advised on the question of the nominated Commissioners, that out of the 25 nominated Commissioners the Chamber of Commerce and other bodies should be given the right to nominate 10 members. The Lieutenant-Governor of the day, Sir Steuart Bayley, one of the most experienced of Your Honour’s predecessors, with great knowledge of the Province and of the European non-official world of Calcutta, in replying to an

amendment of the Muhammadan Member of the Council that the Government should retain the nomination of the whole 25 members in their own hands, said:—

'To come back to this particular point my own position is this. The proposal of the Select Committee will have the effect of whittling away to a certain extent the power of the Local Government in regard to making nominations, and for that reason I shall vote for it. I think that as time goes on, it will probably be found more and more possible to keep down the proportion of nominations left in the hands of the Government; but at the same time, I am not insensible of the objections which have been brought forward to the proposals of the Select Committee as to their particular distribution. There is something in what was said that there is no guarantee that these bodies, whatever they may represent to-day, will represent the same interests hereafter. And if you once stereotype the particular distribution, you will have to go through a long and disagreeable process to alter it. At the same time the Select Committee have given the subject serious thought; and I am not sure that any better proposal can be made. It would be unseemly for me at least to vote for bringing the whole of the nominations back to the hands of the Government, but I have not the slightest wish to influence any Hon'ble Member from voting as he wishes.'

"It will be observed that Sir Steuart Bayley was not so much impressed with the idea of the overwhelming necessity for special representation of commercial interests as something apart from the ordinary and general interest of rate-payers, and I shall show that he had a better appreciation of the situation than has later prevailed. His speech is also notable for the tone of appreciation towards the Corporation, and the progressive development that he foreshadowed in holding out the prospect of the Government withdrawing more and more from reserving the powers of nomination.

"I would point out also the result of the adoption of the proposal to cut down election—that is to say, to have only one elected Commissioner for each ward—will be that the number of places available for nomination for other communities will be diminished, because to redress the inequality that will be caused by the exclusion of Muhammadans by election, a larger number of them will have to be nominated. If they are to have a sufficient proportion of members on the Corporation, if even the whole number be not allotted to Muhammadans, the opportunity of nominating other interests will be most seriously curtailed; for instance, amongst others, the class of Hindus whom Mr. Risley so much favours—I mean those who will not submit themselves for election; those who would more directly represent Government interest, such as the Commissioner of Police and others; those who could be regarded as sanitary authorities, such as Dr. Sanders, Dr. Charles, Dr. Banks and others; the member for the carters, cow-keepers, washermen and bustewallas, whom Sir Alexander Mackenzie so much fancied as a very useful addition to the Corporation; and that very important class, the European rate-payers—will all run the risk of being left insufficiently represented. Practically it will come to this—and it is important, since the Government themselves lay such emphasis on the difference between the representation of the trade interest and that of the rate-payers—European interest will be confined to the representatives of the Chamber of Commerce, and I have known this body on one occasion to return one European, who was a journalist, and three Hindus, the Trades Association, the presence of whose members I always welcome, and the Port Commissioners. The interests of the trading communities are identical with, and are inseparably involved in those of the European rate-payers. But it can be easily seen, as I shall explain later, that the interests of the mercantile firms are not necessarily identical with those of the rate-payers. From my own observation I feel bound to say that I cannot regard representation by nomination for Muhammadans as satisfactory as representation by election, where it can be obtained. It will be enough if I say that my reason is that there can be no doubt that those who are elected are in closer touch with their constituencies, and represent them far better than those who may be nominated. I am sure that my hon'ble colleagues who are Muhammadans will agree with me that the selection by themselves of the men whom they wish to represent them, and the responsibility imposed on the elected Commissioners towards those to whom their election has been due, creates an effect, both on those who vote and on the candidates, that is nothing but for good.

"The point that I make in these comments is this: The Government of India have said in their letter that the first ground for the new Bill is the failure to secure, under the present conditions, adequate representation by the elective system, and this, as is apparent, with special reference to the Muhammadans, for they have added 'even in the native city.' The result of the new proposal—an unexpected result I feel sure—will be to annihilate the chances of Muhammadans for election. We are as much liable to do harm by want of thought as by want of heart. On the other hand, we find that the Government of India have condemned in a manner so clear that we cannot lose the

impression of it, that the proportion of 12 on the General Committee is illogical with reference to 75 on the general body. If it is not intended to destroy the elective system, and I take it that it is not, the numbers of the elected Commissioners should not be reduced as is proposed. And to be logical and consistent, the numbers on the General Committee must be increased. The Europeans now number 8 elected Commissioners. This number, I think, under the new proposals, will be reduced to 3. They may, however, hold 4 seats. Although the Europeans now number only 8 among the ward or elected Commissioners, my view is that with any organization their number could be raised to 12 or 14. I will speak from my own experience. In the year 1885 the Health Society was started for the sanitary reform of Calcutta. It was started by Europeans, under the auspices of Sir Henry Cunningham, but it comprised some native gentlemen also. One of their plans was to secure the return of Europeans as elected Commissioners. Amongst others, all of whom were successful in their elections, I was solicited to stand for election, and it was in this way that I came to join the Municipality. Before then, I had neither any idea nor inclination of doing so. The Health Society is dead, and I fear all such organizations will meet with the same fate in busy Calcutta.

"If it is not to crush the elective system, and I do not for a moment believe it is, what is the purpose to be served by reducing the number? I can think of only two that may be intended. I take the first to be to prevent waste of time by speeches. This has been dealt with by my hon'ble friend (Babu Surendra Nath Banerjee), and he again has relieved me greatly, and I need only very briefly refer to that point. It would be as absurd to suppose all the 75 members of the Corporation speak at the meetings held throughout the year as that the 600 and odd members of the House of Commons all speak in a single debate. On an average about 5 speak in one debate. The discussion is confined from year's end to year's end to only a few of the Commissioners: I think to not more than 14 or 16 in number. Any one outside this group very rarely speaks. I think one could very nearly guess before going to a meeting, the names of those who will speak. The Europeans take a fair share in the discussion. I should guess generally that my hon'ble friend here, Mr. Oldham, would be one of the speakers. He speaks to express his opinion. He would not speak, I am sure, if he thought he was only wasting time by so doing. And if he speaks, I am sure he is fair-minded enough to concede to others the right to express their opinions. It is not the number of persons in an assembly that occupies time. It depends on the individuals who may speak, and I again only am supporting Sir Henry Harrison's view when I say that a reduction even to 40 Commissioners would not make any appreciable difference in the time occupied at the meetings.

"The only other purpose I can think of that the reduction in the number of the Corporation is intended to serve, is to undermine the Hindu predominance in the Corporation. That the Hindus are in a majority numerically, of course, cannot be denied. I am, however, going to advance a contention that will astonish the Council, since it is diametrically opposed to all that has been so confidently relied upon on the point. I say there is no Hindu predominance in the sense that the term is always used. I say that the other communities are not kept in a hopeless minority at the meetings, because the Hindus do not, as a matter of fact, use their numbers to outvote them. If the Council will test the question of predominance with me, I hope it will be made clear. The whole of the business of the administration is, in the first instance, dealt with in Committee, and chiefly in the General Committee. We have it from Sir Henry Harrison that in his time only 5 per cent. of the items were challenged.

"I think that it will be an advantage to give Sir Henry Harrison's description of the system of work in his own words. This is what he said in this Council, when the Act of 1888 was passed:—

'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.'

"My experience tells me that we have decidedly a smaller percentage now. In the General Committee, which is by far the most important Committee of all, the Hindus are in an overwhelming

majority. The Hon'ble Mr. Oldham, the representative of the Chamber, and of the Trades Association—one from each—my hon'ble friend Prince Bakhtyar Shah, with myself, are the only non-Hindus out of the 18 members. In actual attendance the Hindus have a still greater advantage. If the Hindus voted all on one side, there would be no waste of time, at least on their part—they would come prepared to support each other and would vote together, and there would be the most happy despatch of all the items of business. But we know that this is not what happens. There are the warmest discussions, and many items are hotly contested, with the Hindus on either side. My hon'ble friend Mr. Oldham, who is one of the most hard-working and regular attendants of the meetings, has again and again carried his motions with the support of Hindus. Take an instance that occurred only the other day. My hon'ble friend to my right (Baba Surendra Nath Banerjee) raised a question of Hindu feeling to give strength to his opposition to a resolution moved by myself. But I carried my motion with the support of Hindu votes. Again, in nothing more, to judge from Mr. Risley's strong strictures, would Hindu class feeling be more observable than in the appointment of the higher officers of the Corporation, all of them most desirable appointments. Nevertheless, since the establishment of the Corporation, no Hindu has yet been appointed to be the Municipal Engineer—a Hindu has never yet been appointed, in this country of officiating appointments, even to act for the Engineer—or to be the Secretary, or the Health Officer. And it is not as if the matter had not been tested. There have been strong efforts made to secure the election of Hindus for each of the appointments I have referred to, but in not a single instance has it been successful. I have long thought, and I am glad of the present opportunity of publicly declaring after a long experience of the Municipality, that the idea about Hindu predominance is a myth. I was speaking on this very subject to an hon'ble friend, and his observation is so apt that I will, with his permission, use his expression. He replied to my question, with quick Irish wit, that he had observed a predominance of Hindu intelligence, but he had not observed their predominance in any other way. I adopt this observation. Perhaps the predominance of the nature my hon'ble friend mentioned explains the situation.

"I think that the control of the Municipal Administration by the general body of members serves a very useful purpose. It keeps the whole body of them in touch with the work that is being done, and gives many most valuable assistance by reason of the active help, as I in practice have personally found, that the system enables every Commissioner, so minded, to give to the more influential in the Corporation. And what is a very important consideration to those familiar with the working of the administration, it gives recruits to fill the places of any that fall out of the ranks of the General Committee and ready to take up their work.

"unhesitatingly say—to use one of Sir Alexander Mackenzie's expressions—it is abject nonsense to assert that the system is abused. Mr. Risley would have you to believe that 'the young Bengal, or new India, or whatever you may call them,' as he phrases it, holds sway, and that the older and wiser heads are ruled by them. It is not so. The contrary is the fact. It is the very Commissioners who have received unstinted praise from Sir Alexander Mackenzie, from Mr. Risley, and from our present Rulers, who by their experience and standing are the real leaders in the Corporation, and have held their positions for ten and twenty years to my own personal knowledge. The younger men, to my regret sometimes, and to their chagrin, are thrust aside and are barely listened to, unless they have something of real importance to say. Let me again draw attention to Sir Henry Harrison's very striking picture of the leaders of the Corporation. If it was true in 1889, that which he found most conspicuous ten years ago has matured and has proportionately become more valuable now. He said:—

'There were some persons excellently intentioned who have fretted and fumed because the wheels of the chariot of progress have at times tarried, 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?'

"I will not speak a word of comment to mar the eloquence and the impressive picture of the words that I have quoted. But I will warn the Government that the inevitable consequence of the course which they are pursuing will be to throw away the result of what has been proved to be a

wise and statesman-like policy, for those whom they most value in the administration will assuredly not remain. It is not unfitting that I should apply to the policy now being adopted, in contrast to the moving eloquence of Sir Henry Harrison, my warning in the words of the very homely adage, 'It is well to make sure before emptying the bath, that the child is not being thrown out with the suds.'

"I fear that you, Sir, may think me exceedingly unfriendly, owing to the lurid pictures that have been painted of the meetings of the Commissioners, if I were to express a very strong regret, since one learns so much more by seeing than by hearing, that you have never taken part in any of the proceedings of the Municipality. And yet, in legislating on this most important Bill, I venture to say that I have the advantage over you, Sir, in being on my part intimately and practically acquainted with my subject. If you, Sir, have not been a Member of the Corporation, you have trusty Councillors in this Chamber, in the person of my hon'ble friends Mr. Baker and Mr. Oldham, who have had sufficient experience to enable me to refer to them. I can give scores of instances of the practical use of the system that requires confirmation of the proceedings in Committees by the General Meeting. I shall refer, however, to only two, and I choose them because of the presence here of my hon'ble friends, the Member in charge of the Bill, and Mr. Oldham. The Hon'ble Mr. Baker will remember the tramway question, how at the instance of the Chairman of the time, an exceedingly improvident arrangement had been sanctioned by the General Committee, and how my hon'ble friend was one of the strongest supporters of the Commissioner who moved that the resolution of the General Committee should not be confirmed. The Chairman had not a word to say in support of his own motion when the position was explained, and the amendment was carried with his acquiescence. There can be no gainsaying the fact that, by the action of the General Meeting, the Corporation and the rate-payers escaped a most improvident arrangement, which included in its terms the taking over by the Corporation after 21 years' use, the property of the Tramway Company at the rate of 140 per cent. of the capital stated to be invested, irrespective of depreciation of the property and without any enquiry as to what sum in truth constituted the invested capital. And further, Sir, as was later confirmed by the highest legal opinion, the proposals could not have been supported in law. And all the while the Chamber of Commerce and the Trades Association were intervening to support the proposals on behalf of a new Company that was going to work the Tramway Company's business. Turning to the Hon'ble Mr. Oldham, I would ask him, on his part, to recall how a resolution had been carried on his own motion in General Committee relating to Contract No. II of the Suburban Drainage Scheme. There were questions involved which the Acting Engineer, in the absence, on leave, of the Engineer, had referred to in a Note as being of the highest importance, on which the directions of the General Committee should be obtained. These questions had arisen owing to the unbusinesslike proceedings of the Engineer's Department. When the matter came up before the General Committee, the Acting Engineer had given up charge and was not in office, and it is not surprising to me that the Note should not have been placed before the General Committee. In General Meeting, the same Commissioner who had obtained a reference back on the tramway question, pointed out that material considerations had not been before the General Committee. The Chairman, who had been absent on leave when the question was before the General Committee, at once agreed with him and said that the matter must go back. My hon'ble friend need not have said anything, because there was no opposition to the motion for a reference back, but he felt it to be incumbent upon himself to explain that he had moved his resolution in Committee under a complete misapprehension. I hear on all sides that 'You must admit'—that 'You cannot deny'—and other such expressions, that there is great waste of time in these meetings, because of the constant references back of questions to Committees. I deny that there are constant references back: and I ask that when 96 and 97 per cent. of the work of Committee is passed without even discussion, is it right to condemn, without knowledge, from preconceived notions, and without stopping to enquire whether there is not reason for references back in say 1 or 2 per cent. of the matters that come before the General Meetings?

"We hear much in condemnation of the proceedings of the Commissioners by persons who have never attended a meeting of the Corporation and possibly know nothing of the business of public bodies in this or in any other country. Let me invoke the testimony of a most highly competent critic, well versed in public affairs, whose experiences place him immeasurably above those who have been so ready to belittle the Corporation. At one of our meetings in 1888, I remember we were

honoured with a visit from no less a personage than the Viceroy. You, Sir, will see that, after all I was not so very unfriendly in having wished that you had taken a personal part in the proceedings of the Municipality. Lord Dufferin had been some time in India, and knew many of those who took part in the proceedings on that day. There was a discussion on the budget—a more dry subject it would be hard to find to sit down and listen to. I remember that before His Excellency left the meeting he wrote a note—I saw the writing and I am very sorry that it has not been preserved in the archives of the Corporation—to be read to the Corporation. I am glad to say that his words have been preserved to us, for the Chairman, before the close of that day's meeting, read the note out to the meeting, and it forms a part of the records of our Corporation. I will read from the proceedings of the day—28th of March, 1888:—

'The Chairman said that, before passing on to the fixing of the rates and taxes for the ensuing year, which was the next item of business, he wished to inform the Commissioners that His Excellency the Viceroy had noted the great pleasure he had derived from having had an opportunity to be present at their proceedings. To see so many persons of position and intelligence, representing as they do both the European and the Native element, devoting their time and talents to the improvement of the town of Calcutta, was very satisfactory.'

"Lord Dufferin gives a refutation to those detractors of the Municipality who speak of its members as being men of no position, who represent none but themselves, mere lawyers and corrupt politicians, and I would draw attention to the ring of the words that follow, because they seem to convey the strong impression that had been created in Lord Dufferin's mind:—

'He must also add that he had been much struck by the orderly, practical, and dignified manner in which the business of the meeting had been conducted; his best sympathies and good wishes would always accompany the labours of the Municipal Council and the welfare of those whose affairs they administered.'

"The object of the changes in the law are, it is said, to induce the European Mercantile community to join the Corporation. I have the fullest sympathy with the desire to obtain them as working members. They have the opportunity now, but they do not use it. If they speak of waste of time in the General Meetings, let them learn that the work of the administration is done in Committees, where speeches are not made, and where they can hold their own, if they only will give the time that is required, and always will be required, whether the present constitution is destroyed or not. My hon'ble friends Mr. Baker and Mr. Oldham have been able to join the General Committee and attend regularly: the representatives of the mercantile and trading community could do the same, if only they would be willing to give the time that unavoidably must be required for the transaction of business. This again is by no means a new question. Sir Stuart Hogg expressed his opinion during the legislation of 1876 that they could never be got to give their time to the work: that they were birds-of-passage and not permanent residents of the city, and as very busy men, they could not be expected to serve as active members of the Corporation. Sir Henry Harrison, another Chairman, speaking after an experience almost as long as that of Sir Stuart Hogg, bore testimony to the same effect. There is no class of persons whom I would welcome more cordially in the Corporation, and to secure whose services I would be more willing to make sacrifices, if only I could think that they would be found to be useful and active members. But I am convinced that it is hopeless to expect it. It is a most important consideration that the working members should give continuous service for a series of years. We have Hindu Commissioners, whose homes are here, who have continuously for 20 or 25 years been active Commissioners. I know no one amongst the leaders of the Corporation who has been for less than 10 years working regularly, and I may say unsparingly. They give the utmost assistance to the Chairman, the incumbent of which office is being constantly changed. With Europeans, the exigencies of their businesses, the climate, absence from their home country, all will operate to cause very short spells of membership. Individuals will think that if they have served one or two years, they have done their turn, and others should undergo the martyrdom that they have had to suffer. The result will be that before they have served their apprenticeship to become serviceable members, they will have left, and the same process will be repeated with each successive member. Mr. Risley falls foul of Sir Stuart Hogg for having suggested that the European community are birds-of-passage, and expresses amazement at the idea because, forsooth, Europeans are interested in their firms, and their firms continue to carry on business here. That is to say, a business man working here to-day, will enter the Corporation because, after he has retired, his firm may or may not be carrying on business here, and he may or may not continue to have an interest in it. We must recognise that the work of the Corporation requires leisure, and the high pressure at which businesses must now be conducted, does not admit of leisure being provided for those engaged in them, for service on the Municipality. Again, the whole idea of a

continuing interest is purely speculative, and the force of the reason asserted has no force with me. In the first place the business firms, it is not even suggested, have suffered from any maladministration of the Municipality, and, in the second place, they contribute to the administration only an insignificant amount in their expenses, in the shape of a license tax which is fixed and invariable. They have successfully resisted all attempts to levy *octroi* duty. Only the other day, when the Building Commission confirmed all that the Corporation have long been saying without being credited, that the whole of their revenue is required for their ordinary administration, that the opening out of the congested parts of the city is of the first importance for its sanitary improvement, and invited the Chamber of Commerce, amongst other bodies, to suggest sources from which money could be obtained for the purpose. The Chamber of Commerce declined to make a single suggestion, for the obvious reason that whatever they might suggest, one or other of the businesses carried on by their members would be touched. The members of the various firms are concerned only for their personal comfort and convenience while they reside here, and, circumstanced as they are, they undeniably are only birds-of-passage.

“Then Mr. Risley tells us that because they serve on the Port Trust, they will with equal readiness, if only the constitution is changed, serve on the Corporation. I would point out that the two institutions cannot be placed in the same field for the purposes of comparison. The Port Trust deals with the trade of the port. The members of the Board transacting the business of the Trust, are men connected with the trade of the port—imports, exports, shipping, traders, railways, manufacturers, together with whom the representatives of the Government and the Municipality give to the Board complete representation of all the interests concerned. The work is congenial to business men, and I suppose not one item out of 100 is not intelligible or interesting, and generally business in which one or the other of the firms to which the representatives belong, are in some way affected. Many of the members serve on the Board as part of the management of their own business concerns. Their interest, while on the Port Trust, centres round their own businesses, in which their capital is invested. The business done in the Port Trust meetings affects the business of the Port with which all are in touch. The operations of the Port Trust influence the cost of the business of the Port, and they are concerned to watch their own interests. economy is not practised, and close supervision, their own interests would suffer.

“It is true that fees are paid for attendance in the Port Trust. The members are business men, and if money is offered, they pocket it. But fees do not make the difference in their acceptance of office. The profits of their own businesses are involved in the operations of the Port Trust. and whether fees were paid or not, there would be competitors for office from among the same class who now send members. It is now proposed to give fees for attendance at Committee meetings in the Municipality. Payment has never been made before. It was proposed in 1888, and the idea was very decisively rejected. I think that it is a needless expenditure, and ought not to be incurred as a new departure in the administration. If the payment will make a difference in inducing any person to join, I would regard him as not a desirable member in the Corporation, and I fear that the payment of fees will lead to mischievous results.

“There is the greatest difference in the work of the Municipality in contrast with that of the Port Trust. It is not of a congenial kind for the class who join the Port Trust, and not one item of business out of 50 will interest them. It deals in a large measure with conditions of life which is strange to them. The Municipality has to do with the every-day lives of the people of this country, but they are not in touch with them, and least of all with the poorer classes, for whom the present elected Commissioners, who are natives of the country, have done so much. They cannot show sympathy with classes of whose wants, requirements, and habits, they are wholly ignorant. In the Port Trust they look after not only their own interests, but also of those of the mercantile public in general, with whom they are closely in touch. And most important distinction of all, there will not be the same incentive to economise in the administration. Since they will not feel extravagant expenditure in the Municipality personally or in their business firms, it will be immaterial to them whether the rates are raised to 25 per cent., and we know that the limit of endurance by the poor is 19½ per cent. In the Port Trust they would be careful because the operations of that body affect their own businesses. All this will inevitably lead to the Europeans becoming apathetic, and in order to save themselves trouble, gladly leaving the work, so much of which they do not understand, whether by their own inexperience in the administration, or their want of knowledge of the character of the questions that may be under discussion, to be taken up by those whose interest may be to make

themselves busy and useful. I firmly believe that we shall not have the administration worked under the influence of the European element, for whom such great sacrifices are being made, but its threads will fall into the hands of a few, and perhaps of an interested few. The prospect of fees will make the impecunious eager to serve on the Committees, and particularly the General Committee, which will be, as now, the Finance Committee of the Corporation. And the very fact that they are impecunious will be a help to them, because the tender-hearted, for the sake of making a little provision for one or other of their importunate friends, will support their candidature and vote for their election. And it by no means is impossible that influential contractors will make efforts to obtain admission of friends into the General Committee who, if successful in gaining admission, will represent the interest of the contractors in the Committee. My contention is strengthened by the Government of India, because I cannot be taken as vaguely protesting that these things are possible. The Government of India puts forward as one of the grounds for legislation that there is corruption among the Commissioners. Now when the Government solemnly make a statement of this nature, and base legislation upon it, we must take it that they have good grounds for it."

The Hon'ble the PRESIDENT said:—"I am sorry to interrupt the Hon'ble Member, but that is a matter which I must exclude from discussion to-day."

The Hon'ble Mr. APCAR said:—"I, of course, bow to the ruling, and I would only explain that the letter is mentioned in the motion before us and is under reference to the Select Committee. I merely refer to what I rely upon in my argument."

The Hon'ble the PRESIDENT said:—"I cannot allow that statement in the letter to be referred to."

The Hon'ble Mr. APCAR continued:—"I bow to the ruling. I will keep myself within the ruling, and I will not rely on the suggestion as one contained in the letter. I avow it independently of the letter. We must accept the possibility of such a condition of things. I do not say that it is possible only in Calcutta. The Manchester Police Scandal, and other scandals in various Town Councils and Municipalities in the United Kingdom, show that we cannot expect Municipalities to be immaculate. And the smaller the body we have, the more real is the danger that we must provide against. And when we recall the defunct Metropolitan Board of Works of London, we cannot expect that all small bodies will be immaculate. One of the serious defects in a small body is that there may be corrupt persons in it, and if that defect exists now, it will exist later on. We have our defence now against any suspicion of wrong doing. The 75 Commissioners have been referred to as so many masters of the Executive. It shows an utter want of acquaintance with the subject for any suggestion of the kind to be made, for no Commissioner can give any order individually. But they may truthfully be regarded as the eyes and ears of the rate-payers. If there is a rumour of a suspicious transaction which may have escaped the vigilance of the Committee, the Commissioners in the General Meeting come down on it like the leucocytes in the Republic of the Body, and with their silent sensible sanitary vote, and cure it.

"The Bill, Sir, was explained to us, when it was introduced, as being on the model of the Bombay Act. If we are asked to accept the view that we have, in this Bill, the Bombay constitution transplanted to Calcutta, I shall not express my opinion with sufficient emphasis if I say of the constitution proposed for Calcutta, *Diablement changé en route!* The Bombay Act gives a virile, workable constitution. This Bill, if it becomes law, will give a maimed thing, that will be found unworkable and pregnant with hardship and mischief. However, Sir, the Government of India have set before themselves the laudable purpose of giving an administration that 'shall secure the adequate representation of the various great interests that have placed and still keep Calcutta in its present position in India, and which shall be business-like, efficient and free from scandal and reproach.' If I may say so, our requirements cannot be better described, and the inhabitants of this city are indebted to the Government for a true appreciation of their responsibility in the matter of our municipal administration. We must be clear in the first place as to the various great interests that should be represented, and in the next, we should recognise that adequate representation is not the presentation of so many places to make up a certain percentage with relation to the whole body of Commissioners. There cannot, I take it, be any difference of opinion that unless we secure a sufficient number of really representative men, who will fill places in the commercial interests, those places will become so many wasted places, and in consequence the very object for which they have been assigned to them would be defeated. There can be no doubt that it will not answer any good purpose unless those

returned are truly representative men, who will enter the Corporation to serve the public, and represent the interests which they have been sent there to represent, and for no other purpose. Commercial interests, which are so intimately bound up with my own that I almost depend upon them, have placed Calcutta in its present forward state, and the undeniable admission before us that Calcutta is not only in the front rank of places in India, but also keeps her place, shows that these interests have hitherto not been prejudiced by any maladministration of the town. Among the many allegations that have been thrown broadcast against the Corporation, I have found no specific one that it is suggested has, in fact, caused injury to the trading interests of this City. I shall meet the allegations against the Commissioners that underlie the words I have quoted from the Government letter, and I am glad of the opportunity of showing that they cannot stand the test of examination, far less can they then be taken to have been hurtful to the trade of the port.

\ “The Government of India lay stress on the necessity of the administration being business-like. The urgent necessity of this quality no one has insisted upon with greater emphasis than I. It has been my constant cry, as my hon'ble friends Mr. Baker and Mr. Oldham will remember, that we were not business-like, but it is through no fault of the Commissioners. I will give an example of what I refer to.”

The Hon'ble Mr. BAKER said :—“I rise to order. There is no question at all in relation to the past administration of the present Corporation.”

The Hon'ble the PRESIDENT said :—“The Council came to a conclusion on that point. The question whether the Corporation has or has not done its duty in the past is beyond the pale of the Council.”

The Hon'ble Mr. APCAR said :—“I wish to point out that the Government of India have indicated that the administration is unbusiness-like, and I claimed to be entitled to show to what such changes are due.”

The Hon'ble the PRESIDENT :—“Proceed.”

The Hon'ble Mr. APCAR continued :—“The Tramway Company had for more than five years complained of a nuisance, of the most offensive character, in a drain at their Kidderpore Depôt. No attention was paid to them. The matter became so serious that it attracted the attention of the Government, and in December of 1896, Mr. Risley, the Secretary of the Local Government in the Municipal Department, wrote to the Chairman of the Corporation to draw the attention of the Commissioners to it, and called upon them to abate the nuisance. Even a letter from the Government had not the effect desired. In December, 1897, the District Magistrate, on the report of his Sanitary authority, wrote to threaten proceedings in the Criminal Court. Then the Municipal Executive woke up. The Local Government authority in the person of the Commissioner of the Division, the Engineer, the Health Officer, and the Local Engineer of the Municipality met the Chairman at the spot. The Engineer to the Corporation proposed that the new pumping machinery required for the drainage scheme under construction should be telegraphed for and obtained from England without calling for tenders. The proposal of the subordinate in his department to utilise a portable engine then in the Municipal Stores, and make a short length of brick drain at a small cost was preferred, and the Engineer was directed to submit estimates without delay. The Chairman again and again urgently called for the estimates that were ordered, and up to the time when he went away on leave, in March following, they had not been submitted. The new Chairman, shortly after entering upon office, at the close of a meeting of the General Committee, when only a few members, myself among the number, were left, without due notice, brought up the proposal that had been rejected, without a word of information that the permanent incumbent of his office had already given his decision in the matter, and without an inkling being given of the past history of the question, asked us to give the Engineer a free hand, to enable him to telegraph to England to purchase the pumping engine at the cost of Rs. 60,000. This would have involved a large portion of the drainage under construction being taken over prematurely, which, in the existing circumstances, which I do not wish to enter into here, would have been a very undesirable proceeding. The Chairman continued to press for the sanction until formal objection was taken on the ground of want of notice, when he withdrew his proposal, undertaking to bring it up again, with due notice, in the following week. Although he had represented the matter to be of the most urgent character, and although I personally reminded him of it on more than one occasion, the subject was never again brought up. Now, this is a matter about which the aggrieved persons would naturally speak of as being a gross neglect on the part of the Commissioners. When the Secretary to the Local Government wrote officially to draw the

attention of the Commissioners to the nuisance, he naturally would be under the impression that the Commissioners had been made acquainted with his letter and had been neglectful. When the District Magistrate threatened prosecution, he would naturally think that it was the Commissioners who had been stirred into action by reason of his threat. The truth is that, from first to last, the Commissioners were kept wholly ignorant of the subject. I was led to enquire into the matter by quite a chance circumstance, and then the whole of the facts were elicited. It seems an incredible story, but I embodied the facts in a Note which was placed formally before the General Committee, when the Commissioners received intimation of the matter for the first time, and not a single statement of fact could be denied. In February last, I went down to the spot and found it still a foul nuisance. Nothing had, up to that date, been done, although, more than a year before, the Chairman had issued specific orders in the matter. Is it surprising that the Complaints Committee was instituted when we have proceedings such as these occurring? Now it is bad enough that the Engineer should have neglected to carry out the Chairman's orders. It is bad enough that immediately the permanent incumbent goes away on leave his *locum tenens* should endeavour to entirely reverse his orders, it is bad enough that a Chairman endeavours to get a sanction for such large expenditure in so irregular a manner, it is bad enough that even the complaint of the Local Government should be unheeded and that the Commissioners should be kept in absolute ignorance of it. But worst of all is, what we suffer so much from, that the Engineer should disregard the Chairman and dare to act as he did in this matter, and that he should be allowed to do so with impunity. We are blamed for interfering with the Executive: where is the interference here? We are blamed for hampering the Chairman with Committees and in other ways: in what have we been in fault in this question? You may regard this as a solitary instance, I can give you others. We know how the public attention has been drawn to the Town Hall, and how much blame has been thrown upon the Commissioners. What are the facts?"

The Hon'ble Mr. BAKER said:—"The Hon'ble Member is making an attack on the Executive."

The Hon'ble Mr. APCAR said:—"It has been ruled that I can do so. I have given one illustration, and I wish to show that it is by no means an isolated instance."

The Hon'ble the PRESIDENT said:—"We have had one illustration, and I think that is sufficient."

The Hon'ble Mr. APCAR said:—"I wish it to be understood that I am prepared to give other instances. If it is accepted that the instance I have given is only one instance out of many, I have no desire to take the trouble of quoting others, or to occupy the time of the Council further. I am content to leave the point on that footing. With the rulings from the Chair in respect of the letter of the Government, I am embarrassed as to how I should proceed. I have no wish to contravene any order, and if I may ask it, I would enquire whether I may refer to an expression of Sir Henry Harrison that the Commissioners were lacking in driving or motive power, which has been quoted by the Government of India as an opinion which is relied upon by the Local Government to show the necessity of an influx of Europeans."

The Hon'ble the PRESIDENT said:—"Proceed."

The Hon'ble Mr. APCAR continued:—"I am glad of the opportunities of referring to this point now. The quotation is an isolated extract from a speech which, if read in its entirety, would be found not to bear out the view in support of which it is quoted. But it will suffice if I answer by showing that, as a matter of fact, Sir Henry Harrison, in the very speech that is quoted from, opposed the proposal of making the proportions of the bodies of Commissioners equal, by reducing the number of elected Commissioners, and increasing that of the nominated Commissioners, and the debate on the two amendments being taken together, he also opposed the proposal to increase the number of elected Commissioners to three-fourths, and decrease that of the nominated to one-fourth. It is obvious, in such circumstances, that a carefully selected sentence might mislead. He supported in the same speech the proportion that then was existing, which was the view of the Government, and was carried, that is, to the proportion of two-thirds elected to one-third nominated which the Government now wish to change. If Sir Henry Harrison desired to have more nominated Commissioners, in other words the opportunity of having more Europeans in the Corporation, he would have supported the amendment for equal proportions which he declined to do. The whole mischief in the present proceedings is that they are being conducted by those who are ignorant of the past history of the questions that are raised. To me, it is very apparent that Sir Henry Harrison had the question of the road now named after him and called Harrison Road, in his mind. He had made the question his own and pressed it with great urgency. His opinion was that, owing to the

betterment clauses, the whole cost of the project would be covered. Some of the leading Hindu Commissioners were of opinion that his estimate was an impossible one. The net cost in the result proved to be nearly 28 lakhs. Now, when a project is recommended by its promoter as one the cost of which would be *nil*, and the cost is found to amount to comparatively such an enormous sum, it must be admitted that the opposition was not without reason. An isolated phrase used in 1888 is raked up as a ground for a change to-day. Has there been any enquiry to show whether the idea, even if true in years past, is true now, and even if the meaning of the words is that which is now attempted to be put upon it? If any enquiry were instituted, it would be found that the Commissioners have by no means been lacking in initiative: it would be shewn whether we have seen any project from the Chairman since Sir Henry Harrison left us, and to take one instance only, how I have had to struggle for 6 years against the stolid opposition of a Chairman against me before sanction was gained for the construction of a road that eased the overcrowded traffic of Russa Road, gave a convenient approach to Kalighât and filled up 18 or 19 highly insanitary tanks, and I would also mention that with reference to roads which the Building Commission recommended to open out the congested quarters of the town, I carried a motion unanimously, asking the Government to commence action by taking steps to consider the alignments of the roads, the cost of them, and how the money for them should be obtained. A letter was written by the Corporation in May last year. Up to to-day not even an acknowledgment of the letter has been received from the Government.

Sir, in my opinion, the controversy hinges on the question whether the general body shall hold in their hands, for exercise directly or indirectly, the authority to control the general administration of the Municipality, acting openly, and with full responsibility. This is the system of municipal government that prevails in civilized countries, and was extended to Calcutta 36 years ago. Three and twenty years ago the elective system was introduced, after an open enquiry at which Counsel were heard, and in view of the mixed communities in Calcutta, among whom it was thought that the Hindus must be in a permanent majority at the polls, a constitution on the principle of election and of representation by nomination was established in the proportions of two-thirds to one-third, and this constitution was re-enacted on the progressive lines, in the Act of 1888, which it is the object of the present Bill to repeal. The proceedings of 1876 and those of 1888 were severally in charge of Sir Stuart Hogg and Sir Henry Harrison, who had respectively been the Chairmen of the Corporation for nine and eight years. In the interval before 1888 there had been a suggestion to alter the constitution, but the Government set their face against any such idea. Sir Henry Cunningham, who in 1884 led the agitation on sanitary questions that resulted in the Beverly Commission, of which we have heard so much during these proceedings, who had founded the Health Society which I have before mentioned, and had also led the agitation which resulted in the amalgamation of the suburbs with the town area, ventilated the idea of a Municipal Board of Control on the lines of the Port Trust, but on re-consideration he abandoned it. The reception that he met with at the hands of Sir Rivers Thompson, who was Lieutenant-Governor at the time, was such that he even publicly withdrew the suggestion and apologised for having made it. It will be useful, in these days when the Beverly Commission is so much put in evidence, to see how well the Corporation were supposed to have come out of the enquiry and the confidence placed in them at the time by the very person to whom so much was due for its appointment. I shall quote from a public address delivered by Sir Henry Cunningham on the 5th March, 1885, in Calcutta. The first portion of the extract relates to the speech of Sir Henry Harrison, the Chairman of the Corporation, in submitting the report of the Beverly Commission to the Corporation:—

'Now I am sure that all of us must see this to be a most satisfactory announcement. Of the 37 reforms suggested by the Commission, 4 can be effected by Government, and we need not fear as to them. Of the 18 specific suggestions, 11 are wholly and 4 partially carried out, and only about 3 is there likely to be a difference of opinion. Of the 15 recommendations of general policy, 10 are already adopted, and as to the 5, the Commissioners have not decided, but have intimated no reluctance to adopt them. As to this small residuum, we shall, I am sure, all of us join in the Chairman's hope that the Commissioners will view the subject as the authors of the report framed it—in a conciliatory spirit.'

"We have had this Commission quoted against us in an authoritative fashion, as if the speaker knew all about the subject, when he apparently could not have known anything of its history, and relied upon as showing results as they in the present day, condemnatory to the Corporation, when the one who actually was the complainant, at whose instance the Beverly Commission was appointed, characterises the statement, not of a Commissioner, but of the official Chairman of the

Corporation, to use his own words 'a most satisfactory announcement.' As a matter of fact, as might have been expected, and as it has been with much detail pointed out, the Corporation have carried out, and in some instances more than fully carried out, the recommendations of that Commission.

"To proceed with reference to the proposal of a Municipal Board of the character of the Port Trust:—

'There has been an idea, due in part, I am afraid, to some words of mine, that there was a wish to ignore the enormous benefits conferred on the city by the great measures of sanitary reform carried out of late years by the Corporation, and some people have chosen to attribute the whole of the recent movement in favour of sanitary reform to a latent wish to depreciate popular institutions and Local Self Government in particular. There were some expressions of mine, with which His Honour the Lieutenant-Governor, in one of his Resolutions, said that he could not sympathize. Now there I am glad to be at one with His Honour, because I do not sympathize with them either, and I heartily wish they were unsaid if they gave any one pain. I have never heard of any one so ignorant and so foolish as to undervalue what has already been done. As the original prospectus of the Health Society said, it has revolutionized the sanitary condition of many parts of the town. For my own part, so strongly do I feel this, that I do not at all expect that any further improvement in the city can be on so great a scale or have such wide-reaching effects as the improvements of the past. They have reduced the mortality of the town by nearly 100 per cent., from 22,000 to 12,000; and the programme of reform which I have described to night contemplates only a further saving of 7,000 lives from town and suburbs together.'

"After this, the idea of a control by a small body, until it was resuscitated by this Bill, was treated as dead as is the idea of protection in England. It will thus be seen that, not only Sir Richard Temple and Sir Steuart Bayley, who were our Lieutenant-Governors when the Acts of 1876 and 1888 were passed, but also in 1884, Sir Rivers Thompson had the subject of the constitution brought directly under their consideration, and not any of them would consent to change the present constitution, and Sir Rivers Thompson even sharply declined to entertain the idea. The whole way through, as I shall on a future occasion show, every single element in this controversy has a prototype: thus we have had an appalling document that has been spoken to in that famous speech, in the shape of a report by Dr. Payne in 1877, which Sir Ashley Eden put aside in a Resolution of a Statesman, and even that famous Entally speech is not new matter.

"Let me refer again to the Act of 1888. The European community had for some time before been leading an agitation for the amalgamation of the Suburbs with the town of Calcutta for municipal administration, and the Corporation, who were willing to allow their neighbours to participate in the benefits of their water-supply, for the sake of administrative convenience supported the idea. The Government through their Executive Officer of the district, who was the Chairman of the body constituting the Suburban Municipality, which worked with closed doors, were intimately associated with its administration. And the Act of 1888, which is a progressive development of the previous law, was passed, as I have already said, to amend the Act of 1876, and also for the purpose of amalgamating the suburban area with the town, that is to say, an area of about 13 square miles, with about a quarter of a million of inhabitants, was added under the Act to the town, comprising about six square miles, with a population of about 400,000. If the Government in truth entertained an unfavourable opinion of the administration of Calcutta; if they thought that the Calcutta Commissioners were not fit to be entrusted with the administration of the town; if they thought they were corrupt; if they thought that Hindu predominance and obstruction did indeed hold sway; if they thought that any other constitution was better calculated to give good results; then why in the name of common sense, and of wise and proper government, did they insist—for there was active opposition in the town for the reason, among others, that the Suburbs, being in a backward state, would consume more than its fair share of our funds to be placed in a sanitary condition, and in the Suburbs because it was feared that their rates, amounting then to 7 per cent., would be increased—why I say did they insist upon amalgamation and upon the Calcutta Corporation taking over charge of an enormous inhabited area, with the prospect of 14 more Hindus being added to an already bloated contingent of Hindus, when they could have so easily worked their will upon the Suburbs, and have given them a model Municipality after their own heart, reserving the utmost power in the Executive, and with every appliance for repressing the time-wasting Babu? The fact of the matter was that the Government were anxious to be quit of all responsibility in being connected with the Municipal Administration of the Suburbs, for obloquy and odium are inseparably connected with every Municipal Administration, and they thought that whatever strictures—and I am not one to depreciate the wholesome effect of criticism, whether applied to Bumbledom or to higher authority—that may have been passed upon the

Corporation, the Commissioners were showing increasing aptitude for local administration, and had proved themselves capable of undertaking greater responsibilities. If this is not true, then I invite the Government to give some explanation how they could have been so neglectful of the interests committed to them as to recklessly hand them over to the charge of a corrupt, incapable, and obstructive body? And as to the Europeans, if they really considered the Corporation to be incompetent and perverse, I would invite them also to give an explanation how they came to agitate—Mr. Irving, who represented the Trades Association in this Council, was one of the leaders of the agitation—for the amalgamation of an immense area in order that it may be administered by a Corporation to which they so much objected. I must not omit to mention that throughout all the discussions that have taken place, whenever objections have been made, they have been of the same stereotyped character, and there never has been a suggestion thrown out in this Council on behalf of the non-official European community that they desired the proceedings to be conducted in private and not in the full blaze of publicity. The native community have consistently and strongly pressed, to their credit be it said, for publicity as being the best safeguard that is available not merely against arbitrariness, but also against malversation and jobbery.

“I have been studying the proceedings of the Bengal Council when the Legislature dealt with the law relating to the Corporation on previous occasions, and I have found every one of the various questions that form the proposals in the present Bill, and all the shortcomings of the Commissioners that have been brought up in connection with it, have been raised again and again. They were all discussed when the Act of 1876 was passed, and again when the Act of 1888 was passed. Thus we have had a proposal for an Act on the lines of the Bombay Municipal Acts, for a Municipal Board on the lines of our Port Trust; the objection to the excessive numbers in the Corporation, and of its unwieldiness for practical work; a proposal to reduce the number not to 50—nothing so venturesome was ever attempted—but to 60; for the proportion of elected members to be reduced to one-half of the whole body; the obstructiveness of the Hindu Commissioners; their predominant voting powers; even the payment of fees, have all been discussed. After debates of the fullest and keenest character, after the most serious deliberation, all these contentions were decided—as it was hoped, finally decided. But there is this difference in the present position. Before, on the first occasion, it was the Government who met the objections that I have mentioned, and after the fullest consideration, they granted the present constitution to the Corporation. On the second opportunity, they refuted the self-same arguments, they freely accepted what had before been done as a settled policy, which they were able to support by powerful reasons of their own, drawn from the actual experience of the working of the administration, and they deliberately reaffirmed the constitution, but on progressive lines. In the present day, every argument that the Government on previous occasions refused to accept, is given as a reason for a change, every principle that was strenuously fought for by the Government themselves, is rejected, and we have to contemplate the Government of the day in Bengal bringing forward a Bill that embodies principles more revolutionary than was ever even suggested by the most uncompromising opponents of the Corporation, since the present constitution was granted to that body.

“I am no enthusiast in favour of the present administration; on the contrary, I think it greatly needs reform. But I join issue on the Bill. And I think, too, if the Government had attended to the requests from the Corporation to legislate and give them powers they have not, the Corporation would have escaped some of the blame that has been sought to attach to that body.

“It does not follow that because a certain law has been enacted that it never shall be changed. But it does follow that when a constitution for the government of an important institution has been granted, and maintained through a series of years, as the settled policy of the Government, it should not be changed except for reasons of the most conclusive nature, and the Government, for their own good name and for the happiness and contentment of a loyal people, should be ready to show that the change is not wrought by the caprice of any ruler. It does follow that after the Government have been so ready to make use of a body of persons for many years, and after they have repeatedly acknowledged that that body have borne the drudgery of the administration and have rendered great benefits by their labour and service to the chief city of their Empire, after they have deliberately shifted the burden of a heavy charge on to their shoulder from their own, and in so doing marked their confidence in them, as was done on the amalgamation of the Suburbs, I say it does follow that those who have done so much, should be treated with full and fair consideration. And I cannot say that this has been done. Those who have felt themselves so painfully aggrieved have again and

again appealed in the most earnest—almost pathetic—manner that they may be given a chance of showing that the statements upon which this most important legislation, which so seriously affects their interests, is proceeding, can be displaced; that the statements are *one-sided*, and they should not be condemned unheard. But the Government of this great dependency of England have continued to treat their own statements in the way Don Quixote treated his helmet, as if they are too tender to be put to the test. The statements have been accepted because of the authoritative manner in which they have been brought forward. It is due to the public that opportunity be given of regarding them from more than one point of view. If there are inaccuracies, they should be corrected, so that they should not mislead. And above all, it should not be left open to any one from his place in the Legislature, not lightly, but with a due sense of his responsibility, to say, as I do say face to face with the Government of the day, that those statements embody misconceptions of fact that have distorted and prejudiced the whole question *ab initio*. I hasten to say that I appreciate, Sir, that the Bill, in its policy and in the form in which it was introduced, cannot be attributed to any person who is in charge of the measures or is in any degree responsible for the policy of the Government, nor is there any one in the Government to-day who is answerable for the statements on which the Bill was ostensibly based. Our present rulers have succeeded to a damaging heritage, and the sympathy of all, whether supporters or opponents of the Bill, is due to them in the very difficult position in which they find themselves placed.

“As has been repeatedly stated in Council on behalf of the Government in past years, we have not a *tabula rasa* to work upon, and the safest and best course is to proceed on settled lines, and if I show, as I am confident I shall be able to do, that the statements on which Mr. Risley has relied cannot be acted upon, I am not without hope that in the final result the present support to the principles of the Bill will not be maintained. I am aware that you, Sir, have expressed approval of the Bill. I venture to say, and I cannot be far wrong, that it is because the statements on which it has been based have been relied upon. I acknowledge the advantages—nay even the necessity—of a continuity of policy, but I cannot admit it is imperative at any cost or in all circumstances. Official tradition is a strong factor, but if homage is paid to it in the present matter, or independently of that idea, if the principle of the Bill is in the result accepted, violence will be done to a tradition yet more potent and with more far-reaching an effect. It is a tradition that has grown with the growth, been strengthened with the strength of England, it is the tradition that her own public institutions, and those that have come into being under her fostering care, have been reformed rather than revolutionised, that they have grown rather than remade. And a departure from this tradition would be the more remarkable in this Legislature, where we are ruled by a paternal Government, in whose hands power continues steadfastly, and where no system of party Government finds place. In considering the recommendations of your immediate predecessor, Sir, we cannot lose sight of the fact that they can only be adopted by rejecting the policy of your predecessors before him.

“I do not belong to the same political complexion or class as those who are the most excited about the measure, and are the chief opponents of it. I have no partisan feeling on the subject, and I do not concern myself with any sentimental views about Local Self-Government in connection with the question. But I speak with an experience far greater and more intimate than that of any person who has been officially connected with the Bill before the Council. I have a personal and permanent interest at stake, and I am anxious for that to be done which will be the best for the welfare and prosperity of this City. I cordially acknowledge that you, Sir, and the Government of India are actuated by the best of motives. I ask that the same consideration be shown to me as that which I readily admit to be your due. If I could think that in the burden of responsibility that now lies upon the Government you would indeed better those who blame you; if I only could think that you, in reality, would be guarding those interests which I am assured, in my own mind, it is your sincere desire to protect, you would have my vote. But I say from my innermost conviction, if the Bill in its present form becomes law, in the result the best safeguards that now exist will be destroyed, and the efficiency of the municipal administration will be impaired in a marked degree. And I shall feel the greater regret, because the passing of the Bill, in all its attendant circumstances, will certainly have a bad political effect.”

***Speech of the Hon'ble Dr. Asutosh Mukhopadhyaya at the
Bengal Council on 7th August, 1899.***

“It is not without some reluctance that I rise to offer a few remarks upon the motion and the amendment now before the Council. When I came here this morning I could not persuade myself

“My hon'ble friend, Babu Surendranath Banerjee, in the beginning of his speech, dwelt upon the broad basis upon which his remonstrance was founded. He referred to the popularity of the broad principles of Local Self-Government, which, I say, does not exist in Calcutta, and to the general feeling on the subject among the people, while, so far as I have been able to see, no such general feeling exists in this City. It is now more than a year since this agitation has been started: we have had the means of observing it, and the longer it has progressed the more clearly it is seen, that it is focussed in and confined to the class whom my hon'ble friend represents—I mean the Bengalis. Perhaps at this stage I should ask what exactly we mean when we speak of the Bengalis? I daresay a person who thought himself well informed might reply that they are the people living under the government of the Lieutenant-Governor of Bengal, and that there are 72 millions of them. There is no need, in this Council, to dilate on such a delusion as that. But whom do we mean when we speak of the Bengalis? We only mean that intellectual race who are now competing with us in nearly every field, and I think out-stripping us in some. We mean only those whom I would call the Brahman and the lesser Brahman. By the lesser Brahman I particularly refer to the Baidya, who occupy in Bengal the place taken by the Kshatriya in Upper India, and who are sprung from the Brahman, the honoured offspring, though not the heirs. Then there is the great class or caste of the Kayastha, with whose claims Mr. Risley was so much impressed that, in that monumental work of his, he assigns them in Bengal a position almost higher than the Brahman's. This, however, the Brahman or the Baidya would not concede, and I think that I say nothing derogatory of the Bengali Kayastha when I refer to them too as lesser Brahman. I do not forget that from the habits of life of the Brahman there were associated with them in their households others who thus managed to partake of their influence and their lore; and so we see accounted for some of the nobility of Bengal, among them that distinguished lady, the late Maharani Swarnamayi; or as another instance, that eminent man, a patriot and a Bengali, the late Kristo Das Pal; or in another direction, our distinguished fellow-citizen and man of science, Dr. Mahendra Lal Sircar. But such exceptions only emphasize the fact, precisely as the Hon'ble Mr. Apar's presence in their ranks does, that the class to which I refer is a single class, the Brahman and the lesser Brahman.

“The opposition which this measure has met is wholly a Hindu opposition, and I can now further narrow it down by pointing out that it is wholly a Bengali opposition. I deny that they are anything like a numerical majority in this City, or among the rate-payers. To make an estimate, you must eliminate all Europeans, Australians, and Americans, and foreigners; all the numerous Hindustanis and Uriyas; all Muhammadans; and also all those who do not belong to races or castes from whose hands a Brahman can take water; and then you will have left the Brahman, the lesser Brahman and the nine castes, who are an absolute and comparatively small minority of the Calcutta rate-payers. It is impossible to give the exact figures, because the Census has not distinguished the Hindu inhabitants by race, and the next Census should do so. But, as one instance, I would appeal to the figures of the Excise Revenue in Calcutta alone as showing the immense numerical superiority of the races in Calcutta who do not follow the well-known habits of temperance and abstinence observed by the Brahman and the lesser Brahman—that is, the Bengalis, of whom I speak. I have already acknowledged the intellectual superiority of these people; but it is also a fact that the power of expression with which they are gifted is out of all proportion to their numbers. Because they express themselves so well and their intellectual powers are so high, we cannot be blinded to the fact that they are monopolising the sole power in the Corporation. That they have used their powers otherwise well I have admitted, and to this I can testify. But their monopoly is complained of by others, and as long as it exists there is no representation in its true sense in this City. As regards the complaints against this monopolising, the case briefly is that the City was founded 200 years ago by Englishmen on a site which even now, in common parlance among the people, is said not to be India, for it is a country which the Pandavas never visited. The town was founded for commercial purposes and as a commercial colony, and in this colony the Indian colonists were allowed to join. They came first for security, and then for the sake of partnership, and later on for their own comfort and for the pleasures and advantages of civilization, and it is these last comers who are now found fighting for political power with the successors of the English settlers, and a small body of them is actually and exclusively predominant in the civic Government. I cannot say that they have usurped this power. They have attained it by fair means and their own abilities, and because it was left to them. But it has become a monopoly and is complained of, and as it is not representation, it has to be

taken from them, for it has turned out to be something quite different from what was intended. The sole difficulty I have found, so far as my own attitude in the case was concerned, is, that we are now endeavouring to take away, after 21 years, a power of which they have been faithful trustees and which they have exercised so well.

“I have accorded my tribute to the Commissioners, though it must be remembered that in doing so I speak as one of them, who cannot appraise them so justly as an outsider. Nor do I by any means admit that they are perfect on all points or that their efficiency cannot be improved, or that it is not necessary to improve that efficiency. They themselves do not represent business or commercial classes, but all belong to a particular class—the Bengali literate class—the lawyers, the journalists, the professors. I do not suppose, Sir, that any one can imagine that when I enumerate these classes I do so with any tinge even of disparagement—the lawyers, the professors, the journalists—the classes who have always stood in the fore front where liberty and culture prevailed. The point in the present connection is that they are not the business men in a commercial city, they are untrained in the work they have to do, and they have no administrative experience. Last year, for nine months, I had the honour to hold the position of Chairman of the Port Commissioners, a body to whom both the Hon’ble Mr. Mackenzie and the Hon’ble Mr. Apar have alluded; and though there is no constant parallel between their work and that which comes before the General Committee of the Corporation, there are many subjects which should be dealt with in the same way. I used sometimes to come from a meeting of the Port Commissioners to a meeting of the General Committee, and I am free to admit that I found myself more at home in the Committees of the Corporation than among the Port Commissioners. The reason was that the former’s method was the method to which I was used, that is, the lawyer’s method, to get to the bottom of a case by laborious inquiry and painful analysis and purely intellectual effort. In the Port Commissioners I found myself associated with 14 men who were a great deal better than myself as regards the business which had to be done, because they thoroughly understood it beforehand and knew how it was to be carried out. Their Chairman fulfilled an entirely different function, and, but that it seems to reflect on the Corporation, I would say that, while among the Port Commissioners the Chairman talked and the Commissioners acted, in the Corporation it was the Commissioners who talked and the Chairman who had to take action, and then to answer to the Commissioners. The two bodies of course are differently constituted. But it is true that in the Corporation, while the Chairman is too often left to himself and without support, the Commissioners, on the other hand, fail to realize the tremendous strain they put upon him and on all their Executive by the other demands they make upon their time in meetings. In many matters, as, for instance, in the great drainage works now in progress, the General Committee of the Corporation might well take lessons from the Port Commissioners, and under the provisions of the Bill they will be able to have the benefit of that administrative experience and business knowledge which is the common quality among the Port Commissioners, but in the General Committee practically does not exist. In fact the only business man among them is my friend Babu Nalin Behari Sircar, whom I notice opposite as an attentive listener, of whom Sir Alexander Mackenzie in this place said the Corporation could not dispense with his services.

“I see I have made a note about the parallel which my hon’ble friend (Babu Surendra Nath Banerjee) drew from a comparison with certain towns in England where the population is on much the same scale as that of Calcutta. I submit that there is no such parallel, because the populations of those towns are homogeneous, and I have described how very different it is in Calcutta, where, in consequence, the balance has constantly to be adjusted. Then there is that argument which has so constantly been brought forward, and which Sir Stuart Hogg seems to have originated. I mean the birds-of-passage argument. I remember Sir Stuart Hogg’s régime well. Benevolent it was no doubt, but it was despotic and autocratic to a degree, which it is hard to realize in times like these. When I think of him as using this astounding argument, I can only look on him as giving up, with both hands, in the very plenitude and wantonness of power, everything that might be urged on his side. Do those who use this argument as applied to Calcutta ever reflect on the circumstances and Municipal Government of the city of London? I mean of the area lying within the old gates and walls, the jurisdiction of the Lord Mayor, and I suppose the richest and most famous Corporation in the world? Will they urge that the business men who manage it, because they are only too anxious to leave it, and will not even pass their nights within it, but, when they have finally done with it, betake themselves to the country, and often to distant lands, are unfit to manage it and are not interested in its Municipal Government? Why should it be supposed that

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

"The present number of Commissioners was fixed after a mature and deliberate consideration, and I do not think that there has been any special necessity to make such a radical change now in that respect. If the Government of India have come to the final determination to reduce the numerical strength of the Corporation, I beg to submit that the reduction should not fall on the shoulders of the elected Commissioners only, as in such a case it will strike at the very root of Local Self-Government, the fundamental principles of which will be violated. If following the Bombay system, the Government is inclined to reduce the number of elected Commissioners, I beg respectfully to point out that the system proposed to be introduced here materially differs from that adopted in Bombay. The Bombay Corporation elects its own President and the Standing Committee its own Chairman; but here the official Chairman acts as President of both the Corporation and General Committee. And again in Bombay, though only half the number of Commissioners is elected at ward elections, out of other half 16 are elected by Justices, 2 by Fellows, and only 2 by the Chamber of Commerce. But here there is no election by Justices or Fellows, and no seat is allowed even to native merchants or house and landowners; whereas 10 seats are allowed to European mercantile communities. So, Sir, if the Bombay system is at all to be given a trial here, I beg to submit that it be adopted in its entirety, and that out of 25 seats reserved for nominated and appointed Commissioners, other representative bodies of Calcutta, such as the British Indian Association, the National Chamber of Commerce, the National Muhammadan Association, and the like, should also be allowed to be represented in the Corporation, and the Corporation should be left unfettered in the election of two-thirds of the members of the General Committee. As the Government appoints 4 members of the General Committee, I humbly think that the Government appointees in the Corporation should have no voice in the election of the rest of the members of the General Committee. In conclusion, I leave the matter in Your Honour's hands, with the full confidence that under your benign and sympathetic rule our appeal will not go in vain."

***Speech of the Hon'ble Mr. E. N. Baker at the Bengal Council
on 7th August, 1899.***

"The discussion to-day practically divides itself into two parts, which have but a slender connexion with one another. In the first place, we have the amendment moved by the Hon'ble Babu Surendra Nath Banerjee, the effect of which is to extend the time in which the Select Committee is to report from two weeks to six weeks, and to invite further expressions of opinion from the Corporation and other public bodies. In the second place we have the lengthy, elaborate, and I may say discursive, criticisms which have been delivered to-day—not only upon the proposals of the Government of India, but upon a great variety of other matters, which, in my judgment, are not, strictly speaking, before the Council. I shall deal with these two matters separately; and as the amendment of my hon'ble friend is a comparatively small matter, I shall take it up first and very briefly; because what my hon'ble friend said upon it has already been met by the Hon'ble Mr. Mackenzie. I am entirely opposed to the proposal to postpone the consideration of the Bill by the Council for six weeks, because, as the Hon'ble Mr. Mackenzie has said, if this is done, it will be absolutely impossible for the Council to dispose of this Bill during the present session. To-day is the 7th August. If we give six weeks to the Select Committee to submit its report, that will carry us on to the 18th of September. Then, when the report is submitted, it will be necessary to re-publish the Bill as amended by the Select Committee, and that will involve another fortnight's delay. That will bring us to the beginning of October; shortly before the Puja holidays, when no business can be done; and it will be necessary for the Council to adjourn, so that we shall not be able even to begin the discussion of the Bill itself before the cold weather session. There are the strongest grounds for deprecating any such delay. The Bill has been before the public and the Council for a long time, and the subject has been discussed for, I think, two and a half years. It is now eighteen months since the Bill was formally introduced. During that time it has received an enormous amount of most minute and most careful criticism and examination, not only by the Corporation, and the various public bodies to whom it was referred, but also at the hands of the Select Committee. And it is unhappily true that some of the proposals in the Bill have given rise, among a certain class, to a good deal of bitterness and recrimination. The constitutional sections of the Bill are regarded in some quarters

with dislike and even with dismay. I think, therefore, that any further delay is greatly to be deprecated. During the last two years, the Municipal Commissioners, the Municipal Executive, and the Municipal establishments have been in a state of agitated suspense and uncertainty—a state of things which cannot but do harm, and cannot conduce to harmonious or efficient working. It is imperatively necessary, therefore, to bring this unfortunate controversy to a termination with the least possible delay, and I trust the Council will not endorse any device for protracting the matter further.

“The hon'ble mover of the amendment has referred to the 8th paragraph of the letter of the Government of India, and said that in that paragraph the Government of India indicated certain features of the Bill which are not in entire accordance with the principles of Local Self-Government, and he suggested that it would therefore be necessary for the Select Committee to go through the Bill over again. Now, that is not the case at all. In the very next paragraph of their letter the Government of India indicate what are the features to which they take exception, and in a subsequent part of the letter they indicate the remedies which in their opinion should be applied. It is to those features only that the Select Committee will have to refer; and they will not have to go through the whole Bill again. It has been said by the hon'ble mover of the amendment that the Corporation ought to have an opportunity of expressing their views. That is not an argument to which I can attach much weight. The Corporation is very strongly represented in this Council by six, if not seven, members, who are also members of this Council. What the Hon'ble Member probably referred to was the elective section of the Corporation, but even that is most fully, and, if I may venture to say so, most efficiently represented by the hon'ble mover of the amendment and the Hon'ble Mr. Aparcar, who are both elected members of the Corporation. We have heard to-day the exhaustive and vigorous attack on the proposals of the Government of India with which the two Hon'ble Members have favoured us, and I think every one of us here will agree that they have left the Corporation little or nothing to say. I do not think that if an opinion was called for from the Corporation, they would be able to add one single observation or argument which has not already been adduced, or to bring forward one single new fact or illustration in support of those arguments. The proposals of the Government of India are no doubt very important, but, as has been pointed out, they are comparatively simple, and it is possible to state the substance of them in a very few words. The amendments which will be necessary to give effect to those proposals are comparatively few and comparatively simple. They are already in print, and if the Select Committee will give their attention to the matter, I feel sure there will be no difficulty in completing the amendment of the Bill in the manner which is desired by the Government of India within the period which has been named in my motion. That is all I have to say in regard to the amendment now before the Council.

“I now turn to the much more important proposals of the Government of India which have received the acceptance of the Bengal Government. I will divide the proposals of the Government of India into two parts—first, I will consider that portion of the proposals which relates to the constitution of the Corporation itself, and then I will deal with what has been said with regard to the constitution of the General Committee.

“Primarily, the proposal put forward by the Government of India is that the number of the elected Commissioners shall be reduced from 50 to 25, and that the number of the whole body be reduced from 75 to 50. The reasons given by the Government of India for these proposals are two. In the first place they point out that in the past the Commissioners have been too much addicted to talk—to speech and criticism—rather than to action, or to allowing action to be taken, and the Government of India consider that the reduction in their number will tend to prevent this tendency in the future. Secondly, they consider that by this reduction there will be established in Calcutta a strict equality and balance of interest between the European and native elements in the Corporation, or, as I should prefer to put it, between the elected Commissioners on the one hand and the representatives of the Government and of foreign trade on the other.

“With regard to the allegation that too much time is taken up in making speeches, I do not desire to say very much. Both the Hon'ble Babu Surendra Nath Banerjee and the Hon'ble Mr. Aparcar have challenged it, and the former has referred to the opinion expressed by Sir Henry Harrison in 1888. Personally, I have never attached much weight to the proposal to reduce the number of Commissioners, *per se*, and I am much inclined to agree with Sir Henry Harrison that the time taken up in speaking does not depend so much upon the number of the Commissioners as upon the

number of those who desire to speak. I rather doubt whether, if the total number of Commissioners is reduced by one-third, there will be a proportionate reduction in the time occupied in speaking. But there is good deal to be said on the other side. In the first place, the proposal for a reduction in the number of Commissioners does not stand by itself. It is intimately connected with and forms an integral part of the very important reform proposed for the re-adjustment of the balance of interests between the two wings of the Corporation. Then, again, Sir Henry Harrison was no doubt a very strong and efficient Chairman, and his opinion on all municipal matters carries high authority; but there have been strong and efficient Chairmen since his time. *Vixere fortes post Agamemnona*, if I may vary a well-worn quotation; and some of these strong and efficient successors of his have held a very decided opinion that the present number of Commissioners is too great for efficient administration. And, lastly, there is the undoubted fact, which cannot be denied, that 50 Commissioners are not likely to take up so much time in speaking as 75 Commissioners; so that there will be some reduction in the time taken up in talk, although it may not be in proportion to the actual numerical reduction.

“But the second reason adduced by the Government of India for the reduction of the number of Commissioners is of much greater weight. To my mind it goes to the root of the whole matter, and it will be necessary for me to occupy the attention of the Council for some little time in dealing with it. Some of the Hon'ble Members have told us to-day that taxation is the only true basis of representation; and that no system of government which does not place the municipal administration of Calcutta in the hands of the elected representatives of the rate-payers is in accordance with the true principles of Local Self-Government. I understand that this is a correct description of the proposition laid down by the Hon'ble Babu Surendra Nath Banerjee. The Hon'ble Mr. Apar pointedly drew attention to the fact that a very small proportion of the municipal rates is paid by the mercantile community in Calcutta. The hon'ble mover of the amendment informed us that the Ward Commissioners were the elect of the people, although he was good enough to admit that they were not actually elected by the whole of the rate-payers. I fully expected that some figures would have been laid before the Council by the Hon'ble Members who opposed my motion, to show to what extent the elected representatives on the Corporation do actually represent the people of Calcutta; but they have not done so. I will now supply that omission. I will refer to the figures of registered electors and the figures of registered rate-payers. The number of registered voters in Calcutta is 13,890; i.e., about 2 per cent. of the total population. The number of rate-payers is 60,518; that is, the number of persons who pay the consolidated rate. There are also a certain number of persons who pay other municipal taxes, such as the tax on horses and carriages, the tax on carts, the license-tax on trades and professions, and other small items. It may be taken that the total number of rate-payers of all kinds is between 62,000 and 63,000. Now I will ask the Council to consider the true significance of these figures—13,890 against 63,000.”

The Hon'ble Babu SURENDRA NATH BANERJEE said:—“Those who do not pay Rs. 24 a year should be excluded.”

The Hon'ble Mr. BAKER continued:—“What has been said is that the elected Ward Commissioners are the representatives of the rate-payers. But the figures show that they are not elected by so much as one-fourth of the total number of rate-payers. The total number of persons entitled to exercise the franchise in Calcutta is less than one-fourth of the rate-payers, less than 2 per cent. of the whole population, and less than $3\frac{1}{2}$ per cent. of the whole male population of the town. This is a state of things which has not even an approximate parallel in any town in England of which I am aware. The hon'ble mover of the amendment has referred to some figures showing the number of members of different Corporations in England. They are, I believe, quite accurate, and I think the Hon'ble Member is entitled to all the advantage he can derive from them. But I should like him to look further into the statistics of the cases he has cited—towns like Glasgow, Leeds, Birmingham, Hull and Manchester—and to compare the proportion of voters and of registered electors with the total population of the town. He will then find that in Glasgow there is one registered voter for every seven of the population; in Birmingham, one in five; in Leeds, one in four; while in Calcutta, the number is one in fifty of the population. In English towns women have votes; in Calcutta that is not the case. Therefore to make the comparison fair, it is necessary to take only the male population of Calcutta, which, according to the last Census, was 415,000. This means that the number of registered electors is only $3\frac{1}{2}$ per cent. of the whole number of males. Is it not obvious upon the face of these figures that no sort of conclusion can be drawn from them to show that

the elected representatives of the rate-payers in Calcutta have any claim to be considered as standing on the same footing as the corresponding representatives in England? Do they not knock the bottom out of the claim that the elected Ward Commissioners are representatives of the rate-payers?

"Some people in this country talk of the elective system as if it was an end in itself. The hon'ble the mover of the amendment said that the Ward Commissioners were the elect of the people, that the supreme power of control should be vested in the elected representatives of the rate-payers, and that to reduce their number would be to lay the axe at the root of the principles of Local Self-Government. It is, I assert, nothing of the kind; the elective principle is only a means to an end. A far safer guide, the only safe guide, for our present purpose, is to have regard to the principle of representation, the representation of interests. It is because the system of election in Calcutta has wholly failed in practice to yield truly representative results that it has been found defective and now stands in need of reform. That system has hitherto placed the whole executive power in the hands of a single class,—I mean the middle-class Bengali Hindus. The Hon'ble Mr. Apcar in his speech denied that there was any Hindu predominance. But I maintain that the fact is notorious and cannot be denied. Out of the 50 elected members of the present Corporation, 37 are Bengalis, and it is my experience and the experience of every one who has sat on the Municipal Board, and more especially on the General Committee, that the Hindu representatives in the Corporation can, if they wish it, sweep everything before them. [The Hon'ble Mr. Apcar said:—"My point is that they do not sweep away everything in their own way."] I do not wish, for one instant, to say a single word in disparagement of this class, or in depreciation of their merits and many good qualities. There are many among them whom I am proud to regard as my personal friends, and I hope that there are some of them who look upon me in a similar light. But is it in accord with any legitimate scheme of Local Self-Government, that the whole administration of municipal affairs in a town such as Calcutta should be placed in the hands of a single class, and that class one which, as Mr. Risley has pointed out, has no special aptitude for trade, and who look upon the foreign commerce and trade of Calcutta as no particular concern of theirs?

"We have been told that the Europeans, including Eurasians, form a small numerical minority of the whole population, and we have been told that the amount of taxes paid by the commercial community is comparatively insignificant. The proportion they pay is commonly said to be 30 per cent. [The Hon'ble Mr. Apcar said:—"Personally they may pay largely, but as business firms they do not pay much."] It is argued from these facts that it is unreasonable and unjust that the Government and the commercial community should receive an equal degree of representation with the native and non-commercial classes. The Hon'ble Mr. Apcar spoke as if the Corporation had created Calcutta. I deny that statement. I altogether reject the proposition that you can rest any conclusion as to the representation of interests upon the basis of mere numbers or of the payment of municipal rates. There are two great causes which have made Calcutta what it is, which have raised it from being a small, obscure, thinly-populated village, to its present position as a great, rich, flourishing and populous city. The first is the fact that for many years it has been the seat of the Government, both of the Imperial and Provincial Governments, and the capital of the greatest Empire in this Continent; and, secondly, the fact of the existence in it of an enormous foreign trade. It is no exaggeration to say that these two causes acting together, and more especially the second of them, have actually created and called into existence nine-tenths of the whole value of property in Calcutta. The Hon'ble Mr. Oldham has referred to figures relating to the Excise Revenue of Calcutta. I will refer to the figures of the Income-tax. If the Council refers to the Income-tax returns, they will find that in a single year the towns of Calcutta and Howrah taken together pay Income-tax approximately equal in amount to that which is paid by the whole of the rest of Bengal taken together. And to what is that due? If we subtract from the Income-tax paid by Calcutta the amount paid by the great body of Government servants; if we subtract the whole amount paid by the jute, cotton and paper mills, and by European and native firms engaged in the foreign trade of the port; and if, lastly, we subtract the amount paid by the great army of other people who are attracted to Calcutta to minister to the wants and supply the needs of those classes, how much will remain? It will not be more than the merest fraction of what is paid at present. The Hon'ble Mr. Oldham also referred to the great foreign population of Calcutta. I do not think it is generally known how large a proportion of the population of Calcutta is composed of foreigners—foreigners not merely to the city, but to the province of Bengal. The other day I had occasion to look at the last Census Report of Calcutta, and on glancing at the table

dealing with language, I found some very striking figures. The total population is put down at 650,000 persons, and of these only 360,000 claimed Bengali as their mother-tongue. The remainder, 290,000, claimed as their mother-tongue some language or languages none of which are indigenous within 250 miles of Calcutta. Even this is not all; for it is notorious that a great number of those who serve as clerks, who work in such numbers in Government and business offices in Calcutta, are not natives of this city, but have come here to earn their livelihood. Can we imagine what would be the fate of Calcutta if, by any cataclysm of nature or any political misfortune, it should cease to be the seat of Government and be deprived of its foreign trade? Can any limit be placed on the degree of ruin in which all classes would be involved? Nine-tenths of the value of landed property would be swept away, and in a brief space of time the town would dwindle away to the level of Port Canning or Diamond Harbour. As Mr. Risley admirably expressed it when introducing the Bill in Council, landlords would lose their tenants, lawyers would lose their clients, shops would lose their customers, schools would lose their pupils, and Calcutta would sink to the position of a city of the dead, a decayed and deserted capital, like Bruges, or Ravenna, or the once famous Cinque Ports.

“To measure the relative importance and value of the interests represented by Government and foreign commerce by the amount of municipal rates which is paid by traders, is much as if we should seek to measure the value of national education by the salaries paid to the teachers; or the value to the country of a great railway by the dividends paid to the shareholders. These two interests—the interests represented by the Government and by foreign commerce—are of greater importance and value to the well-being of Calcutta than all other interests taken together; and, so far from its being unjust to give them an equal measure of representation on the Municipal Board, I maintain it would have been perfectly legitimate and equitable to give them a still higher proportion.

“The Hon'ble Babu Surendra Nath Banerjee has referred to the fact that in 1876 Sir Richard Temple would have been prepared to accept a proposal to fix the proportion of elected Commissioners at three-fourths of the whole number upon certain conditions, that is, that different nationalities should be represented. I think Sir Richard Temple was referring to the motion brought forward by the Hon'ble Mr. Brookes on behalf of the non-official Europeans. The Hon'ble Member also mentioned the motion brought forward by Mr. Irving in 1888 to reduce the proportion of elected Commissioners from two-thirds to one-half. I am glad that these two proposals have been referred to, because they illustrate, in a very significant way, the attitude of the non-official Europeans in this matter, and the growth and development of opinion amongst them. Mr. Brookes brought forward his motion in 1876, at a time when the principle of election was entirely untried in Calcutta, and no one knew how the principle would work in practice. The whole thing was an experiment. The opinion which Mr. Brookes expressed was based entirely upon *à priori* principles. It was not derived from experience. But twelve years' experience was quite sufficient to teach the non-official Europeans their lesson. During these twelve years they saw how the elective system had worked, and they took the earliest opportunity in their power of proposing that the number of elected members should be reduced to more reasonable proportions. I think the motion brought forward by the Hon'ble Mr. Irving in 1888 was entitled to greater weight than that of the Hon'ble Mr. Brookes in 1876, for the reason that the one was based upon experience, while the other rested only on theory.

“The Hon'ble Mr. Aparcar has made what I can only regard as an attack upon certain proceedings of the Municipal executive. It does not appear to me that that is a matter altogether germane to the motion before the Council; and I regret the more that it was made because I have no personal knowledge of the facts and am not in a position to make any remarks upon them. But I am given to understand that there is a complete answer to all that the Hon'ble Mr. Aparcar has said, and that although the facts stated by him are substantially accurate, nevertheless the inferences he sought to draw from them are entirely incorrect.

“A good deal has been said, in the course of to-day's proceedings, about the Bombay system and of its advantages and disadvantages, and the Hon'ble Babu Surendra Nath Banerjee was at some pains to declare that he was opposed to that system, and so also was the Hon'ble Mr. Aparcar. I understood the former to suggest that the Government of India were under a misapprehension in quoting a certain passage in the Note of Dissent signed by the Hon'ble Babu Surendra Nath Banerjee and Babu Norendra Nath Sen as indicating that those Hon'ble Members were in favour of that system. Since this correspondence was published, I have noticed that the passage in question in

the Note of Dissent has been adversely criticised, in some of the Anglo-Indian papers, as calculated to mislead, and it is possible that these criticisms were in the mind of the Hon'ble Member when he made the disclaimer I allude to. Now it is not within my province to intervene between the Hon'ble Member and his critics, and I do not doubt that he is quite able to take care of himself. But in fairness to the Hon'ble Member, I ought to state clearly that neither he nor Babu Norendra Nath Sen at any time gave the Select Committee to understand that they were in any way advocates of the Bombay system. On the contrary, on one occasion, when this matter came incidentally before the Select Committee, the Hon'ble Member expressly stated that they did not want the Bombay system. There has certainly never been any misapprehension in my mind as to the attitude of these two gentlemen in this matter, and I think the other members of the Select Committee, if referred to, will bear me out.

"On the other hand, I do not think that the Government of India can fairly be charged with any misapprehension. An attentive study of their letter of the 17th June will show that the Government arrived at their preference for the Bombay system as a model for Calcutta, by an entirely independent examination; and in paragraph 15 of that letter they plainly state that their preference had been actually expressed at a very early stage in the history of the Bill. The proposals of the Government of India have been arrived at without any reference to the Note of Dissent, and it is obvious to any one who will read the Note of Dissent that the two things are far from identical. The Government of India have never proposed to introduce the whole of the Bombay system into Calcutta, neither has any one else that I know of. What has been proposed is to select certain features of the Bombay system which have been found by experience to work well, and which appear to be suited to the arrangements of Calcutta, and then to engraft those features upon the Calcutta constitution. Each of the parts so proposed for importation rests upon its own merits, and in no case has any suggestion been put forward merely because it forms part of the Bombay system.

"Both the Hon'ble Babu Surendra Nath Banerjee and the Hon'ble Raja Ranajit Sinha Bahadur complain that the arrangements proposed by the Government of India, in respect of the constitution of the Corporation, do not follow in substance the Bombay model. Even if it were true they do not follow the Bombay model, I am not particularly concerned to defend it, because, as I have said before, there has never been any intention to follow that model slavishly; but when these gentlemen tell us that the basis of the Bombay system is not one-half elected, and one-half nominated members, I must challenge their allegation. [The Hon'ble Babu SURENDRA NATH BANERJEE said:—"I said that if a close analysis is made between the system in force in Bombay and the system now proposed, it will be found that they are not identical."] I do maintain this, that the basis of the Bombay constitution is undoubtedly one-half elected and one-half nominated Commissioners. Who are the Justices in Bombay? How do they get their appointments? These Justices in Bombay do not correspond to the Honorary Magistrates in Calcutta; they do not try cases like Honorary Magistrates do here. What their functions are I do not know, except that they have the power of returning a certain number of members to the Bombay Corporation. But one essential feature regarding them is this—that the whole of the Justices are nominated by the Government, and they hold their office purely and simply as nominees of the Government, and therefore, in effect, there is no practical difference between the Justices nominating certain members of the Bombay Corporation and the fifteen Commissioners who are to be nominated by the Government here. If the Hon'ble Member contends that the Councillors elected by the nominated Justices owe their seats to election, why does he object, as he has done, to the precisely similar arrangement which is proposed for the General Committee? It has been said that four of the members to be elected to the General Committee by the nominated Commissioners will be nominees of the Government; how then can he say that the 16 members to be elected by the Justices in Bombay are not nominees of the Government?

"The Hon'ble Mr. Aparcar said something to the effect that the reduction in the number of Ward Commissioners from two to one in each ward will have the effect of entirely disfranchising the Muhammadan community. That statement has to a considerable extent been answered by the Hon'ble Mr. Oldham. The Muhammadan community possesses nine per cent. of the voting power; possibly a considerable number of them will be knocked out; but I am not prepared to admit that the whole of them would be. If it were so, the remedy would be in the hands of the Government, who would nominate a larger number of Muhammadans. The Hon'ble Mr. Aparcar said that would diminish the power of the Government to nominate representatives of other communities; but the

inference is not correct ; because, as the total number of Commissioners is reduced, the relative value of each nomination will be increased, and the powers of the Government will in no way be affected.

“ This is all, I think, I need say in reference to the first part of the proposals of the Government of India in regard to the constitution of the Corporation. I now turn to what has been said in regard to the constitution of the General Committee.

“ The object of the proposal regarding the constitution of the General Committee. the main object, is to get rid of the want of similarity which existed in the original Bill between the constitution of the General Committee and the constitution of the Corporation. Surely this object is sufficiently reasonable in itself not to call for any elaborate defence ? There can be no doubt that the absence of similarity in the constitution of these two co-ordinate authorities is a possible source of friction and of danger, and to a certain extent it was a defect in the original Bill. And no one pressed this argument in the Select Committee with greater force and persistence than the Hon'ble Members who represented the Corporation. It was probably unavoidable, so long as the elected Commissioners outnumbered the nominated Commissioners by two to one. But now that these two wings are to be made of equal strength, the reason for it disappears.

“ From some remarks which have been made to-day, it seems to be supposed that in the General Committee there will not be a true balance of interests between the two parties—the elected section and the nominated section. Some gentlemen seem to think that the Government will invariably select its four members from among the nominated Commissioners only. I know of no authority for such a suggestion. The Government intends to preserve an absolutely free hand in the selection of its four members on the General Committee ; and will always endeavour to select those Commissioners who, in its opinion, are most likely to do honest and efficient work, without regard to the particular wing or section of the Corporation to which they belong.

“ Then, again, it has been urged that it is wrong in principle for the Government or any outside authority to make any direct appointments to the General Committee, and that once the Corporation is constituted, by election and nomination, there should be no further interference, and that the Commissioners should be left to elect to the General Committee any persons whom they think fit in any manner authorised by law. As a matter of theory I am not prepared to accept this view without much stronger reasons than have been adduced. And as a matter of precedent, we know that this is the very system which has worked and worked well in Bombay. But, apart from either theory or precedent, there is a good practical reason why the Government should be directly represented on the General Committee. Under the law of 1888 the General Committee is a mere Committee of the Corporation ; it has no powers of its own ; and all its resolutions are subject to the confirmation of the Corporation in Meeting. But under the new Bill we have changed all that. Under the new Bill the General Committee will become a co-ordinate authority. It will possess considerable independent powers ; and none of its resolutions, with certain specified exceptions, will require confirmation by the Corporation. It will be an independent and, within its own sphere, a governing body. Therefore, it seems to me there is as much reason for Government to be directly represented on the General Committee as on the other co-ordinate authority, the Corporation itself.

“ I now pass on to what has been said by the Hon'ble the Raja of Nashipur in reference to the proposal that the eight members of the General Committee who are to be elected shall be chosen in equal proportions from the two wings. He said there was no such rule in Bombay. That is quite true, but I do not admit that the fact that there is no such rule in Bombay is any reason why there should not be such a rule here. The Council are aware that in the Corporation the elected and the nominated members are to be equal in numbers. Now if we follow the Bombay rule and allow these eight members to be elected to the General Committee by the whole body of Commissioners elected and nominated, and if each section puts forward its whole voting power, then each of the two sections would be able to elect one-half of the eight members. This result is what Government desires to attain, and it has been thought desirable both by the Government of India and by the Government of Bengal that provision should be expressly made for it in the Bill, and that it should not be left to the mere chances of election.

“ I think I have now answered every relevant point which has been raised. There are many other points to which I have expressly not referred, because they appeared to me to be points which go beyond the motion before us. But, so far as I can recollect, I have gathered together

all the relevant arguments. I hope and I confidently expect that the Council will reject the amendment proposed by the Hon'ble Babu Surendra Nath Banerjee and will accept the substantive motion which I have made."

The Hon'ble J. G. Apar's reply at the Bengal Council on 7th August, 1899.

"I desire to say a few words by way of personal explanation. The Hon'ble Member in charge of the Bill has challenged a statement I have made, and said there is a complete answer to it. I only referred to the matter in illustration of the unbusinesslike way in which the work of the Municipality is done. If it happened to be an attack upon the Executive, I am sorry, but that was not my primary purpose. The facts were formally mentioned before the General Committee, and there was no contradiction to any of the facts I put forward. I shall be glad to supply the Hon'ble Member with a copy of my note on the subject."

The Hon'ble Babu Surendra Nath Banerjee's reply at the Bengal Council on 7th August, 1899

"I hope and trust that the Council will not follow the advice of the Hon'ble Member in charge of the Bill and reject my amendment. The Hon'ble Member has remarked that if the amendment was accepted it would be impossible to dispose of the measure in the present session of the Council. I think that in a matter of this magnitude and importance it is very desirable that the public should have the amplest opportunity of considering and discussing the results which would follow from the adoption of the highly important changes proposed by the Government of India. I desire to correct some mistakes of fact which the Hon'ble Member in charge of the Bill has made in the course of his speech. He said that this Bill has been before the public for two years and a half, but as a matter of fact it has been before the public for one year and five months, the first intimation of the measure having been given in February, 1898. Then there are important points which the public and the public bodies have not considered, questions relating to the reduction of the number of elected Commissioners, the constitution of the General Committee and other matters. These are questions which have never been before the Corporation and the public, and I think it right that they should now be consulted in regard to them. My hon'ble friend has observed that the Corporation is well represented in this Council and it is not necessary to refer it again to the Corporation. Why then was the Bill originally referred to the Corporation? It is a matter of the first importance, and I hope my hon'ble friend will agree to refer the Bill to the Corporation whom it most vitally affects. Let us have some more light, some kindly light thrown upon the subject. I am not quite sure that the European members of the Corporation might not be opposed to the dangerous innovations which have been proposed by the Government of India. I think it would be only fair to refer the Bill to the Corporation for their opinion upon the new proposals before the Council.

"Then there are the remarks made by the Hon'ble Member who represents the University, in the course of which he said he could not believe that any criticisms which might now be made would affect the question. I regret I am not prepared to accept that view. I have said that the Government of Bengal and the Government of India are highly deferential to the expression of public opinion. If we are able to put forward views that are sound and reasonable, I have not the slightest doubt that the Government will pay to those views the consideration to which they are entitled.

"Then there is the rule which guides our deliberations, that when a motion is made for reference to a Select Committee, the Members of the Council have the opportunity of declaring their views on the principle of the measure so proposed to be referred. Therefore, we ought to take this opportunity of saying what we have to say, and leave it to the Government to accept or not the proposals which we put forward.

"I am very sorry that certain remarks should have been made in this Council which imply a reflection upon some of those who have taken part in the agitation against this Bill. Such remarks are, I think, deeply to be deplored. The Hon'ble Mr. Mackenzie was pleased to say that a number of agitators had got up an agitation at public meetings in this town and elsewhere against this Bill, and that all this agitation was the work of wire-pullers, of which the Government need not take the slightest notice."

The Hon'ble Mr. BAKER rose to order :—"The Hon'ble Member is only entitled to reply to remarks made upon his amendment. He is not entitled to reply on the original motion."

The Hon'ble the PRESIDENT said:—"The Hon'ble Member can reply to the remarks which have been made."

The Hon'ble Babu SURENDRA NATH BANERJEE continued:—"Men representing the largest interests in this town have taken part in these demonstrations and have recorded their protest against the provisions of this Bill, and it is idle to say that these meetings were got up by wire-pullers and political agitators. It is all very well for my hon'ble friend to call others political agitators, but what would he say if his accusers were to turn round upon him and urge that he was a bit of a political agitator himself and that he sent round a circular to the tea-planters of Sylhet and Cachar asking them to set up an agitation in favour of this Bill? Would he not feel indignant and would we not sympathize with him in his distress? At the public meetings which have been referred to, the richest men in this town were present—the representatives of the Seals, the Mullicks, the Sets, the Rajas of Sobha Bazar and of various other influential families, of gentlemen who own about three-fourths of the European portion of this town. What would be the fate of the Hon'ble Member and his friends if they made up their minds to oust them from their palatial residences at Chowringhee? Why they would be like the wandering Jews and other homeless people!

"As to the voters in England, the qualification was a £10 rate, which almost every householder possesses. Here it is Rs. 24 a year. [The Hon'ble Mr. BAKER said:—"The comparison is not between Rs. 24 and £10, but the annual value of the house on which the tax is assessed. The valuation of the house is £10, and every body inhabiting a house of that assessed value is a voter. Here it is an assessment of Rs. 150 a year."] That is so, and it amounts to universal suffrage, for almost every dwelling in England has that valuation.

"Once again I desire to say, on behalf of the people of Calcutta and of those whom I have the honour to represent, that if the recommendations of the Government of India are embodied in this Bill, it is our deliberate opinion that it would mean a death-blow to the prospects of Local Self-Government in Calcutta. My hon'ble friend the Member in charge of the Bill is not aware of the deep-seated disappointment which will result by rushing this Bill through in its final stages. It would be much better to allow a little time for the discussion of this measure than to hurry it through in this fashion. That is the *dictum* of political wisdom, and I ask that the Council will adopt that *dictum* by its vote."

The Hon'ble the President's (Sir John Woodburn) summing up of the second debate on the Calcutta Municipal Bill at the Bengal Council of the 7th August, 1899.

The Hon'ble the PRESIDENT said:—"It will be expected of me that on an occasion of so much importance I shall close the debate myself. I think it is hardly necessary after the excellent speech the Council has heard from the Hon'ble Member in charge of the Bill. And at this stage of the afternoon, what I have to say should be said as shortly as I can. I should like to speak to the Hon'ble Members who are opposed to the Bill in the frank and simple words that come from sympathy in their disappointments. When I first spoke upon this Bill last November, I remember saying that I realised their pain and vexation. It is not possible that a measure of this kind could have been introduced without rousing these feelings. Every member of a body, which is alleged to have disappointed expectation, is certain to resent the imputation with warmth. But it is against human nature not to be sorry for the man who means well and nevertheless does not succeed. And it has been in that attitude that I stand to this Bill to-day. My regret is sincere that it should be necessary to wound the feelings of a body whose intentions have been excellent.

"But, as I said last year, tenderness of feeling cannot be allowed to stand in the way of changes that are essential to the good government of the capital city of India, and the judgment which I expressed last year, and which I ventured to think was impartial, was that the changes of constitution proposed in the Bill were essential. I have listened with interest to-day to the eloquent, and in many points practical, speeches which have been delivered in opposition. I listened with respect to the assurances of the Hon'ble Members who are themselves Municipal Commissioners that the administration of Calcutta is all that it should be, and that, if there are defects, it is not the Corporation that are to blame. I am not, as they are, an expert, but nevertheless in a matter of this sort I must trust my own eyes and my own experiences, and with whatever regret I say it, I am compelled to say that in my judgment there is imperious need of improvement in the methods of administration in our city.

"The opinions of the majority of this Council, the opinions which I expressed last year, and which I have now been compelled to reiterate, and the dissents from those opinions which were recorded by the Hon'ble Members, have now been before another tribunal. I want you to consider what that tribunal is. It is a Government of India so completely changed within the last two years that the Military Member of Council is the only representative left of the body which accepted the proposals of Sir Alexander Mackenzie in 1897. It is a body of the highest and most experienced officials in India, and it is presided over by a Governor-General who has engaged himself, as you all know, with the most lively interest in inquiring for himself into the merits of this controversy. It was to this body that our controversy was submitted. I can conceive no body whose impartiality and whose judgment were more to be trusted.

"The judgment has been that for efficient administration a change in the constitution of the Corporation must be made, and that we must go still further than we proposed in the amendment of the constitution. That conclusion is, of course, a disappointment; but I think all reasonable men will admit that it is a conclusion which we must now accept without further demur. A dissatisfied party appeals from the High Court to the Privy Council. But if the Privy Council decides against him, he may personally consider the decision wrong, but there is no more to be said or done. That is the case here. There has been an appeal to a tribunal whose impartiality none can impugn, and that tribunal with a courtesy and consideration which only illustrate the strength of its opinion has given its judgment. To that judgment we must conform.

"Of course, it is a disappointment to the losing side. In that disappointment I can myself participate, for the judgment is, in a measure, against myself. The conclusion is not that Sir Alexander Mackenzie's Bill went too far, but that it did not go far enough, and that the number of elected members on the Corporation must be reduced from fifty to twenty-five. Sir Alexander Mackenzie was of opinion that this reduction was unnecessary so long as the Executive was strengthened and strong. The Select Committee gave the Local Government clear and definite powers of intervention in case of any miscarriage. With this safeguard I myself was prepared to be responsible for the good government of the city without further change of the constitution. That is not the opinion of the Government of India. They have balanced as I did advantages and disadvantages. They give greater weight than I did to the danger of friction, and call upon us to make an adjustment which shall avoid it. This is the deliberate conclusion of an impartial tribunal. I may and do regret it, just as some other Members of this Council have done to-day, but the arguments they use have never been absent from the minds of my predecessor or myself, and I cannot deny that in their serene atmosphere the Government of India are better judges, than we in the stress of contest, as to the exact weight that should be attached to them. I have, therefore, on the part of my Government accepted their conclusion. I cannot expect the Hon'ble Members who oppose the Bill to accept it without objection, but I am sure that they and the community of Calcutta will, in their further attitude in this discussion, remember the character of the tribunal which has given this decision and the sympathetic assurance with which that decision has been conveyed. It is final; it has to be accepted. What has now to be done, let us for the reasons given by the Hon'ble Mr. Baker, do as quickly as a just consideration of details will permit. I indulge the hope that the Council will join in this resolve, firstly, because of the notable moderation of the speeches that have been made in opposition, and, secondly, because of the assurance that my hon'ble friend Babu Surendra Nath Banerjee gave us in his opening speech—if he thought the Government of India had finally made up their mind, he would not waste time. That the Government of India has made up its mind he may take it from their letter to be absolutely certain. In that conclusion the Local Government has finally concurred.

For the reasons the Hon'ble Member in charge of the Bill has given, there will be no difficulty in completing the revision of the simple details that will be committed to them within a fortnight, and I trust the Council will accept the motion of the Hon'ble Mr. Baker. There are two matters to which the Hon'ble Mr. Baker has not referred, and about which I would like to say a few words to the Council. The first is, that it was with much reluctance that I was compelled to intervene and call to order two Hon'ble Members who addressed us this afternoon. One of the points on which the expression of views was about to be made was that of the allegation of corruption among the Municipal Commissioners of Calcutta. That is a matter on which the Corporation, I see, are about to address me, and upon which the Corporation will have an immediate reply from myself. It is unnecessary to go further into it now. It is not a matter to discuss here.

The second matter is as to the character of the administration of Calcutta in the past. I also ruled that this was out of order and beyond discussion, for the reason that the Government of India have come to their conclusion upon that point and had confirmed the opinion of Sir Alexander Mackenzie. The other question to which I wish to refer is that which my hon'ble friend Babu Surendra Nath Banerjee mentioned at the end of his first speech. He said this was a measure which was a death-blow to the prospects of Local Self-Government in Calcutta. I venture to remind him and all the Members of this Council of what I said on this subject last November. I said then that Local Self-Government was confined to no single and solitary system. Local Self-Government may be carried out and carried forward in many different forms and fashions, and the man who should refuse to amend the system of Local Self-Government, which was not fulfilling expectations, would be the most deadly enemy of the whole system of Local Self-Government. The friend of Local Self-Government is the man who accepts experience and makes modifications accordingly. Therefore I must take the liberty to differ from my hon'ble friend, and I can assure him that, so far from this measure being a death-blow to Local Self-Government, it is the truest help that Local Self-Government can in fact receive. Whatever disappointment it may bring to one particular class, the result will be sustained success and improvement in the administration of Calcutta."

The Hon'ble Babu Surendra Nath Banerjee's amendments being put to the vote, the Council divided:—

Ayes 6.

The Hon'ble Babu Surendra Nath Banerjee.
The Hon'ble Babu Boikanta Nath Sen.
The Hon'ble Dr. Asutosh Mukhopadhyaya.
The Hon'ble Mr. Apar.
The Hon'ble Raja Ranajit Sinha Bahadur, of
Nashipur.
The Hon'ble Babu Jatra Mohan Sen.

Noes 11.

The Hon'ble Mr. Mackenzie.
The Hon'ble Mr. Spink.
The Hon'ble Mr. Slack.
The Hon'ble Mr. Handley.
The Hon'ble Mr. Buckland.
The Hon'ble Rai Durga Gati Banerjee Bahadur.
The Hon'ble Mr. Baker.
The Hon'ble Mr. Bolton.
The Hon'ble Mr. Buckley.
The Hon'ble Mr. Oldham.
The Hon'ble Nawab Bahadur Syud Ameer
Hossein.

So the amendments were lost.

The Hon'ble Mr. Baker's motion was then put and carried.

A CRITICISM OF

*The Letter of the Government of India, No. 93, dated the 17th June, 1899,
addressed to the Government of Bengal.*

(By BABU NALIN BIHARI SIRCAR.)

Introductory remarks.

Since the submission to Lord Curzon of the memorial of the residents and rate-payers of Calcutta, adopted at a public meeting held in the local Town Hall in March 1899, the public of Calcutta have been anxiously awaiting an expression of opinion from His Lordship on the Calcutta Municipal Bill. The reference of the Bill, as amended by the Select Committee of the Bengal Council, to the Government of India, has given His Excellency an opportunity to meet the expectations of the public, and the views of the Government of India have been fully set forth in their letter No. 93, dated the 17th June, 1899. It is evidently conceived and written in a spirit very different from that which pervaded both Sir Alexander Mackenzie's and his Secretary, Mr. Risley's speeches and writings in regard to the Bill. The letter is altogether free from the element of personal feeling, and has the merit of showing some regard for public opinion and the opinions of those opposed to the Bill. There is an evident desire on the part of the Government of India to bring about such an amendment of the law as would "ensure the amicable and patriotic co-operation of all parties in the municipal government of the City." From this point of view, it is a relief and pleasure to read and discuss the letter; and for it the Indian section of the community—particularly the educated Hindus—cannot but feel grateful to His Excellency the Viceroy.

The three new alleged grounds for the introduction of the Bill.

The letter begins by quoting the principal grounds for the introduction of the present Bill, as summarized by Mr. Risley in his letter No. 383 T.M., dated the 17th June, 1897, which does not appear

to have been published at all, and must have been what is called a secret official communication. It is remarkable, however, that this unpublished document contains some "grounds" which did not appear in the letter of the Local Government to the Government of India, No. 1233 M., dated the 7th March, 1898, asking for formal sanction to introduce the Bill. Paragraph 25 of the latter document contains a summary of the results of the working of the present Municipal law in Calcutta; but there is no mention in it of the following:—

"(1) the complete failure of the elective system to secure adequate representation even of the different interests existing in the native city;

(3) the growth of party spirit and the appearance among the elected Commissioners of a class of professional, and in some cases corrupt politicians;

(5) the consequent breakdown of * * the water-supply of the town

We have often heard of complaints regarding the inadequacy of representation of the European commercial community on the Corporation, but the "inadequate representation even of the different interests in the native city" is quite a new thing, it is a point never raised before.

Then the charge of corruption against the elected Commissioners seems to have been preferred by Government for the first time in Mr. Risley's letter No. 383 T. M., dated the 17th June, 1897, which has never been published; but only the summary of "principal grounds" from it has been given in the Government of India's letter and published for general information in the *Calcutta Gazette* of the 12th July, 1899; that is, after two years. This charge was repeated incidentally by Sir Alexander Mackenzie in his last speech in the Bengal Council on the 4th April, 1898; but no notice of it was taken by anybody at the time, because of Sir Alexander Mackenzie's notorious personal antipathy towards the elected Commissioners, who, as is well known, are mostly educated Hindus; and chiefly because he left the country for good within a week after the delivery of that speech. It is a very serious charge, and now that it has been officially and authoritatively formulated, it behoves the elected Commissioners to come forward and ask the Bengal Government to disclose all information that may be in their possession on the subject; at any rate they should challenge a public enquiry and express their unqualified regret and dissatisfaction at the manner in which the charge has been levelled against them.

As regards the breakdown of the water-supply of the town, this also is a new charge, and one wholly unfounded, without even a substratum of truth.

**A real grievance of the Indian community of Calcutta against Lord Curzon's
Government for paying no heed to their earnest prayer
for a Commission of Enquiry.**

It is stated, however, in paragraph 3 of the letter that the then Government of India believed in these "grounds," fully accepted the necessity for the remedy of the abuses and assented generally to the principle of the proposed legislation. And although it is not so expressly mentioned, it is quite apparent from the tenor of the letter that the Government of Lord Curzon too has accepted the case as made out by the Local Government and has admitted the necessity for a change in the Municipal law of Calcutta on the general lines of the Bill. In this, the public of Calcutta, the Indian section of it, at any rate, have naturally a real grievance against the present Government of India. With Lord Elgin there might be some excuse that the statement of the case by the Local Government against the Calcutta Corporation reached him unquestioned and uncontradicted, without any protest, and supported by the high authority of Sir Alexander Mackenzie; but the situation has changed very much in Lord Curzon's time. From before the assumption of the office of Viceroy of India by Lord Curzon the protests have been persistent, the contradiction has been loud and unequivocal, the accuracy of most of the statements made by the Local Government has been publicly challenged in no uncertain manner; a Commission of Enquiry has been prayed for from both the Local and the Imperial Governments; but to all this no heed has been paid, not the slightest notice of it has been taken either in Sir John Woodburn's speech in the Bengal Council in November, 1898, or in the letter of the Government of India, now under consideration. It may be said that Lord Curzon does not like to go behind the action of his predecessor. The matter has already proceeded too far; sanction to introduce the Bill has long been received from both the Government of India and the Secretary of State, the Bill has been carefully scrutinized by a Select Committee and their report has been published, it has now come to the final stage; it is therefore too late now to re-open the whole question from the beginning. Ordinary expediency, continuity of policy and administrative

convenience, it may be urged, alike forbid reversion to the initial stage—the stage of enquiry and discussion. But are not considerations of truth, justice and fair play, and the repeated prayers of a large and united community, composed of the children of the soil, for a proper and impartial Commission of Enquiry, of paramount importance; and do they not far outweigh all considerations of official etiquette and convenience? Never was such a firm, unanimous and reasonable prayer from an entire community submitted to Government, and never was it treated with such deliberate neglect.

The Government of India are perfectly free to criticise the details of the Bill and propose important modifications.

In paragraphs 3, 4, 5 and 6 of the letter a brief history of the Bill is given, from its inception down to the submission of the Select Committee's Report to the Government of India. It is pointed out that in expressing their approval of the introduction of the Bill in the Legislative Council, neither the Government of India nor the Secretary of State for India have accepted the Bill itself, in all its details (as the public were led to believe by Sir Alexander Mackenzie's speech in the Bengal Council on the 4th April, 1898), but have merely admitted, on the strength of the representation of the Local Government, the general principle of the Bill that "the executive should be strengthened, and that the bodies representing the trade of Calcutta should have a voice on the General Committee." The object which the Government of India had in view in stating these facts prominently in paragraphs 3 and 4 is evidently to show not only to the public, but to the Government of Bengal as well, that in considering the Calcutta Municipal Bill, as amended by the Select Committee, the Government of India are free and unfettered, not being committed to any of its special features, to criticise it in the way that appears to them most desirable in the interests of all concerned.

It may be pointed out here that the quotation from Sir Henry Harrison's speech, as given in paragraph 5 of the letter, is not correct. Sir Henry Harrison did, no doubt, express his opinion in February, 1888, to the effect that "under its present constitution there is a lack of motive power" or words to that effect, but he never said "the energies of the Municipal Government expend themselves in criticism and not in action." These are Sir John Woodburn's words, and the opinion in his and not Sir Henry Harrison's. Sir Henry Harrison knew the nature and character of the duties of the Corporation too well to make such an inaccurate observation.

The main principle of the Bill—that the Executive should be strengthened—accepted without proper enquiry.

It is stated that the principle of the Bill, *viz.*, "the Executive should be strengthened," has been accepted both by the Government of India and the Secretary of State. But unfortunately for Calcutta neither of these authorities has stopped for a moment to enquire what sort of an Executive the Corporation has got. It consists of a European Chairman, at its head, some European officials in charge of the various departments and a vast number of subordinates; and the fact of the Chairman belonging invariably to the (heaven-born) Civil Service, the municipal Executive has always been looked upon by Government as immaculate and perfect; so when a proposal is made "to strengthen" such an Executive the necessity and desirability of such a proposal is taken for granted. But if a public Commission of Enquiry, such as has been prayed for by the Indian community, were ever held, it would appear, most unmistakeably, how disorganised, unbusiness-like and reckless of the real interests of the town, the Executive of the Calcutta Corporation has been; and as for corruption in its lower ranks, the less said here the better; it is an open secret all over the town. The extent of such corruption is appalling; even one day's evidence would be overwhelming, not so much the evidence of the rich and influential of the City as that of the poor, down-trodden, the victims of heartless *zulum* and unblushing exactions, in diverse ways, by the subordinate municipal Executive. Such an Executive will be "strengthened" under the Bill by making it absolute in its sphere of action, freed from any general control and supervision of the Corporation, that is to say, not of individual Commissioners, but of the body collectively!!

The Select Committee was wholly precluded under the terms of reference by the Council, from investigating into the various grounds for the introduction of the Bill—Lord George Hamilton's total misapprehension of this fact.

In paragraph 6 a significant fact is mentioned, *viz.*, "They (the Select Committee) have recognised the limitations imposed by the reference from the Local Council under which they were

acting." These limitations precluded the Select Committee from considering, discussing and coming to an independent decision even on the principles of the Bill; any investigation as to the necessity of the measure or enquiry into the various grounds for the introduction of the Bill, as put forward by the Local Government, being quite out of the question. The reference from the Council was limited only to the details of the Bill. This important fact, admitted by the Government of India, ought to dispel from the mind of the Secretary of State for India the serious misapprehension under which his Lordship laboured at the time, when the debate took place in the House of Commons on the motion for a Commission of Enquiry in respect of this Bill in February last, and which led Lord George Hamilton to assure the members of the House than an investigation such as was then asked for was being carried on by a Special Committee (meaning the Select Committee) of the Bengal Council.

Important declaration of policy by the Government of India regarding the amendment of Municipal law of Calcutta.

The most remarkable paragraph in the letter is paragraph 7. In it the Government of India have recognized and admitted their special responsibility in securing for Calcutta, the capital of the Indian Empire, "a local administration in which the various great interests of the city shall be adequately represented and which shall be business-like, efficient and free from scandal or reproach." This statement is immediately followed, in the same paragraph, by an important declaration by the Government of India, *viz.*, "at the same time it would be their natural desire, in the interests both of continuity of administration and of public harmony, to see these objects attained, not by any contravention of the broad principles of Local Self-Government already conceded, but by curtailment of the abuses to which in practice they may have become exposed, and by a restriction, within limits suggested by experience, of the range of their future operation."

These are certainly noble words worthy of a wise, sagacious and practical statesman of the reputation of Lord Curzon. The Indian section of the community would, no doubt, gladly accept this very fair and reasonable position; and if the principles so clearly and unequivocally laid down by the Government of India are strictly followed, all opposition to the measure will at once cease, there will be "a truce to all dissension" and a return of "amicable and patriotic" or in other words of "friendly and disinterested" co-operation such as the Government of India so devoutly wish for.

What are "the broad principles of Local Self-Government already conceded" to Calcutta?

Now let us determine what are "the broad principles of Local Self-Government already conceded" to Calcutta. The privileges of Local Self-Government were first given to the residents of Calcutta in 1876. Sir Richard Temple was then the Lieutenant-Governor of Bengal and Lord Northbrook was the Viceroy and Governor-General of India. The broad principles then conceded and embodied in Act IV (B. C.) of 1876 were :—

1. That the management of the affairs of the City was to be entrusted to the representatives of the people of the locality, the residents and rate-payers of the town.

2. That such representatives were to form a corporate body, composed of two-thirds elected by the rate-payers of the City, and one-third appointed by the Local Government.

(The object of reserving this power to Government was, as Sir Richard Temple said in 1876, "that in the event of the elections not sufficiently representing certain sections of the community, particularly the Mahomedan section of the community and the European section, the Government should have power of redressing the balance. It was for the purpose of this redressing of the balance that the proportion of one-third was taken.")

3. That all rights, privileges and powers under the Act were to be vested in the Corporation, or, in other words, the Corporation was to be the one supreme central authority for the purposes of the Act.

4. That the Chairman should exercise all executive functions, subject to the control and direction of the Corporation. The Chairman was to be appointed by Government, but his salary was to be fixed by the Corporation within the minimum and maximum limits prescribed by the law. The Chairman was to be one of the Commissioners and the President of both the Corporation and its Committees.

5. That the Corporation was to have the power of appointing Committees consisting of a certain number of its own members to help it in its work; and the proceedings of all Committees so appointed were to be subject to confirmation by the Corporation.

6. That the Local Government should exercise, from without, only a general control and supervision over the work of the Corporation, except in certain well-defined, large and important matters in which only their sanction would be required.

These principles were ratified by the Legislature in 1888 and re-enacted in Act II (B. C.) of 1888, the present Municipal law of Calcutta.

The second principle, *i. e.*, the proportion of elected to nominated Commissioners, was the subject of a long and vigorous debate in the local Legislative Council during 1888. There were proposals on the one hand (i) to reduce the number of Commissioners from 72 to 60, and (ii) to make the proportion of 2 : 1 between the elected and the nominated Commissioners, equal; and on the other (i) to increase the number of Commissioners from 72 to 80, and (ii) to raise the proportion from 2 : 1 to 3 : 1. But the Government was for raising the number to 75 and was strongly opposed to any change in the proportion, and the Council rejected both the proposals. So the principle that the Corporation is to consist of two-thirds elected and one-third nominated remained unchanged, except that instead of 25 nominated Commissioners being all appointed by the Local Government, only 15 were to be so appointed, and the remaining 10 to be elected by the commercial and trading communities.

And as regards the fourth principle (regarding the powers of the Chairman), though provision for the same already existed in section 53 of Act IV (B. C.) of 1876, it was made more clear and explicit in section 61 of Act II (B. C.) of 1888.

The Government of India are committed to the appointment of a Commission of Enquiry even at this stage of the Bill by the declaration of their own policy in regard to the Bill.

Now the Government of India do not desire to contravene any of the broad principles referred to above in detail, but "in the interests both of continuity of administration and of public harmony" they would "curtail the abuses to which in practice they may have become exposed, and restrict, within limits suggested by experience, the range of their future operation."

But (i) what are the abuses to which *in practice* they may have become exposed, and (ii) what are the limits, *suggested by experience*, within which the range of their future operation is to be restricted? This brings us irresistibly back to the old question of a Commission of Enquiry, which the Indian section of the community has been so long praying for in vain. No doubt the Government of Bengal, or rather in point of fact, Sir Alexander Mackenzie and Mr. Risley, have enumerated certain abuses: but neither of them has ever had any direct practical knowledge of the affairs of this City—theirs is all hearsay evidence. It is, therefore, essential to have the evidence of those who from personal knowledge and observation are in a position to definitely indicate the abuses that have really crept into the *practical* administration of the City. Sir Alexander Mackenzie has also proposed remedies for the abuses he has enumerated, he too has put restrictions on the range of the future operation of the broad principles of Local Self-Government; but those are not *suggested by experience*, they are more or less theoretical. The opinion of good and capable persons possessing *experience* of the practical working of the affairs of the City, ought to be taken to determine what should be the proper and necessary limits of such restrictions. Thus by this important declaration of their own policy in regard to the amendment of the Municipal law of Calcutta, the Government of India are in one sense committed to the appointment of a Commission of Enquiry even at this stage of the Bill.

Government of India's disapproval of certain features of the Bill.

After laying down the principles on which the amendment of the present Municipal law of Calcutta should take place, the Government of India frankly state in paragraph 8 of the letter that in their deliberate opinion "there are features in Sir Alexander Mackenzie's Bill, which are not in entire accordance with those principles" and which might lead to friction and dissension making the entire administration inefficient and unsuccessful.

In paragraph 9 is pointed out one of those "features," *vis.*, "the want of correspondence in constituent proportions between the Corporation and the General Committee"; and it is this

"feature" of the Bill, which from the outset has been vehemently opposed by the Indian section of the community, but it has been defended and upheld both by Sir Alexander Mackenzie and Sir John Woodburn with equal vehemence and great tenacity as the right and proper thing, and in their opinion it forms a leading feature of the Bill. Lord Curzon, however, now condemns it as "undoubtedly illogical" and as calculated to produce friction between the two bodies which would unquestionably be disastrous to the best interests of the City.

These opinions on the Bill, it is stated in paragraph 10 of the letter, the Government of India were "led to form by the attitude of public opinion towards the Bill and by a careful study of the Bill itself at the time when the Select Committee began their labours."

Government of India's special approval of the sections of the Bill regarding Control by the Local Government, as revised by the Select Committee—such stringent provisions are objectionable on principle.

The Government of India next proceed to consider the Bill as amended by the Select Committee. They admit in paragraph 11 that "in some respects the (amended) Bill is a stronger and a better Bill" than the original one, and they express their approval of such improvements, particularly in respect of the substitution of sections 26D, 26E and 26F in place of sections 22 and 63 (b). These sections deal with the control of the Local Government over the Municipal authorities, and it is pointed out in the letter that "these modifications follow the English law." But the Government of India must not overlook the fact that the conditions and circumstances of municipal government in the two countries are very different. In England the Corporation or the Council has all powers and privileges given to it freely and unreservedly: the Council is composed entirely of men elected by the people, Government having no hand whatever in its composition; the Mayor is elected by the Council and all appointments are made by the Council without any confirmation by the Government. In Calcutta the Bill proposes to withdraw many important powers from the Corporation and vest them in the General Committee and in the Chairman; the Corporation, according to the Government of India, will be half elected and half nominated, the Local Government having a direct hand in the appointment of three-fifths of those nominated and also in the appointment of one-third of the General Committee. The Chairman is appointed by Government and his salary will henceforth be fixed by them, there being no maximum limit fixed under the Bill; all superior appointments are subject to confirmation of the Government.

The observations made on this subject in their note of dissent by Messrs. Sen and Banerjee are so cogent and reasonable that we cannot refrain from quoting the same here. In paragraph 29 we read:—

It is an unfortunate feature of this Bill, and we make it a matter of general complaint, that while apparently the Municipal legislation of the Empire is laid under requisition to pile one drastic provision upon another, the beneficial features of that legislation are completely withheld from our view. We do not object to the severe provisions of the English law relative to control, if in return we are granted the full measure of civic freedom which distinguishes the Municipal system of England. The *raison d'être* for these drastic provisions in the English law is completely forgotten. The English Municipal system is the freest in the world. The Municipal Councillors are all elected; the executive is the executive appointed and controlled by the Corporation. There is not the smallest interference, on the part of the Government, with the internal administration of municipal affairs. Obviously the external control must be rigid in proportion. The more the active interference of Government from within, the less there is occasion for rigid control from without: the greater the measure of freedom given to the local bodies and the less there is active interference from within, the greater becomes the need for strong external control. The history of Municipal legislation in Bengal conclusively proves what the English system tends to establish. When the city was under the Government of the Justices, who were all nominated Commissioners and more or less Government men, there were no provisions in the Municipal law relating to control. When for the first time a Municipality, independent of the Government, was created, the Government thought it necessary to reserve to itself the power of control. Having given up the power of control from within, it sought to enforce control from without. But now when under the Bill the Government assumes large powers in the internal administration of the Municipality, when one-third of the members of the General Committee will be directly nominated by the Government, when in addition to the Chairman, a Deputy Chairman may be appointed by the Government, and when the Government assumes the power of taking action in various other matters, it seems to us that the circumstances are such as to call for the relaxation and not the strengthening of the powers of control reserved to the Government.

The control sections in the revised Bill differ from those in the English Public Health Act in important respects.

It is said that the control sections in the amended Bill "follow the English law", and this

English law is the Public Health Act of 1875. A reference to the control sections of this Act will shew that the Bill does not follow, but goes much beyond the English law.

Section 26D of the Bill authorizes the Local Government "to depute *any* of its officers to make an inspection and examination of *any* department, office, service, work, or thing under the control of *any* Municipal authority, and to report to it the result of such inspection or examination"; the corresponding section in the Public Health Act is section 293, which deals with the power of the Local Government Board to direct enquiries. It runs thus:—

The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such inquiries as they see fit in relation to any matters concerning the public health in any place, or any matters with respect to which their sanction, approval or consent is required by this Act.

How different are the two sections! Section 26D in the Bill covers the entire field of municipal administration, embracing the minutest details of work; while section 293 of the Public Health Act is restricted to "matters concerning the public health in any place," or to "matters with respect to which their sanction, approval or consent is required by the Act."

Sections 26D, 26E and 26F are said to be also based upon section 299 of the Public Health Act. This section deals with the power of the Board to enforce performance of duty by the defaulting Local Authority. It runs as follows:—

Where complaint is made to the Local Government Board that a local authority has made default in providing their district with sufficient sewers, or in the maintenance of existing sewers, or in providing their district with a supply of water, in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or that a local authority has made default in enforcing any provisions of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due enquiry, that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If such duty is not performed by the time limited in the order, such order may be enforced by writ of Mandamus, or the Local Government Board may appoint some person to perform such duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default, and any order made for the payment of such expenses and costs may be removed into the Court of Queen's Bench and be enforced in the same manner as if the same were an order of such Court.

Any person appointed under this section to perform the duty of a defaulting local authority shall, in the performance and for the purposes of such duty, be invested with all the powers of such authority other than (save as hereinafter provided) the powers of levying rates, and the Local Government Board may from time to time by order change any person so appointed.

It will be observed that under the amended Bill the Local Government is authorised to take action, *of its own motion*, either in the matter of directing inquiries or of enforcing performance of duty by any of the defaulting Municipal authorities. But under section 299 of the Public Health Act, which sections 26D, 26E and 26F are said to "follow," the Local Government Board is to move only "*when complaint is made to it*" (not on its own motion) and that in regard to certain well-defined specific matters.

After receiving the complaint the Local Board is to satisfy itself "after *due* enquiry" that the authority complained against has been guilty of the alleged default before issuing any orders on the matter. The *due* enquiry under the amended Bill will be the inspection and examination by a Government officer of any standing; and his report, which will necessarily be an *ex parte* document, will form the basis of the orders of the Local Government on the Corporation. And then the Local Government is virtually one single individual, who may happen to be at the head of affairs in Bengal at the time; while "the Local Government Board is an impersonal body, consisting of Her Majesty's principal Secretaries of State assisted by an able staff of engineering and medical experts." The joint decisions of such a body on such important matters, as are contemplated by section 299 of the Public Health Act, are sure to be less faulty and objectionable than that of a single individual, however capable he may be.

The next important point of difference between the provision in the Public Health Act and that in the amended Bill is in regard to the power of levying rates to meet the expenses of performing the duty of a defaulting authority. Under section 300 of the Public Health Act

the Local Government Board is authorised only to levy the local rate to the extent of the debt due by the defaulting authority, but under 26F (1-C) the Local Government in Calcutta is authorized not only to levy the rates and taxes, but also to *increase* them.

It will thus appear that in the (English) Public Health Act the power of control is restricted to only sanitary matters, *viz.*, to the provisions of the Public Health Act with a number of safeguards against any possible abuse thereof; while, as pointed out above, the sections in the Bill give to the Local Government control over the entire administration in its minutest detail, without any of the wholesome safeguards of the English Act.

Moreover, the Municipal Corporations Act of 1882 (applicable to all the Municipalities of England and Wales), which corresponds more nearly to a general Act on the municipal administration of a city, does not appear to contain any such stringent provisions for control by the Government over every minute detail of the administration as those embodied in the amended Bill, and which the Government of India have so thoroughly approved.

In this connection it would not be out of place to call the attention of the Government of India to what their predecessors declared in October 1882 on this subject. The following are extracts from the Resolution of the Government of India on Local Self-Government, dated the 18th May, 1882:—

Turning now to the second division of the subject—the decree of control to be retained by the Government over the local boards, and the manner in which that control should be exercised—the Governor-General in Council observes that the true principle to be followed in this matter is, that *the control should be exercised from without rather than from within*. The Government should revise and check the acts of the local bodies, but not dictate them. The executive authorities should have two powers of control. In the first place, their sanction should be required in order to give validity to certain acts, such as the raising of loans, the imposition of taxes in other than duly authorised forms, the alienation of municipal property, interference with any matters involving religious questions or affecting the public peace, and the like. (The cases in which such sanction should be insisted upon would have to be carefully considered by each Government, and they would at the outset be probably somewhat numerous, but, as the Boards gained in experience, might be reduced in number). In the second place, the Local Government should have power to interfere either to set aside altogether the proceedings of the Board in particular cases, or, in the event of gross and continued neglect of any important duty, to suspend the Board temporarily, by the appointment of persons to execute the office of the board until the neglected duty had been satisfactorily performed. That being done, the regular system should be re-established, a fresh board being elected or appointed. This power of absolute supersession would require in every case the consent of the Supreme Government.

It does not appear necessary, for the exercise of these powers, that the chief executive officers of towns, the sub-divisions or districts should be Chairmen or even members of the Local Boards. There is indeed much reason to believe that it would be more convenient that they should *superwise and control the acts of those bodies, without taking actual part in their proceedings*.

Again in the Government of India's letter addressed to the Government of Bombay on the same subject, on the 4th October, 1882, we read:—

It is essential to the success of the policy, laid down by Lord Mayo in 1870, and repeatedly enunciated since that time by the Government of India, that free opportunities of developing a capacity for Local Self-Government should be given to the people of this country; and there is ample evidence before the Government of India, coming from all parts of the country, that it is only by *removing the pressure of direct official interference* that the people can be brought to take sufficient interest in local matters, and to devote to them the same amount of care and attention that enables them successfully to manage their own private concerns.

The following is what Sir Rivers Thompson, late a Lieutenant-Governor of Bengal, said on the question of control, in November 1886, when the present Municipal law was under consideration by the local Legislative Council:—

Although I am unwilling to say anything as to the direction the Bill should take, I may perhaps simply, in a few words, express this view: that assuming that the constitution of the Town Council and of the Commissioners will be somewhat on the lines suggested already by the Government in dealing with the matter, as far as my personal views are concerned, I should be willing to concede that *the fullest independence should be accorded to the Municipal Commissioners under this Bill*, to deal with all matters comprised in the Bill within the terms of the law, *without any intervention on the part of the Government*. I can assure you that, having had now nearly five years' experience of Bengal Administration, and having had the subject of Municipal administration specially brought under my cognizance in all its forms, both in the mofussil and in Calcutta, there is nothing which the Lieutenant-Governor—I speak not for myself only, but any Lieutenant-Governor—is more glad to be relieved of than the duty of interference, partly on account of the extraordinary amount of work which it throws upon him in this matter of Municipal administration, and partly on the wider ground that it is the best to

leave Municipal administration free from such interference. In very many places we have seen in the mofussil, where harmonious co-operation exists, the very best results accruing from the measure of independence we have conceded, and I have not the slightest doubt that if we are to frame a Bill upon sound and proper lines, the right course, and the only proper course, is to leave to the Municipal Commissioners the utmost freedom to deal with the affairs of the Municipality under the power which the law gives them, without the annoyance which results from the interference of Government. But having said this much, I must repeat what I have said on other occasions in reference to the Acts relating to mofussil Municipal administration, that there should be and there must be a provision in the Act which shall reserve to the Government the absolute power and right to intervene in all cases where circumstances show that, whether from apathy, or indifference, or from quarrels or any other causes, the public interests are neglected; and when I say that a clause to that effect must be provided in the present Bill, I only give expression to that which obtains, I believe, in every legislation of the kind in any part of the world where Municipal institutions exist. I believe I am right in saying that, in English law nothing is more clearly settled than that, while giving the freest independence to local bodies, there is at the head of them all a Board, presided over generally by a Cabinet Minister, which has the most absolute right of interfering in cases of the kind I have referred to. And if such is necessary in England, in a community where the population is homogeneous, I am sure that in a capital like Calcutta, where there are a thousand interests, different sections of natives of creed and colour, and a large body of Europeans, there should be an external power to intervene in the case where intervention is necessary.

The privilege of appeal against orders of the Local Government is only one in name—a mere farce.

There is an extraordinary statement in paragraph 11, which cannot be passed over without comment. Dealing with the amended sections regarding the control of the Local Government, it is stated: "And though an appeal will still lie to the Government of India, the provision for the suspension of action pending appeal has been very properly abandoned." It is difficult to see how the Government of India could persuade themselves to approve of these amendments. Is it not revolting to all sense of justice, opposed to the cardinal principles of jurisprudence? What is an appeal good for, if the order appealed against is in the meantime carried out and the work finished? It would certainly be more straightforward to allow no appeal at all rather than to have an appeal in mere name and form.

The proposal for reduction in the number of elected Commissioners is traceable to the Government of India's "alarm" at the institution of co-ordinate authorities, coupled with the increased powers of the General Committee, in the face of the "unequivocal declaration" of Messrs. Sen and Banerjee.

It appears from paragraph 12 of the letter that the Government of India from the beginning "entertained fears as regards the institution of co-ordinate authorities and as to the possibility of friction resulting therefrom"; and those fears, it is stated, have since been "confirmed by changes which have been made in the Bill in the Select Committee, and by the opinions recorded by the Hon'ble Messrs. Sen and Banerjee in their minute of dissent." These changes, the Government of India point out, comprise "the very considerable increase of the powers of the Corporation over its officers and over the work of the General Committee regarding the appointment and leave of the officers, and regarding contracts, control and finance."

It may be pointed out here, in passing, that there is no chance of any friction between the Corporation and the General Committee owing to powers being given, under section 28J, to the former to grant leave of absence, etc., to the Chairman, Vice-Chairman and Deputy Chairman, subject to sanction by the Local Government, because under section 18 of the original Bill this power was vested only in the Local Government, the General Committee having had nothing to do in this matter. As to section 126, it is identically the same in both the original and amended Bills, and merely provides for "the form and effect of debentures," which may be changed by the Corporation with the previous sanction of the Government of India; so in this case also the question of friction with the General Committee owing to increased powers of the Corporation does not arise at all. The mention of these two sections in paragraph 11 of the letter, therefore, appears to have been made through an oversight.

Then, the particular opinion of Messrs. Sen and Banerjee, quoted in this paragraph, and to which pointed reference is made by the Government of India, runs thus: "An emasculated Corporation, but lately in possession of supreme power, must view with uneasiness, if not with positive jealousy, the creation of authorities, hitherto subordinate to it, but now rendered independent of it, in respect of the bulk of their powers and functions."

It is not very clear whether the Government of India approve of the introduction, on its c

merits, of the principle of three co-ordinate authorities as proposed in the Bill, but they seem to be decidedly of opinion that if the institution of co-ordinate authorities is to be retained along with the increased powers assigned to the Corporation under the revised Bill, the constitution of the Corporation must be materially modified, doing away with "want of homogeneity" between it and the General Committee, thus obviating the possibility of friction and the consequent failure of the measure. The Government of India have laid great stress upon what they call the "unequivocal declaration" of the two dissenting members of the Select Committee, as quoted above, and have evidently taken it as the opinion of the majority of the Corporation as constituted by the present Bill. And apparently it is from this majority of the Corporation, *i. e.*, the elected Commissioners, that the Government of India apprehend friction and difficulty. Therefore, the Government of India frankly and openly declare that they are still "not without alarm that the want of homogeneity already complained of may, if uncorrected, prejudicially affect the future success of the measure." The inference from this line of thought therefore is irresistible, *viz.*, that if the institution of co-ordinate authorities is to be made successful, "the majority of the Corporation, as constituted by the present Bill," from which friction is apprehended, must be materially weakened, and the possibility of any effective opposition, reasonable or other, must be obviated. Thus the idea of reducing the number of elected Commissioners by one-half, which, later on, has developed itself into a definite recommendation, may easily be traced in an embryonic state to this paragraph.

The proposal for reduction of the numerical strength of the Corporation.

The Government of India were so deeply impressed with the importance of this view of the case that they could not persuade themselves to sanction the Bill as amended; but had to seriously consider what modifications, either of principle or form, they should recommend, without having recourse to "any such radical reconstruction as would produce general irritation and throw away the labours of the past year." And the modification that has suggested itself to the Government of India is "the reduction of the numerical strength of the Corporation."

It is alleged that the numerical strength "seems to be disproportionately and unnecessarily large." The disproportion is said to be in regard to the number of electors by whom the majority are returned. The Government of India fail to see why 13,890 voters out of a population of 6,50,000 should return as many as 50 members. But, in the case of Calcutta, as pointed out in a previous note, no comparison could fairly be instituted between its population and the number of registered electors or voters; for, it is not the *whole* population, not even *all* the rate or tax-payers who are eligible by law to be voters, but only such of them as pay rates and taxes to the extent of Rs. 24 per annum. The municipal franchise in Calcutta is thus restricted by law, and excludes a very large number of poor rate-and-tax-payers from the privilege of electing their own representatives. Compared with the Municipalities in Great Britain, the municipal franchise in Calcutta is also restricted by the exclusion of female rate-and-tax-payers. It is further restricted by fixing the minimum assessed value of qualifying property at Rs. 150, same as in Great Britain, *viz.*, £10, with this vast difference, that while in a rich country like Great Britain it *brings in* as qualified electors a very large number of the rate-paying population of any city, here, in this very poor country, it has the reverse effect, *viz.*, of *excluding* the vast majority of rate-paying population from the privilege of being qualified electors. If the minimum assessed value of qualifying property in Calcutta were fixed at Rs. 50, or even Rs. 100, the number of electors would have been much larger. The franchise in Calcutta is still further restricted by the system introduced under the present Act (II of 1888) of levying rates on Bustee huts from the owners of the Bustee lands. This excludes the very large population of the Busteas in Calcutta from the privilege of being electors, even when they (and a large number of them actually do) contribute more than Rs. 24 per year as municipal rates; because they do not pay *direct*, but through their landlords. With all these manifold restrictions put upon the municipal franchise in Calcutta by law, the argument of "disproportion" between the population and the number of electors has no application whatever to Calcutta.

In this connection it should be borne in mind that the figure 13,890 represents the total number of voters or electors at the last general election held in March 1898, when there were contests in only 25 wards. And it is well-known that when there are no contests in a ward, a large number of rate-payers scarcely take the trouble to register themselves as voters; so if there were contests in all the 25 wards, the number of total electors might considerably increase. The present system

of registration of voters is also very defective, and that may account for the paucity of the total number of voters.

The Government of India has questioned the necessity and reasonableness of having 75 Commissioners to look after "the interests of a city of over 681,000 inhabitants," but "the experience of municipal institutions elsewhere," to which pointed reference is made in the letter under discussion, seems to point quite the other way. The following table shows the population and the number of councillors of some of the principal towns in Great Britain and Ireland:—

Towns.	Population, 1898.	Number of Councillors.	Towns	Population, 1898.	Number of Councillors.
Glasgow ...	7,24,349	78	Leeds . . .	4,16,618	64
Edinburgh	2,95,628	41	Sheffield . . .	3,56,478	64
Manchester	5,39,079	104	Dublin — . . .	2,45,001	60
Birmingham	5,10,343	72	Belfast — . . .	2,55,950	40
Liverpool	6,33,645	64			

Certainly with the above figures before us it cannot be said that 75 Municipal Commissioners are *too many* for Calcutta with a population of over 650,000. *

The Government of India are of opinion that a reduction in the numerical strength of the Corporation will prove a "most effective check upon the abuses and anomalies complained of." They believe that it will have the effect of making the new Corporation devote itself to action rather than to speech and to criticism; for, in their opinion, the charge of wasting valuable time on "talk," brought against the Commissioners by the Local Government, "is in the main to be attributed to the considerable and, as it would seem, excessive numbers of the municipal body."

In the first place it has been emphatically denied that there is any waste of valuable time or there is any unnecessary "talk" on the part of the Commissioners; and then whatever "talk" exists (for no deliberative body in the world can conduct business without talk—without interchange of views amongst its members), it is confined to only a handful of the leading Commissioners. In refutation of this vague and unwarranted allegation, a statement was prepared by the writer and published in December, 1896, and it may well be reproduced here:—

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

This will show, beyond the shadow of a doubt, the very large number of items of business that is disposed of by the Commissioners without discussion, and how few of the Commissioners "talk" or make speeches.

And in the next place, assuming for argument's sake that there is waste of time in making speeches, the question is, will the reduction in the number of Commissioners stop it? The Government of India seem to think as if *all* the 50 elected Commissioners are guilty of the offence of wasting valuable time in speeches; so that if their number is reduced to 25, the alleged abuse will be checked to the extent of half; or at any rate they seem to think that if the number of elected Commissioners is reduced by one-half, the worst offenders will be excluded from the Corporation. But in this the Government of India are wholly mistaken. The few elected Commissioners who "talk" and speak will *all* be returned (if they care to offer themselves for election after the present Bill becomes law) in spite of the reduction of the number, for they are the leading men of the community and have justified their election, time after time, by their honest, earnest and steady endeavour to work for the good of their own city. So, if "talk" and speech by the Commissioners is reckoned as a defect, the mere reduction of the number of Commissioners will not remedy it—the so-called "abuse" will continue to be there all the same. And if by "abuse" is meant liability to

*This was the figure (actually 649,401) obtained at the Census of 1891, as the population of the Town only including the population of the Fort and the Shipping the figure on the 26th of February, 1891, was 681,559.

corruption, it would seem that the chances of it would be greater when power was concentrated in a few hands than when it is distributed over many.

On the subject of the relation of "talk" to numbers, the late Sir Henry Harrison made the following observations on the 4th February, 1888, in the Bengal Council :—

At the same time I attach very little importance to this point (*i.e.*, the number of members of the Corporation). I do not believe there will be any practical difficulty in working, whether the number of Commissioners be 75, or 60, or 80, because we know that the time taken up by discussion does not depend on the total number of Commissioners present, but upon those Commissioners who wish to speak: and in a Corporation of even 40 members, the leading Commissioners would, for the most part, be returned, and these would take an active part in the discussion as at present. I do not think that in this respect there would be any great difference in a body of 40 members and a Corporation of 80 Commissioners, of whom 15 or 16 would, as a rule, take part in the discussions. Practically, therefore, I attach little importance to the number of the Corporation. We only revise the work of the Committees in general meetings of the whole body of Commissioners.

The "equality of balance" between the European and the Native (Indian) interests.

The proposal for the reduction of the number has, according to the Government of India, the further merit of "securing that more just and adequate representation of the various interests that compose the corporate life and wealth of Calcutta, which has been the avowed object of the promoters and supporters of the existing Bill." And such a representation the Government of India aver will be found in "an equality of balance between the two main interests and classes in the population of the city, *viz.*, the European interest largely preponderating in wealth and influence, and the native interest preponderating in numbers."

This is, no doubt, an important declaration, implying the absolute rejection of the theory of "three equal interests" (*viz.*, the Government, the commercial and the Native interests) so ingeniously put forward by the Local Government. Those who have opposed the Bill have stoutly refused to recognise three distinct main interests to be equally represented on the General Committee; and to them, at any rate, it is a matter of congratulation that Mr. Risley's pernicious theory of "three equal interests" has been cast to the winds. This is a theory started for the first time in connection with this Bill, evidently with the intention of keeping the "Native interest," *i.e.*, the interest of "residents, house-owners and ground land-lords," in a minority. In all previous discussions on this very subject only *two* (and not three) elements, parties, classes or interests have been recognised, *viz.* (in the words of Sir Alfred Croft, "the party of progress constituting a motive power, and the conservative party or party of criticism." It is therefore a relief to find the Government of India openly declaring that the more just and adequate representation of the various interests in Calcutta lies in an equality of balance between the *two* main interests and classes in the population of the city, *viz.*, the European and the Native interests, the former representing the party of progress and improvement and the latter of caution and economy.

What really constitutes "the corporate life and wealth of Calcutta?"

The Government of India, however, are wholly misinformed as to what really constitutes "the corporate life and wealth of Calcutta." They seem to be under the impression that in Calcutta the European interest largely preponderates in wealth and influence, while the Native interest largely preponderates in numbers. The Europeans, particularly the European men of business, no doubt possess unbounded influence with the Government of the country, either for good or for evil (and this the Indians have come to know to their cost), while the Natives (Indians) abound in numbers; but in the matter of "wealth of Calcutta," it is the Native (Indian) and not the European interest that largely predominates. The "wealth of Calcutta" is composed of its land and houses, and these are owned extensively by the Indians—the Hindus in particular, as the following figures in regard to the assessment of property in Calcutta will clearly shew :—

NATIONALITY.						Total annual valuation of property owned.	
						Rs.	A. P.
Hindus	...	...	...	...	...	1,27,17,433	8 0
Government, Corporation and Port Commissioners	...	...	...	...	...	32,10,015	0 0
Europeans and Eurasians	...	...	...	...	...	26,58,201	0 0
Mahomedans	..	..	..	..	..	14,41,894	0 0
Jews and Armenians	...	..	..	...	...	9,21,312	0 0
Other communities	...	..	..	..	..	1,07,834	0 0
Total						2,10,56,689	8 0

The European merchants residing in Calcutta may be very rich and wealthy, but how does that affect Calcutta? As a community they do not own any property in the city, neither have they invested any of their own capital in Calcutta; they have no doubt "built up a trade and invested their money" outside Calcutta, but that will not justify the expression that "the Europeans predominate in the wealth of Calcutta." Nor do these Europeans contribute specially to the coffers of the Municipality—there are no Octroi or Town duties levied here, which in Bombay bring in over 9 lacs, no tobacco duty licenses, which realise over 2 lacs in Bombay. The real truth is that in Calcutta the Europeans predominate only in influence, because of the foreign trade that passes through and in the name of this city; while the Indians predominate not only in numbers, but in wealth as well, and are the permanent residents of the place.

Reference to the "Bombay model" and the relative suggestion of Messrs. Sen and Banerjee, made in their Note of Dissent.

After dilating upon the want of correspondence in constituent proportions between the Corporation and the General Committee, under the revised Bill, and the possibility of friction arising therefrom, and pointing out the necessity for a reduction of the numerical strength of the Corporation in putting an effective check upon the abuses and anomalies complained of; the Government of India refer in paragraph 15 to a partiality they had indicated, at a very early stage in the history of this Bill, for the Bombay model as regards the constitution of both the General Committee and the Corporation; they also refer to paragraph 24 of the note of dissent which deals with the Bombay system of municipal Government generally. The Government of India have no doubt given the two dissenting members of the Bengal Council a well-deserved compliment for their valuable services on the Select Committee, but they seem to have at the same time unwittingly done them an injustice by interpreting their paragraph 24 in a way different from what they really intended. No doubt the dissenting members have thrown out a suggestion at the very end of the paragraph, but it has been made incidentally and has naturally arisen out of the criticisms they have themselves made in comparing the system of municipal government of Bombay with that of Calcutta. These members of Council have never expressed approval of the Bombay system, much less have they *wanted* it. They have pointed out that "the Bombay Act is the natural outgrowth of the systems of municipal administration, previously in force in Bombay, the principles of that Act are entirely foreign to the spirit which has characterized the Municipal legislation of Calcutta since 1863." In their deliberate opinion the Bombay system is not at all suited to Calcutta, and they have said so in clear and explicit terms: "We are no advocates of the Bombay system." Immediately following this sentence, comes the "suggestion"—a conditional suggestion—a suggestion dependent on the supposition that Government *will* have no other system than the Bombay one. They write: "But if it (the Bombay system) is *at all to be given a trial* in Calcutta, we are certainly of opinion that it will not do to borrow from it here and there, but that the system should be introduced into Calcutta in its entirety." It should be clearly noted that the Hon'ble Messrs. Sen and Banerjee's suggestion is not only conditional, but is for the Bombay system in its *entirety*.

Exposition of the amended plan for the constitution of the reformed Corporation of Calcutta and its Committees.

In paragraph 17 of the letter, "the amended plan for the constitution of the reformed Corporation of Calcutta and of its Committees" is expounded. Starting with the conclusion arrived at in paragraph 14, *viz.*, that "an equality of balance between the two main interests—the European and the Native interests—would secure the "more just and adequate representation" of the various interests in Calcutta, it is pointed out that "the Bombay Corporation is composed of *two* factors *equal in numbers*, and consisting respectively of members elected by the wards and of members appointed by the Government or elected by representative bodies," corresponding to what are known here as "the elected" and "the nominated" members of the Corporation.

Here, however, the existing proportion between the elected and the nominated is 2:1; and "the equality of balance" between the two factors or elements may be obtained by raising the number of the nominated to 50, the same as that of the elected. But that will make the Corporation consist of 100 members. Already the number 75 has been condemned as "considerable" and "excessive"; and the Europeans moreover do not desire to have the number of the "nominated" doubled; so the equality of balance must be established in some other way. Thus argue the Government of India.

Will then the Corporation consist of 72 members following exactly the Bombay model? No; that will necessitate the reduction of the number of the elected by 14 and the increase of the nominated by 11; and the objections to it are:—(1) the European section does not “desire” any increase; (2) the native element would take “serious exception” to the reduction, and (3) it would involve a radical reconstruction of the wards. Moreover, the Government of India are of opinion that even 72 members are not required for the Calcutta Corporation “in the interests either of adequate representation or of efficiency.”

In these circumstances the Government of India suggest that the Corporation should be composed of 50 members—25 “elected” and 25 “nominated;” this means, in plain language, that the reduction of the numerical strength of the Corporation from 75 to 50 will be effected by cutting down only the number of 50 elected Commissioners to 25. This proposal has no doubt the merit of avoiding two out of the three objections, pointed out above, against following exactly the Bombay model, in the way of reducing the number to 72. But what about the other objection, *viz.*, that the Native element would take a serious exception to the reduction of their number by 14, *i.e.*, from 50 to 36? Will not that “serious exception” be intensified when the number is reduced from 50 to 25? It seems quite inexplicable why this objection, held good and sufficient in one case, should be wholly disregarded in another case—particularly when the objection becomes much stronger and more intense. It may be pointed out, that from the standpoint of relative proportion it is immaterial whether it is minus 14 elected and plus 11 nominated or minus 25 elected (the nominated remaining the same as hitherto); but there is something in the number, apart from the proportion: the presence of 36 elected members in the Corporation is one thing and that of 25 is quite a different thing. Nevertheless, the objection is there—the serious exception on the part of the native element, already recognised and anticipated by the Government, continues to be there, but it is passed over with utter disregard to the great disappointment of the Indian ratepayers.

Various arguments have been used in diverse ways throughout the letter to establish the opinion of the Government of India that the numerical strength of the Corporation should be reduced and that there should be a correspondence in constituent elements between the Corporation and the General Committee; but nowhere has this important aspect of the question, *viz.*, making the number of the elected equal to that of the nominated, been discussed by the Government of India. It is the modification of “one of the broad principles of Local Self-Government already conceded.” As mentioned before, the proportion has been fixed from the beginning at 2 : 1; serious attempts have been made from time to time in the past to get it materially altered, but to no purpose, Government always standing fast by it. Sir Henry Harrison, in February 1888, when the Hon’ble Mr. Irving proposed in the Council that the total number of Commissioners should be 60, divided equally between the elected and the nominated, opposed Mr. Irving’s amendment and made the following pregnant observations:—

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.

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.

Will “the Bombay model be faithfully reproduced” by mere reduction of the number?

After indicating how the Corporation will be equally divided between the elected and the nominated members it is observed: “The Bombay model would in this way be faithfully reproduced, though with smaller numbers, in Calcutta. There would be created a strict equality and balance of interest between the European and the Native elements.” But the Government of India are taken in thinking that in Bombay the European and the Native elements are equally balanced.

In point of fact, the constitution of the Bombay Corporation is such that the Native (Indian) element has always largely predominated. The Bombay Corporation is composed of 36 members elected by the wards, 16 elected by the Justices of Peace, 2 by the Fellows of the Bombay University, 2 by the Bombay Chamber of Commerce, and 16 appointed by the Government. The Government of India seem to regard the representatives of the Justices and the Fellows as European, but in reality they are in the main Native (Indian). There are at present 572 Justices, of whom 335 are Indians and 237 Europeans; of the 343 Fellows, there are 208 Indians and 135 Europeans; the representatives of the respective bodies are therefore almost wholly Indians: of the 16 Justice Councillors (members of the Bombay Corporation are called Councillors), 15 are at present Indians: and of the two Fellow-Councillors, one is at present an Indian, but generally both have been Indians. It may be said that as the Justices of the Peace and the Fellows of the University are appointed by Government, they should be treated as European constituencies (in the sense in which the word is used in the letter of the Government of India), despite the fact that Indians form the majority in these bodies. But let us see the class of men who are returned by these bodies; there are at present amongst the 15 Indian Councillors, elected by the Justices, such men as the Hon'ble P. M. Mehta, Mr. C. H. Setalwad, Mr. J. C. Cama, Mr. F. S. Talyarkhan and others who unquestionably belong to the same school of thought as the majority of the elected Commissioners in Calcutta, whom the Government is so anxious to put down.

The Bombay Corporation at present is, as a whole, composed of 60 Indians and 12 Europeans, and in the Standing Committee there are 9 Indians and 3 Europeans. So there is no doubt as to the great predominance of the Indian element in the Bombay Corporation, and this has always been so. The case, however, will be quite different with the proposed constitution of the Calcutta Corporation. Amongst the 25 elected Commissioners there will be at least 3 European Commissioners from wards 16, 17 and 18, which are European wards, and where the European votes are the largest; and as the 25 nominated Commissioners with the Chairman are in the main European, the Native (Indian) element in the Corporation will be even hardly equal to the European element—a condition of things quite unlike what is prevalent in Bombay.

However, if the Bombay model is to be closely followed even only as regards the constitution of the Corporation, then the constituencies from which the nominated members are recruited must be re-arranged very differently from what has been the case hitherto. Instead of 15 appointed by Government, 4 elected by the Bengal Chamber, 4 elected by the Trades Association, and 2 elected by the Port Trust, as hitherto; if should be appointed by Government, 10 should be elected by the Honorary Presidency Magistrates (corresponding to the Justices of the Peace in Bombay), 2 by the Bengal Chamber of Commerce, and 2 by the Fellows of the Calcutta University. In Bombay the Port Trust is, no doubt, an influential body, but they have no representation on the Corporation; there are also many influential European Tradesmen in Bombay, but they have no Trades Association as in Calcutta, and they go unrepresented on the Bombay Corporation. If therefore Government would "follow closely" the Bombay model as regards the constitution of the Corporation, it must have the various representative bodies, that are to return members to the Corporation, re-arranged.

Fundamental points of difference between the "Bombay model" and what will be embodied in the finally Revised Bill.

In paragraph 18 it is stated that "the Select Committee have already in section 89A followed the Bombay model in giving to the Corporation power to appoint Special Committees to consider matters which are reserved by law for decision by the Corporation, and to delegate such of their duties to such Committees." But this, be it distinctly noted, is not following *exactly* the Bombay model. The section in the Bombay Act which corresponds to 89A of the amended Bill is 38, which runs as follows:—

"The Corporation may from time to time appoint out of their own body such and so many Committees consisting of such number of persons, and may refer to such Committees, for inquiry and report or for opinion, such special subjects relating to the purposes of this Act as they shall think fit."

It will be observed that under the Bombay Act the powers and privileges of the Corporation are much larger and more extensive than under the amended Bill. In the case of Calcutta the work of the Committees appointed by the Corporation will be restricted to "matters which are reserved by

law for decision by the Corporation"; while in the case of Bombay there is no such restriction, the Committees there may be appointed by the Corporation to inquire and report upon any subject relating to any of the purposes of the Act.

Power is also given to the Councillors or members of the Corporation individually under the Bombay Act (section 36R) "to bring forward *any* business or to make *any* substantive proposition" regarding the administration of the Act before the general meeting of the Corporation. This is one of those powers of revision, or powers of "control and superintendence," which the Bombay Corporation possesses, but which under the constitution proposed in the Bill will be totally withdrawn from the Calcutta Corporation:

The Bill also does not exactly follow the Bombay model in the matter of payment of fees. In Bombay the sum of Rs. 30 is paid to each member of the Standing Committee as fee for attendance, "from the beginning to the end of the meeting", at a meeting of the said Committee, at which business is transacted. And one such payment covers such meetings held in any one week. No fee, however, is paid to any member of any Sub-Committee of the Standing Committee. In the Bill for Calcutta the fee payable to members of the General Committee is fixed at Rs. 32, no matter whether any member attends the meeting all through or not. And the fee is fixed for one meeting; if there are more meetings than one in a week, the members attending will be paid the fee as many times. And as for attendance at meetings of the Sub-Committees, each of its members will be paid Rs. 16 for each sitting. The most anomalous thing in the amended Bill in connection with the question of payment of fees is that the members of the Special Committees to be appointed by the Corporation shall not be entitled to receive any fee.

The further and most important point of difference between the Bombay model and the proposal in the Bill in regard to the constitution of both the Corporation and the General Committee is that in Bombay the President of the Corporation and the President of the Standing Committee are elected respectively by those bodies themselves; the head of the executive, the Municipal Commissioner, though a distinct authority, is not even a member of either of the two deliberative bodies, while in Calcutta under the Bill the Chairman will be the President of both the Corporation and the General Committee and will thus exercise a potent influence on the deliberations of those bodies.

The Proposal for amendment of the constitution of the General Committee.

The principal point dealt with in paragraph 18, however, is the suggestion of the Government of India "that (the Bombay) model be more nearly followed in the constitution of the General Committee." And in making this suggestion they evidently think they have found a strong support in the opinion of Messrs. Sen and Banerjee that "the Standing Committee is really a Committee of the Corporation and not so merely in name, fully two-thirds of its members being elected by the Corporation. There is thus a feeling of solidarity among the majority of the members of the Standing Committee * * *." This does not indicate any "special approval" of the constitution of the Standing Committee on the part of the dissenting members, as the Government of India have observed. The sentence quoted should not be taken by itself, it should be read and interpreted in reference to the whole context. It should not be overlooked that Messrs. Sen and Banerjee were engaged in expressing their views against the Bill as amended and adopted by the majority of their colleagues of the Select Committee. The promoters of the Bill had declared that the constitutional part of the Bill was largely modelled on the Bombay Act. The dissenting members, therefore, were bound to refer to the Bombay Act, and this they did in paragraph 24; and their observations on the constitution of the Bombay Standing Committee must be taken as relative to or in comparison with the proposed constitution of the General Committee under the Bill. When therefore they wrote: "there is thus a feeling of solidarity among the majority of the members of the Standing Committee," they evidently implied that compared with the proposed constitution of the General Committee, with only one-third of it (4 members) elected by two-thirds (50 members) of the Corporation, there would be found a *greater* feeling of solidarity among the majority of members of the Standing Committee in Bombay than among the members of the General Committee in Calcutta, as proposed to be constituted in the revised Bill.

The General Committee to be constituted exactly on the Bombay model.

However, the Government of India recommend that in the formation of the new General Committee the Bombay model should be exactly followed, *viz.*, that one-third of the total number

of 12 members is to be nominated by the Government and the remaining two-thirds to be elected by the Corporation. The difference between the Bombay model and that proposed in the Bill, as drafted and revised, is this: in Bombay *two-thirds* of the Standing Committee are elected by the Corporation, while only *one-third* of the General Committee in Calcutta will be elected by only two-thirds of the Corporation; in Bombay the remaining one-third is nominated by Government, while here, of the remaining two-thirds, one-half will be appointed by the Government and the other half to be elected by the Chamber of Commerce, the Trades Association and the Port Trust. The Government of India evidently disapprove of the election by the Commercial and Trading bodies, at any rate, they do not seem to be in favour of it, and recommend doing away with that system altogether. They retain, however, the proposal of allowing Government to appoint one-third of the General Committee, because that would be following *exactly* the Bombay model. But this will have the effect of giving to the Government an unduly preponderating voice in the constitution of the General Committee, for, Government itself will not only appoint the one-third (4 members), but will have an indirect, though potent, voice in the election of the remaining two-thirds through the 15 nominated Commissioners and the Chairman, who would be all Government men. It is strange that the Government of India, who are so particular (and perhaps rightly about "logicality of form," have failed to notice the "illogicality" or the unreasonableness of allowing the Local Government, whose interest, according to the clearly expressed opinion of the Bengal Government, is only *equal* to that of the householders or that of the commercial community, to have such preponderance in the General Committee. Could not the work of appointing one-third of the General Committee be entrusted to the 15 Government nominees? Or could not the whole Corporation be entrusted to elect the one-third from among the 15 nominated Commissioners?

The proposal that two-thirds of the General Committee are to be elected by the Corporation.

As regards the two-thirds of the General Committee, the Government of India only recommend that the same be elected by the whole Corporation, leaving the Bengal Government "to suggest some plan that will secure to the two-thirds a strictly fair and proportionate representation of the constituent elements of the electoral body." This electoral body is no doubt the Corporation, but it is not quite clear what is meant by the "*constituent elements*" of the Corporation. It cannot mean the two main interests and classes, *viz.*, the European and the Native (Indian) referred to in the concluding sentence of paragraph 14 of the letter; for, in that case, it would have been much easier for the Government of India themselves to have laid down the proportion, *viz.*, one-third to be elected by the European element, *i. e.*, the nominated, and the remaining one-third by the Native element, the elected, rather than ask the Bengal Government to suggest some other plan. By "*constituent elements*" perhaps the various communities of the city are meant, and this view is supported by the fact that paragraph 19 begins with this observation that: "The circumstances of Bombay, however, differ materially from those of Calcutta, in one respect, *viz.*, in the numbers and strength of the various communities that compose the total population of the city, and are represented in the Municipal body." Therefore, the matter is left to the Bengal Government, whose local knowledge would enable them to devise "the plan" more successfully than if the Government of India attempted to do it.

The Government of India are obviously under the misapprehension that in point of numbers and strength of communities the population of Calcutta is more diversified than that of Bombay. In Calcutta there are only three prominent and influential communities, comprising almost the whole population of the city—Hindus, Mahomedans and Europeans; in Bombay there are the Hindus, Mahomedans, Parsis, Europeans, Native Christians and Portuguese (commonly called Goanese) and Jews. The Parsis and the Jews who reside in Calcutta are so few in number, compared with those in Bombay, that they do not form prominent and influential communities here and are seldom reckoned as such. Those who are acquainted with the circumstances of both the towns know very well that the population of Bombay consists of more varied communities than that of Calcutta.

But whether this is so or not, if the constitution of the two-thirds of the new General Committee is to be regulated in accordance with "the numbers and strength of the various communities that compose the total population of the city and are represented in the Municipal body," then there will be the same "want of correspondence, in constituent proportions, between the Corporation

and the new General Committee," to which the Government of India have very rightly taken serious exception. And the chances are that the elected or the Indian section of the Corporation—particularly the majority of them, the educated Hindus—will be in a hopeless minority; under the Bill they will have 4 seats, while under the plan suggested by the Government of India and as interpreted in this Note they may have only 2 or at the most 3 seats; the number 8 being divided equally between at least the three leading communities of Calcutta. The recommendation of the Government of India will thus be worse than the provisions in the original Bill, and it will undoubtedly create rather than allay friction and irritation.

When the Government of India once admit, as they have admitted in paragraph 14, that (1) "the two main interests and classes in the population of the city, *viz.*, the European interest and the Native (Indian) interest" are to be *equally* balanced in the Corporation; and that (2) the constitution of the General Committee should exactly correspond with that of the Corporation; the conclusion is incontrovertible that in the General Committee the proportion between the European (the nominated) and the Indian (the elected) sections must be equal; that is to say, 6 nominated and 6 elected. It is therefore difficult to account for the extraordinary and "illogical" conclusion to which the Government of India have arrived, *viz.*, that of the 12 members of the General Committee one-third is to be appointed by the Local Government and two-thirds to be elected by the Corporation.

The proposal that Special Committees or Sub-Committees are also to be so constituted as to be homogeneous in constitution with the body appointing them

In paragraph 20 the Government of India make a further recommendation to the effect that rules be laid down "for the appointment of the Special Committees and Sub-Committees which would secure their being truly representative, in respect of their constituent elements, of the Corporation or General Committee appointing them." It is suggested that these rules be embodied in sections 89A (4) and 590 (1) which provide for the conduct of the business of Special Committees of the Corporation and the Sub-Committees of the General Committee respectively. Even these rules, it is to be noted, are to be subject to sanction by the Local Government in terms of the provisions of sections 595 and 597, adverted to by the Government of India.

In theory this is, no doubt, a good recommendation; but have the Government of India enquired what will be its effect in practice? It is the Indian (elected) element that will consent to act and go through the drudgery of Committee work, while the European (nominated) element will be conspicuous by its absence; except perhaps in the case of Sub-Committees of the General Committee, where they will each be paid Rs. 16 per meeting for their attendance, even if such attendance be for a few minutes only. To be able to do Committee work properly one must be prepared to devote a portion of his time and attention to the matters before the Committee, he must have leisure and must feel some interest in the work; this the European merchants and tradesmen will not do—cannot do, in the very nature of things. As a rule they come to this country to acquire money and for no other purpose; and any question, however important on its own merits and from the point of view of permanent residents and rate-payers of the city, can possibly have no interest for them, unless it be the means of bringing some money to their pockets.

On this very question Sir Henry Harrison, with his large experience of the working of the affairs of the City, observed as follows:—

"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? we cannot hope for that, we must fall back upon the present lines 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."

One of the most fatal objections to this recommendation is that it will have the effect of rendering the Committees and Sub-Committees quite unworkable. Generally speaking, the almost universal

rule about the formation of Special Committees or Sub-Committees is to appoint as members thereof only such persons as possess a special knowledge or aptitude in regard to the particular matter to be dealt with by them, irrespective of any consideration as to creed or color. The Government of India themselves seem to have been struck with this impracticable feature of their recommendation, for, at the end of paragraph 20, it is stated: "It might not be necessary or *feasible* for all such Special Committees and Sub-Committees to be homogeneous in constitution with the body appointing them."

The fallacious position taken up by the Government of India in recommending the acceptance of the Bill as it will now be finally amended.

The few sentences towards the close of paragraph 21 are significant; the whole case of the Government against the present constitution may be said to be pithily embodied therein; but it is fallacious all through. It is stated: "That evils and abuses have grown up in the existing Municipal system will not be disputed. That they stand in need of correction cannot be denied." That evils and abuses may have grown up in the present Municipal system—a system which has been in existence for so many years—is not an impossibility. The real dispute has been not as to the possible existence of any "evils and abuses," but as to what those "evils and abuses" really are. The "evils and abuses," as enumerated by the Bengal Government, are, in most cases, grossly exaggerated; in some cases the actual facts have been very much distorted and in others there is no foundation whatever for the statements made. If there are "evils and abuses," probably these lie in directions quite different from those in which the Government have sought them; and they can be discovered and correctly formulated only by means of an independent and impartial enquiry, based upon the evidence of men having an intimate knowledge of the administration of the City.

That abuses which exist stand in need of correction must be admitted by all; but the "abuses" must be first ascertained—the real disease must be first detected before any remedy is prescribed and applied. In the case of the Calcutta municipal administration quite a false diagnosis has been made, and the remedies proposed are therefore wrong and unsuitable. In these circumstances, the Indian community are naturally reluctant to accept the 'correction' proposed. If a Commission of Enquiry had been appointed, Government would have found what "evils and abuses," if any, had really grown up *in practice*, and they would then have been in a far better position to devise proper remedies, as *suggested by experience*, and not based upon mere hypothesis.

Appeal for the vindication of the wisdom of the decision of the Government, 23 years ago.

The concluding sentence of the letter, however, reads very queer in the light of the important radical changes proposed by the Government of India in the constitution of the Corporation. It is an appeal to all parties "to vindicate the wisdom of the decision that twenty-three years ago first accorded the privileges of Local Self-Government to the capital of the Indian Empire." But do not the Government of India, by their own action, denounce that wisdom as folly? Is not the decision, now arrived at by the present Government, tantamount to declaring that their predecessors committed a serious mistake in determining the numerical strength of the Corporation first at 72 and subsequently at 75, and in fixing the proportion between the elected and the nominated Commissioners at 2: 1 and subsequently ratifying the same in 1888? Therefore, by accepting the Government of India's amendments without demur and by agreeing to work under the proposed law, the community of Calcutta would be vindicating *not the wisdom, but the unwisdom of the decision* that twenty-three years ago first accorded the privileges of Local Self-Government to Calcutta. The attitude of the present Government in regard to this "decision" of their predecessors, 23 years ago, reminds one of the oft-quoted lines of Pope:—

"We think our fathers fools, so wise we grow;
Our wiser sons, no doubt, will think us so."

Summary of the four specific recommendations of the Government of India

Now, to sum up the recommendations specifically made by the Government of India in their letter under discussion:—

1. The number of Commissioners composing the Corporation to be reduced from 75 to 50.
2. The proportion between the elected and the nominated Commissioners, which has hitherto been 2: 1, to be made equal, *i. e.*, the Corporation to consist of 25 elected and 25 nominated Commissioners.

3. Of the 12 members of the General Committee, 4 to be appointed by the Local Government and 8 to be elected by the Corporation.

(It is left with the Local Government "to suggest some plan that will secure to that proportion (two-thirds) of the General Committee which is to be elected by the entire Corporation a strictly fair and proportionate representation of the constituents of the electoral body.")

4. Provision to be made in the Bill laying down rules for the appointment of the Special Committees and Sub-Committees, so that they may be, whenever found necessary, "homogeneous in constitution with the body appointing them."

The finally revised Bill, with the amendments suggested by the Government of India, will be infinitely worse than Sir A. Mackenzie's Bill.

The Bengal Government has accepted these recommendations, and instructions have already been given to the Select Committee of the Bengal Council to embody them in the amended Bill. Now, what will be the character of the revised Bill with these amendments suggested by the Government of India? Why, it will be infinitely worse, from the rate-payer's point of view, than even the original Bill as introduced by Sir Alexander Mackenzie; it will retain all the worst features of the original Bill and will have further added to it the most objectionable amendments now proposed. Under Sir A. Mackenzie's Bill, although the powers and privileges of the Corporation were very materially curtailed, its constitution was left untouched. Mr. Risley said: "He (Sir Alexander Mackenzie) would leave untouched the number of the Commissioners and the methods of electing and appointing them; he does not propose to alter the franchise or to reconstruct the present arrangement of wards. For the last twenty years Calcutta has had an elective municipality, and there are obvious objections to restricting the operation of the elective principle so far, at any rate, as the main body of the Corporation is concerned." Sir John Woodburn from his place in the Bengal Council, also said on the 12th November last:—

"And, speaking for myself, I endorse with the heartiest pleasure and satisfaction the decision that the constitution of the Corporation shall remain as it is. I look upon it as of the greatest value to the administration of the City that there should be numerous wards and numerous delegates. The information and advice about local needs, which these delegates bring, will be of most important service. * * * I welcome, therefore, personally the arrangements which retain a large number of local Councillors * * *"

So far therefore as the rate-payers of Calcutta are concerned, there was, under both the original and the revised Bill, at least a portion of the administration (though very much restricted in its sphere) in which their representatives possessed the privilege of preponderance in number; but the amendments of the Government of India will have the effect of curtailing even that privilege. Sir Alexander Mackenzie limited their sphere of action and influence within very narrow limits, but Lord Curzon would not allow the elected representatives to have any preponderance or any influence in any sphere of municipal administration. This is certainly going much beyond what the Local Government ventured to suggest, and the responsibility for this rests with the Government of India.

So the evident result of an appeal in this case is a substantial enhancement of punishment!! It looks as if it would have been far better not to have preferred any appeal at all in the matter

The full scope of the letter of the Government of India has not been realized by the Bengal Government.

But a close and careful study of the letter of the Government of India, particularly its concluding paragraph, makes one very much doubtful as to the correctness of the interpretation put upon it by the Bengal Government, *viz.*, that the suggestions of the Government of India are strictly confined to the four specific items, mentioned above. Paragraph 21 begins with the words: "Such are the *outlines of the revision* of the existing scheme"; reading it along with the opening sentence of paragraph 16, *viz.*, "the Government of India are inclined to think that in this suggestion (referring to the concluding sentence of paragraph 24 of Messrs. Sen and Banerjee's note of dissent) and in a more close adaptation of the Bombay model, might be found the solution which they are seeking," one is forced to the conclusion that, in suggesting a reconsideration and revision of the constitutional part of the Bill, the Government of India wish the Bengal Government to go into a much wider sphere of the question than what is covered merely by those four specific recommendations.

This view seems to be consistent with reason and common sense, particularly having regard to the concluding paragraph of the letter of the Government of India, in which they have made a touching appeal to all parties and to all classes of the community. They have observed: "The Bill already introduced has excited no small share of criticism. Exception can also doubtless be taken to the provisions of the suggested, or indeed of any other possible, modification of that Bill. The Government of India, however, who in framing these proposals have been actuated by a sincere desire to promote harmony equally with good government in the future, entertain the hope that there may henceforward be a truce to such dissension, and that the Bill as remodelled may be accepted by all classes in the spirit in which its modification has been discussed and put forward by them."

The "dissension," referred to, represents the opposition to the Bill by the Indian community. So far as the Europeans are concerned, there has been no "dissension" on their part; the Bill has been introduced avowedly in their interest, and they have accepted both the original and the revised Bill with great satisfaction. When therefore the Government of India express the hope "that there may henceforward be a truce to such dissension," there can be no doubt that it is addressed to the Indian community alone, and if the interpretation put upon the letter of the Government of India by the Bengal Government be correct, would it not be a mockery, adding insult to injury, to ask those in opposition to accept the "modifications" (which, as indicated above, will have the effect of depriving them of even the little power, privilege and influence left to them under both the original and the revised Bill), to desist from further opposition and accord "amicable and patriotic co-operation" in the administration of the affairs of the city? If a man is offered the sum of ten rupees and he refuses to take it and grumbles, can anybody in his senses expect, much less hope, that he will cease to grumble and be satisfied--"that there will be a truce to such dissension"--when the offer is *reduced* to five rupees?

The Government of India, after discussing the question of the constitution of the Corporation and the General Committee, and after making certain suggestions, earnestly express "the hope that there may be a truce to such dissension" and a return to friendly co-operation among all sections of the community, the Indian section not excepted. And it would be doing a grave injustice to the good sense and high dignity of the Government of India to hold, as the Bengal Government have so firmly held, that beyond the four specific recommendations there is no suggestion in the letter of the Government of India to introduce other amendments, which, from the point of view of the Indian rate-payers and their elected representatives on the Corporation, may be looked upon as improvements upon the Bill, as revised by the Select Committee. Looking at the question from this standpoint, one is forced to the conclusion that it is intended, though not so clearly expressed, by the Government of India that the Bombay model should be *more closely* adopted, on the lines of the suggestion contained in paragraph 24 of Messrs. Sen and Banerjee's note of dissent.

If, as in Bombay, (1) the Corporation is given the power of exercising general "control and superintendence" (in the words of Lord Reay) over the affairs of the city; if, as in Bombay, (2) the Corporation and the General Committee are authorized to elect their respective Presidents; and if, as in Bombay, (3) the Chairman, one of the three separate Municipal authorities, like the Municipal Commissioner of Bombay, is *not* made a member of either of these two deliberative bodies (the other two co-ordinate authorities), that would no doubt be some improvement upon the revised Bill; and though very far short of what the Indian community want, in it might be found some justification for the Government of India to expect "a truce to dissension" and a return to "friendly co-operation."

Sir John Woodburn's view of the letter of the Government of India.

But as pointed out before, the Bengal Government have read and understood the letter of the Government of India in a very different way. Sir John Woodburn from his place in the Bengal Council has openly declared that the whole gist of the letter of the Government of India is this: "that for efficient administration a change in the constitution of the Corporation must be made, and that we (the Council) must go still further than we proposed in the amendment of the constitution." His Honor has again observed: "The conclusion is not that Sir A. Mackenzie's Bill went too far, but that it did not go far enough, and that the number of elected members on the Corporation must be reduced from fifty to twenty-five." The instructions to the Select Committee therefore are to confine themselves within the four corners of these four specific recommendations, and not to travel beyond them at all.

Sir John Woodburn's hint to the opposition Members in Council and to the Community of Calcutta as to "their further attitude in this discussion."

Sir John Woodburn has further observed: "I cannot expect the honorable members who oppose the Bill to accept it without objection; but I am sure that they and the community of Calcutta will, in their further attitude in this discussion, remember the character of the tribunal which has given this decision, * *. It is final." It is no doubt final so far as the members of the Bengal Council are concerned; but the community of Calcutta, the Indian section of it, at any rate, cannot be expected to accept the Bill without further objection and opposition.

To the Indian Community of Calcutta, the British nation is their Privy Council—the final Court of Appeal.

The Government of India have been compared to the Privy Council, and it may be so, as far as the Bengal Government or the Bengal Council are concerned; but to the community of Calcutta, the India Government is not the Privy Council, it is only a higher and superior Court of Appeal; their Privy Council, the highest Court of Appeal, is the British people and their elected representatives in the House of Commons—that fountain-head of justice and fair-play—to which everybody, from all parts of the globe, looks up for the redress of all wrongs and the correction of all injustice. The final appeal of the people of Calcutta is to that great nation in whose hands it has pleased Providence to entrust the administration of this country.

What the future Course of the opposition should be.

The opposition against the Bill has, so far, been conducted by the Indian section of the community with commendable zeal, tact, judgment and moderation, and although unfortunately their efforts have turned out to be futile, they have still the satisfaction of having done their duty to themselves and to the country. The next and almost the final course open to them, under constitutional methods taught by the British people, is to submit their case, so unjustly and so wantonly dealt with by the Government of this country, at the bar of English Public opinion. It is very doubtful whether any practical good will come out of any further agitation on the question even in England, so far as the present Calcutta Municipal Bill is concerned; still a proper appeal should be made, through the Press and the Platform, to the just, generous and liberal instincts of Englishmen at home, who will be able to look into the question on its own merits, in a perfectly impartial and disinterested spirit, free from any bias, preconceived ideas or local prejudices; and this not so much in the hope of securing any immediate favourable result, but as a matter of principle and in the interest of any movement that may be taken up in the future in connection with the restoration of real Local Self-Government to Calcutta.

Concluding remarks.

To conclude: the time has now come, which cannot be lightly overlooked, when the Indian section of the community—the Educated Hindus in particular—must seriously recognise the position which the Government of the country are determined to assign to them, not only in the administration of the local affairs of their own city, but in the wider field of the government of this vast country. We know what Mr. Risley has said of the Educated Hindus in connection with this Municipal Bill, and that opinion has been tacitly accepted by both the Local and the Imperial Governments: we remember what Lord George Hamilton has also said of them from time to time from his place as the Secretary of State for India. The present Government both here and in England do not want "Young Bengal, New India, the *soi-disant* democratic section of the community" to help them in the work of administration; they are intolerant of any opposition, however well-meant and however just and well-founded, proceeding from Educated Indians. The treatment that the Indian community of Calcutta has received at the hands of the Government in connection with the Municipal Bill is indeed most humiliating: important and earnest representations have been made, several memorials have been submitted, a Commission of Enquiry into the working of a system which has been in existence for so many years has been prayed for; but all to no purpose—no heed has been paid to them; the views and opinions of the Indian community have been wholly disregarded. In these circumstances, the question naturally arises, what should be the proper course for the Indian community to follow after the Bill is passed—a Bill which will withdraw from them the privileges of Local Self-Government, conceded to them about a quarter of a century ago by a generous and liberal Government; for reasons which have been openly challenged; on *ex-parte* statements, the accuracy of which has been publicly questioned; on allegations which are

absolutely without any foundation—in fact, on a miserable case which the Government dare not submit to an independent and impartial Commission for enquiry. Why, the most dignified course would now be to respectfully approach the Government and ask for the withdrawal of the small remnant that will be still left of Local Self-Government and for being relieved of the duty of helping the Government in the work of administration of the affairs of the City. Should the Government lend a deaf ear even to such representation, let us ourselves quietly retire from the field in utter despair.

***Note of Dissent on the second Report of the Select Committee by the
Hon'ble Surendra Nath Banerjee.***

I sign the Report, subject to the following Note of Dissent :—

The Calcutta Municipal Bill, as further revised by the Select Committee, is an instance of legislation under a mandate. It is remarkable that no member of the Select Committee, official or non-official, had, before the receipt of the recommendations of the Government of India, suggested a reduction of the numerical strength of the Corporation or of the popular element in that body; and the Select Committee, which now acquiesces in these important and far-reaching changes, is, with the exception of two of its members, the same Select Committee which, only three months ago, acquiesced in the view that there should be no change as regards these fundamental conditions in the present constitution of the Calcutta Corporation. But now, in accordance with the recommendations of the Government of India, the majority agree to reduce the popular element by fifty per cent. of its former strength. It cannot be said that this is altogether a new suggestion, for a proposal of this kind was made in the columns of the *Pioneer* newspaper, and the suggestion itself was present to the mind of His Honor the Lieutenant-Governor. His Honor observed at the last meeting of the Council that the arguments which the Government of India use "have never been absent from his mind or that of his predecessor."

2. When a motion was made in the House of Commons in February last for the appointment of a Commission of Enquiry in connection with the Calcutta Municipal Bill, the Secretary of State opposed the motion on this, among other grounds, that the Bengal Legislative Council was a self-governing body, and to take the consideration of the Bill out of its hands would be an infraction of the privileges of Self-Government. It is very evident that if the Bengal Legislative Council were a self-governing body, the proposals of the Government of India would not have been accepted by the majority who had only recently pledged themselves to an opposite principle and an opposite course of policy.

3. The proposals of the Government of India, as interpreted by the Select Committee and incorporated in the Bill, may be briefly summarized as follows :—

(1) That the number of Municipal Commissioners be reduced from seventy-five to fifty.

(2) That the reduction is to apply only to the elected element in the Corporation, the number of nominated Commissioners remaining unaltered. The Commissioners elected by the rate-payers are to be reduced to one-half of their present numerical strength, namely, from fifty to twenty-five.

(3) That as regards the constitution of the General Committee, which is to consist of twelve members, four members, or one-third of the entire body, are to be nominated by the Government, and the remaining two-thirds are to be elected by the Corporation so as to secure on the General Committee "a strictly fair and proportionate representation of the constituent elements of the electoral body." The electoral body, which is the Corporation, will consist of two branches of equal numerical strength, namely, twenty-five nominated and twenty-five elected Commissioners. A strictly fair and proportionate representation of the constituent elements of the Corporation has been interpreted to mean that, of the eight members to be elected by that body for the General Committee, four are to be nominated and four are to be elected Commissioners.

(4) Lastly, the Special Committees and the Sub-Committees are to be so constituted as to be truly representative of the constituent elements of the body that appoints them, whether it be the Corporation or the General Committee.

4. The Government of India express the hope that these proposals being made by them, there may henceforward be a truce to all dissensions, and the Government appeal to all classes of the community, including the Hindu and Mahomedan rate-payers of the town, for their friendly

and disinterested co-operation, with a view to vindicate the wisdom of the decision which twenty-three years ago extended to Calcutta the privileges of Local Self-Government. The Government of India would scarcely make such an appeal, if being convinced of the unsatisfactory character of the Bill, as revised by the Select Committee, they did not offer something better. The Bombay Municipal system, however inferior to the present Municipal system of Calcutta, is undoubtedly less retrograde than the system provided in the Select Committee's Bill. But the modifications now made in accordance with the proposals of the Government of India, as interpreted by the Select Committee, make the Bill distinctly worse and less acceptable to the bulk of the rate-payers of Calcutta. It is almost inconceivable that the Government of India could have offered such a solution of the difficulty and have made it the ground of an appeal to all classes of the community for harmonious co-operation in the municipal government of the town. They suggest, as it seems to me, a much closer adaptation of the Bombay system than what has been attempted by the Select Committee; for, quoting the words used by Babu Norendra Nath Sen and myself in our Note of Dissent, which are reproduced in the margin, they say—"The Government of India are inclined

'We are no advocates of the Bombay system; but if it is at all to be given a trial in Calcutta, we are certainly of opinion that it will not do to borrow from it here and there, but that the system should be introduced into Calcutta in its entirety.'

to think that in this suggestion and in a more close adaptation of the Bombay model might be found the solution for which they are seeking."

Our "suggestion" was that if the Bombay Municipal system was at all to be adopted, it should be adopted in its entirety. But in the proposals formulated by the Select Committee and adopted in the Bill, there has been no *real* adaptation of the Bombay system, and what is more, these

proposals are in direct contravention of the spirit and avowed intention of the letter of the Government of India, which is "to see these objects attained, not by any contravention of the broad principles of Local Self-Government already conceded, but by a curtailment of the abuses to which in practice they may have been exposed and by a restriction within limits suggested by experience of the range of their future operation."

5. Further, it will be seen from paragraph 20 of the letter of the Government of India that they suggest only "the outlines of the revision of the existing system," and nothing more. Nor is the fact to be lost sight of that with the paragraph of the Note of the dissenting members referred to above before them, the Government of India suggest "a more close adaptation of the Bombay model" with only two reservations, namely, the reduction of the numerical strength of the Corporation to 50 instead of 72, and a provision for the proportionate representation of the constituent elements of the Corporation in the portion of the General Committee (two-thirds) to be elected by that body. The inference therefore is perfectly legitimate that the Government of India are in favour of the adoption of the Bombay system in all other respects.

6. For these reasons, I cannot think that the Bill, as further revised by the Select Committee, correctly represents the views of the Government of India. I read their proposals in a different way from the majority of the Select Committee. But assuming that the Select Committee are right in their interpretation, I have no hesitation in saying that these proposals are retrograde and reactionary and utterly subversive of the broad principles of Local Self-Government conceded in 1876, which it is the avowed intention of the Government of India to preserve and maintain. If I am right in this contention, then I respectfully submit I am entitled to appeal to the Government of India (assuming that the view of the Select Committee is correct) for a reconsideration of their proposals in the light of their own avowed and declared policy

7. The Government of India say in paragraph 7 of their letter—

"The Government of India cannot fail to realise that they have a special responsibility in this case. It would be strange indeed if they did not feel a peculiar interest in a measure affecting the municipal constitution of a city, which is not merely the capital of the Province of Bengal, but also the seat of the Imperial Government and the capital of the Indian Empire. They are deeply persuaded of the importance of a local administration, which shall adequately represent the various great interests that have placed, and still keep, Calcutta in its premier position in India, and which shall be businesslike, efficient, and free from scandal or reproach. At the same time it would be their natural desire, in the interests both of continuity of administration and of public harmony, to see these objects attained, not by any contravention of the broad principles of Local Self-Government already conceded, but by a curtailment of the abuses to which in practice they may have become exposed, and by a restriction, within limits suggested by experience, of the range of their future operation. In these opinions the Government of India are convinced that they have the sympathy of the Lieutenant-Governor.

The Government of India are anxious that the municipal administration of Calcutta should be "businesslike, efficient, and free from scandal or reproach." At the same time they desire that there

should be "no contravention of the broad principles of Local Self-Government already conceded," that abuses should be checked and the continuity of administration maintained. I venture to hold that the changes introduced in the Bill, as further revised by the Select Committee, especially the reduction of the popular element to one-half its present strength, is absolutely subversive of the principles of Local Self-Government which have already been conceded. To reduce the number of Commissioners is to restrict the diffusion of local interest in local affairs, and is prejudicial to Local Self-Government, but to reduce the representatives of the rate-payers to a minority in the Corporation is to lay the axe at the root of those principles which were conceded in 1876 and re-affirmed in 1888. Let me for a moment consider what those principles were—

(1) In the first place, the Corporation was declared to be the one supreme authority in the administration of the Municipal affairs of the town, fixing the rates and taxes, regulating expenditure, appointing the superior officers subject to the sanction of the Government—in short controlling, guiding and directing the affairs of the town. To the Corporation the executive was responsible. This principle has been recognised in the constitution of the Corporation ever since there has been a Corporation in Calcutta. It was re-affirmed when the system of Local Self-Government was introduced in 1876.

(2) Secondly, the rate-payers of Calcutta were permitted the privilege of electing their own representatives, to the extent of two-thirds of the entire numerical strength of the Corporation. In other words, the government of the town, the control of its municipal affairs, was placed in the hands of the representatives of the people. This was the dominant feature of the great concession of 1876, the one most dearly prized by the people; and it is this concession which is now assailed by the provisions of the Bill, as further revised by the Select Committee.

(3) Lastly, as a part of the scheme of 1876, the Government as a necessary safeguard, and in return for its practically complete delegation of authority to the Corporation, reserved to itself the right of control over the Corporation, to be exercised from without and not from within.

8. Now as regards the first of these concessions, namely, the Corporation being the one supreme authority in the administration of our municipal affairs, it is distinctively negated by the system of co-ordinate authorities. Where there are co-ordinate authorities exercising jurisdiction independent of the Corporation, the supremacy of the Corporation is at an end. The first of the concessions therefore referred to above, which is even older than the system of Local Self-Government in Calcutta, is withdrawn. I will not repeat the arguments against the system of co-ordinate authorities which I urged in my Note of Dissent (*vide* paragraphs 12 to 15 of the Note of Dissent). With all the respect that I can possibly feel for the high authorities who take a different view of the subject, I venture to submit that no matter what safeguards may be provided by ensuring homogeneity in the constitution of the Corporation, the most comprehensive foresight will not suffice to guard against every possible contingency which may arise; there will necessarily be friction, there will be conflict of authorities, there will be overlapping of jurisdiction, followed by their inevitable results.

9. Next, as regards the powers of control reserved to the Government under the great scheme of 1876, they are rendered still more stringent under the Bill as submitted to the Government of India, and the provisions of this part of the Bill have been approved by that Government. Here again, it is unnecessary for me to repeat the arguments which I have already urged in our joint Note of Dissent. I will add that these stringent provisions are justified on the ground that they follow the model of English legislation on the subject. But the provisions of the Bill go much further than those of the English Public Health Act. The interference of the English Local Government Board is confined to sanitary matters, and can only be invoked upon complaint made. The Bill provides for the interference of the Government in regard to *all* matters, and covers the entire sphere of municipal administration—sanitary or otherwise. Further, the Government need not wait for any complaint being made—it may intervene on its own motion. Again, under the English Public Health Act, the Local Government Board is authorized to levy the local rate only to the extent of the debt due by the defaulting local body. Under the Bill, the Local Government may *raise* the rates and taxes and may even incur a loan. Some years ago, the Government of Bengal thought of creating a special department of the Government to control the municipal affairs of the Province. The creation of an institution like the Local Government Board, in Bengal, but adapted to the circumstances of the Province, would be a welcome innovation. However that may be, while under

the Bill the authority of the Government over the Municipality is increased, the authority of the people and of their representatives is extinguished.

10. I now proceed to consider that which was the dominant feature of the concession of 1876—the essence of the “broad principles of Local Self-Government”—and which I have no hesitation in saying is nullified—(1), by the reduction of the number of Municipal Commissioners, and (2), by the reduction of the representative element in the Corporation to one-half its present strength

11. Now as regards the reduction of the number of Municipal Commissioners, the Government of India say in their letter—

“The Government of India have been struck, in their examination of the grounds advanced both by Sir Alexander Mackenzie and Sir John Woodburn for the measure, by the allegation that the existing Corporation has devoted itself to speech and to criticism rather than to action. This charge, while doubtless to some extent due to the temper and spirit in which it has approached its work, is in the main to be attributed to the considerable and, as it would seem, excessive, numbers of the municipal body. Their numerical strength, when viewed in regard either to the number of electors by whom the majority are returned, or to the experience of municipal institutions elsewhere, seems to be disproportionately and unnecessarily large. There can be no reason why a number of voters returned as only 13,890 out of a total ward population estimated at about 6,50,000, or a proportion of little more than 2 per cent., should return as many as 50 members; or why the interests of a city even of over 6,81,000 inhabitants should require the services of 75 Commissioners for their proper protection. The Government of India are disposed, therefore, to think that a most effective, though hitherto unsuspected, check upon the abuses and anomalies complained of might be found in a reduction of the numerical strength of the Corporation.”

Even if it were the case, which I am not prepared to admit, that the Corporation “has devoted itself to speech and to criticism rather than to action,” the circumstance would imply no reflection upon that body; for being deliberative by its constitution, the function of the Corporation is to criticize, to discuss, and to resolve upon action. There is no higher authority upon the municipal affairs of Calcutta than the late Sir Henry Harrison, and speaking of the Calcutta Corporation, he said—“In a body like the Corporation the Executive alone is in a position to push on the work.” If the Corporation were devoted to talk rather than to action, it would be difficult to account for those sanitary works which have made Calcutta what it is. This allegation has been repeatedly made, and as often it has been refuted. Those most intimately acquainted with the work of the Corporation have defended it against the charge of wasting time in fruitless discussion. Mr. H. Lee, late Chairman of the Corporation, in the very last speech that he made as Chairman, entered a vigorous protest against it. This was what he said—

“Less frequently now than of old, because the outside public is better acquainted with the facts, but still occasionally, we hear insinuations that much time is wasted in this hall by long speeches from the Municipal Commissioners. No charge could be further from the mark. In all my experience—and that has covered full three years—I have seldom listened to a speech that has not been useful and to the point. I can hardly recall a single instance in which I have made the reflection that the speaker was throwing no new light on his subject, and was simply speaking to make a speech. The facts, indeed, are conclusive. In the course of the year you hold some 30 General Meetings. All the proceedings of every Committee meeting, of which some 250 are held in the course of the year, come before you in this hall for review. A single Committee will frequently deal with 20 or more separate matters, and you have, on the average to review proceedings of such Committees at each single meeting in this hall, so that you dispose of sometimes 120, seldom less than forty items of business at a sitting. How long do you take over it? As a rule between one and two hours! Who could say with fairness that that is excessive? How many similar deliberative bodies in the world are there that would dispose of the work in less time? The general rule that we endeavour to observe is not to speak without special knowledge and clear opinion, and then to express our thoughts in language as brief as we can make it.”

12. It may not be altogether out of place here to observe that a similar charge has often been brought against deliberative assemblies of even higher status and dignity than the Corporation of Calcutta; but it has been dismissed as irrelevant, in view of the great boon which such institutions confer on the community. Sir Henry Fowler, late Secretary of State for India, speaking from his place in Parliament, in February last, in connection with the debate on the Calcutta Municipal Bill, thus defended the Calcutta Corporation—

“He was not sure that the Mother of Parliaments was free from that objection. But with the Englishman who understood the working of Parliamentary and municipal life and local self-government in all its ramifications those objections would not weigh in the least against the general principle of enlisting the people in their own self-government.”

13. But even if it were admitted that the debates in the Corporation were unnecessarily prolonged and involved waste of time which busy people could not afford, the remedy would not lie in the reduction of the number of Municipal Commissioners, for it is obvious that, whatever may

be the number, there are only a few, the leading Commissioners, about a dozen in number, who would speak, and the others would listen. Here again I am able to rely upon the high authority of Sir Henry Harrison. Speaking from his place in the Bengal Legislative Council on the 4th February, 1888, he said—

“ At the same time I attach very little importance to this point. I do not believe there will be any practical difficulty in working, whether the number of Commissioners be 75, or 60, or 80, because we know that the time taken up by discussion does not depend on the total number of Commissioners present, but upon those Commissioners who wish to speak, and in a Corporation of even 40 members, the leading Commissioners would, for the most part, be returned, and these would take an active part in the discussion as at present. I do not think that in this respect there would be any great difference in a body of 40 members, and a Corporation of 80 Commissioners of whom 15 or 16 would, as a rule, take part in the discussions. Practically, therefore, I attach little importance to the number of the Corporation. We only revise the work of the Committees in General Meetings of the whole body of Commissioners.

14. The opinion of Sir Henry Harrison is confirmed by the testimony of facts. Here is a statement drawn up by a leading Municipal Commissioner, in December, 1896, from which it will appear that in the years 1894-95 and 1895-96, there were on an average only six or seven Commissioners who spoke at a meeting, although the average attendance of Commissioners was 34 in 1894-95 and 40 in 1895-96.

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

15. It is remarkable that the reduction is to apply exclusively to the elected representatives of the rate-payers in the Corporation, while the number of nominated Commissioners remains unaltered. If one of the objects of the reduction be to save time which is now said to be wasted in talk, it may be urged that the nominated Commissioners can talk, and sometimes quite as tediously as the elected Commissioners. Why not apply the pruning-knife to them as well as to the elected branch of the Corporation ?

16. If the object of the reduction be to strengthen the European element, I maintain that it yet remains to be proved that an amendment of the law is necessary for the purpose. The fact is notorious that the European rate-payers themselves have been apathetic in securing the return of Europeans from the European wards, that the European constituencies have not always returned European members, and the Government have not used to the fullest extent its power of nomination with a view to balance the inadequacy of European representation. Before all this is done, any change of the law would scarcely be warrantable. The law cannot be said to have failed when it has not been tried. Let me quote in this connection the opinion of Sir Henry Harrison :—

“ 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. ”

17. Then it is said “ that the numerical strength of the Corporation, when viewed in regard to either the number of electors by whom the majority are returned, or to the experience of municipal institutions elsewhere, seems to be disproportionately and unnecessarily large. ” “ There can be no reason, ” say the Government of India, “ why a number of voters returned as only 13,890, out of a total ward population estimated at about 650,000, or a proportion of little more than 2 per cent., should return as many as 50 members. ” Now it is a well-known fact that the lists of voters, as prepared at the Municipal Office, are incomplete and inaccurate ; and that whenever there is contest in a ward, the list for the ward is revised and largely added to, through the efforts of the candidates and their agents. At the last general election in 12 out of the 25 wards, there was no contest, and the lists of voters for those wards were not revised at all. Then again the number of voters is restricted by law. We have not universal suffrage here. Every person who is a rate-payer is not necessarily a voter. It is only male persons, of the age of twenty-one years, paying rates and

taxes to the extent of Rs. 24 a year, who are qualified to be voters. All females, all persons below the age of 21, no matter what rates they pay, are excluded from the list of voters. Then again the entire population who inhabit the *bustis*, though they may pay more than Rs. 24 a year as rates, are not voters; for the rates are paid through their landlords. The franchise is further restricted by fixing the minimum assessed value of qualifying property at Rs. 150. In Great Britain the minimum is fixed at £10; but the minimum of £10 in a rich country like England brings in a large number of voters; the minimum of Rs. 150 in a comparatively poor town like Calcutta excludes a large number of those who would otherwise be voters. As a Ward Commissioner myself, and as one who has been so for the last 23 years, I have no hesitation in saying that our representative character is not to be judged by the number of votes recorded in our favour. We represent a much larger constituency than the immediate circle of our own supporters; for, it is within the experience of all Ward Commissioners that they are looked up to for the redress of all municipal grievances, whether they affect their immediate constituents or not.

18. As regards the reason set forth in the letter of the Government of India for the reduction of the number of Municipal Commissioners, namely, that it is excessive when viewed in regard to "the experience of Municipal institutions elsewhere," I desire to say that the statement is not consistent with the facts, which I here venture to submit:—

Names of towns	Population in 1898.				Number of Municipal Commissioners
Glasgow	7,24,349	...	78
Edinburgh	..	.	2,95,628	..	41
Manchester	5,39,079	...	104
Birmingham	5,10,343	...	72
Liverpool	6,33,645	...	64
Sheffield	3,56,478	.	64
Leeds	4,16,618	...	64

The population of Calcutta is over 6,50,000; and is certainly less homogeneous than those of the towns referred to, in the above statement. Having regard to these facts, I venture to submit that it cannot be said that the number of Municipal Commissioners is excessive as compared to the number of Municipal Commissioners in other towns.

19. Undoubtedly the question of number is one, more or less, of opinion, but the Legislature cannot ignore the past. If we had a *tabula rasa* we might inscribe on it what we pleased. But Calcutta has a municipal history, and that history has created associations, tendencies and habits of thought which must be important factors in determining the course of legislation. The practical statesman defers to public sentiment not merely upon sentimental grounds, but for practical considerations of the highest moment. Any law, especially a municipal law, dealing with the habits and everyday lives of the people, is doomed to failure if it does not secure the sympathy and the active cooperation of the community whom it most intimately affects. Municipal institutions, like all other institutions, are a growth, and they cannot be transplanted from one place to another, unless the ground is prepared for them. In dealing with a proposal which vitally affects the constitution of the Calcutta Corporation, we must take note of what that constitution has hitherto been and what has been the policy of the Government in regard to it. Now ever since there has been a Corporation in Calcutta the number of Justices or Municipal Commissioners (the members of the Corporation were known under these two names at two different periods of the municipal history of Calcutta) has never been less than 72 and has sometimes exceeded 120. From 1863 to 1876, the municipal affairs of the city were controlled by the Justices. Their number, unlimited at first, stood at 120 in 1876. In 1876 the Corporation was constituted upon a representative basis, and the number of Commissioners was fixed at 72.

20. This was the number from 1876 to 1888, when the municipal law came under revision and the number was fixed at 75. This did not represent any increase in the numerical strength of the Corporation, as considerable addition was made to the municipal limits of Calcutta by the inclusion of the suburban area. Thus from 1863 to 1899, close upon a period extending over forty years, the number has never been less than seventy-two, and has sometimes exceeded one-hundred and twenty. Further, not a single Lieutenant-Governor, from 1863 to 1899, has ever suggested the reduction of the number to fifty, which is now recommended by the Government of India. There never was a more strenuous opponent of the present system of municipal government than Sir Alexander Mackenzie, and when he was credited in some of the newspapers with the intention of reducing the number of

Commissioners, he indignantly repudiated the suggestion. His Honor the present Lieutenant-Governor also declared himself as being distinctly opposed to any reduction. He said :—

“ In the criticisms on the Bill the Select Committee will further find the suggestion that the central body of the Corporation should be reduced in number and brought into harmony with the constitution of the General Committee. It is alleged that it is unscientific and illogical to leave the Corporation unchanged while you materially change your Executive Committee, and that the result is certain to be a constant friction. I am not concerned about the charge that our proposals are illogical and unscientific. The most scientific constitutions have not been the most successful in our knowledge. And I have no apprehensions of any injurious friction. At the commencement of all changes there is certain to be opposition and friction of sorts, but as soon as people become accustomed to the change, these temporary sorenesses vanish. It is from the representatives of the rate-payers alone that any friction could come, and they have shown so much good sense and public spirit in all the greater matters of the past, that I have entire confidence in their bearing in the future. And, speaking for myself, I endorse with the heartiest pleasure and satisfaction the decision that the constitution of the Corporation shall remain as it is. I look upon it as of the greatest value to the administration of the City that there should be numerous wards and numerous delegates. The information and advice about local needs, which these delegates bring, will be of most important service. There could be no more excellent illustration than in the assistance they gave last hot weather in calming the fears of the people and establishing the temporary hospitals, which were the best means of reassuring them; I welcome, therefore, the arrangement which retains a large number of local Councillors, and the dangers of possible friction I personally regard as enormously outweighed by the certain advantages of their help

21. The position, therefore, is narrowed down to this simple issue :—Ever since there has been a Corporation in Calcutta, the number of Commissioners has never been less than seventy-two and has often exceeded that limit. No Lieutenant-Governor has ever suggested the reduction of the number of Commissioners to the limit now proposed by the Government; many have been in favour of the higher number of 72 or 75. The proposals of the Government of India in this respect, therefore, involve a great departure from what has hitherto been the accepted constitution of the Corporation, and is opposed to the consensus of opinion of many Lieutenant-Governors, intimately acquainted with our Municipal system and possessed of the largest local experience. If, under these circumstances, a change is to be made, it can only be justified on grounds of the clearest necessity supported by the strongest reasons. I have already shown that no such reasons are apparent. On the contrary, the change is likely to be attended with serious administrative inconvenience. The wards are for the most part far too large to be attended to by a single Ward Commissioner. Their wants are numerous; the populations are far from being homogeneous; there are diverse, at times conflicting interests. For the mere efficiency of municipal administration, apart from the higher consideration of representation, all sides of a controversy that may spring up in a ward should be laid before the Corporation; and it is obvious that for such a purpose the presence of more than one Commissioner from a ward is essential. If there is a controversy in any ward, and there are several wards which have a mixed population, I ask is one Commissioner, representing the ward, able to do justice to the issues raised, or to present all phases of the controversy? Even when the question is one affecting a particular interest, the presence of another Commissioner in the same ward, whose personal or racial feelings are not enlisted in the matter, must exercise a sobering influence upon the situation. As an impartial and at the same time a sympathising friend, his advice commands respect, his authority enforces the weight of his advice, and altogether he exercises a healing and moderating influence. I have in my mind a case in my own ward which is yet pending and which exactly illustrates the truth of my observation.

22. Nor is this all. There being one Commissioner allotted to each ward, whether the ward comprises a mixed population, or otherwise, the electioneering contests will now be conducted on class lines. The Hindus will vote for the Hindu candidate, and the Mahomedans for the Mahomedan. Religious and racial acerbities, which were rapidly disappearing under our happy educational influences, not the least important of which is a better understanding owing to association in public affairs, will thus come into full play, and the seeds of dissension between class and class will be sown broadcast in a city in which the elements of public discord are sufficiently rife. I have no hesitation in saying that the larger number of Commissioners, such as we now have, is a distinct advantage to a Government that is responsible for the peace and well-being of such a town as Calcutta. The larger the number of Commissioners, consistently of course with the convenient transaction of municipal business, the greater is the local influence secured on behalf of authority and the maintenance of order. If unhappily there was to be a recrudescence of the plague in Calcutta, followed by a repetition of the popular excitement which we witnessed in the summer of 1898, would not the Government find its hands weakened by

the reduction of the number of Municipal Commissioners? No one was more cordial in his acknowledgment of the services rendered by the Ward Commissioners on that trying occasion than Sir John Woodburn. "The information and advice about local matters," said His Honor, "which these delegates (the Ward Commissioners) bring will be of most important service. There could be no more excellent illustration than in the assistance they gave last hot weather in calming the fears of the people and establishing temporary hospitals, which were the best means of reassuring them." In the mixed wards, where the population is partly Hindu and partly Mahomedan, it is obvious that unless the circumstances were exceptional, the Hindu Commissioner would scarcely be in a position to restrain the rowdy element in the Mahomedan population, and the Mahomedan Commissioner would feel himself powerless in the presence of a Hindu mob ready to break the peace. Of course, the Government is omnipotent, and it can readily suppress all disturbances. But an appeal to force is the last resort of a civilized Government, and is adopted only when moral persuasion has failed.

23. In this connection there is another consideration which cannot be overlooked. In a contest between Hindu and Mahomedan candidates in the wards where there are Hindus and Mahomedans, the Mahomedan candidates are likely to be defeated; for the Hindu rate-payers are the wealthiest, their plural votes depending upon property give them a distinct advantage, and their influence is commensurate with their wealth. The reduction of the number of Municipal Commissioners will affect the election of Mahomedan representatives to the Corporation. This deficiency in respect of Mahomedan representation will probably have to be made good by a liberal use, in favour of the Mahomedan community, of the power of nomination held in reserve by the Government. To that extent the power of nomination for the benefit of the other communities will be curtailed.

24. The reduction of the number of Municipal Commissioners is therefore liable to be attended with serious administrative inconvenience; it is opposed to what has been the accepted constitution of the Corporation for the last forty years, and to an overwhelming consensus of opinion on the part of eminent Lieutenant-Governors; it is also prejudicial to "the broad principles of Local Self-Government already conceded." I therefore recommend that the present number of Municipal Commissioners be not reduced, and in this view I am supported by the opinions of Sir Alexander Mackenzie and Sir John Woodburn, and by the Select Committee who reported in April last.

25. I now desire to call special attention to the provisions of the Bill which curtail the proportion of elected in relation to nominated Commissioners, and thus reduce the elected element to a minority in the Corporation. Here again the provisions of the Bill, as further revised by the Select Committee, are in entire conflict with the municipal history of Calcutta and the policy of the Government in the past. Ever since the Corporation has been reconstituted upon a popular basis, the majority of the Corporation, representing two-thirds of the entire body, have been the elect of the rate-payers. The concession was made in 1876, and has been continued up till now. Sir Richard Temple was indeed prepared to raise the proportion of elected Commissioners to three-fourths of the entire body, if the number of Commissioners representing the different nationalities could be fixed by law. "I am myself so far sanguine," said Sir Richard Temple, from his place in the Bengal Legislative Council, "that I am quite willing to reduce the proportion from one-third to one-fourth if that shall be the pleasure of the Council." The matter again came up for consideration in 1888, when the present Municipal law was passed. Two conflicting proposals were made. Mr. Irving, the representative of the Trades' Association, proposed to reduce the number to sixty, and the representative element to one-half of the entire body. Babu Kally Nath Mitter proposed to raise the number of Commissioners to eighty, and the representative element to three-fourths of the entire body. The Government of the day, under Sir Stuart Bayley, would not accept either of these amendments. It fixed the number of Commissioners at 75, and maintained the former proportion of two-thirds of the Commissioners being elected by the rate-payers. "I think," said Sir Henry Harrison, "we ought to follow the old lines as laid down in the Bill, which allows 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." But it was not merely on sentimental grounds that he objected to the motion for the reduction of the strength of the representative element in the Corporation. Sir Henry Harrison based his objection upon practical considerations of the highest moment. "If I had any hopes," said he, "that the European members would take the same interest as the native members, I should be more disposed to yield to the Hon'ble Mr.

Irving's argument, but I am afraid we must put this aside as really out of the question." The Hon'ble Mr. Macaulay, who for many years was Secretary to Government in charge of the Municipal Department, said :—

* * * * *

And for myself I am glad to have the opportunity of explaining the apparent incongruity of voting against the amendment of my hon'ble friend Babu Kally Nath Mitter, which involves an extension of the principle of election, while I am myself primarily responsible for the clause of the section which will give that principle a still larger extension. Briefly, I oppose the amendment of the Hon'ble Babu Kally Nath Mitter, on the ground that, although it involves the expansion of the principle of election, it involves not the expansion, but the contraction, of what is much more important—the principle of representation. I oppose the amendment of the Hon'ble Mr. Irving on the ground that it involves the contraction of both

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

26. It is now proposed to contract the principle of representation in opposition to the opinions of high authorities, intimately acquainted with the municipal history of Calcutta, and to what has for so many years been the accepted constitution of the Corporation. No Lieutenant-Governor, not even Sir Alexander Mackenzie, has ever suggested such a radical and revolutionary change. It will be absolutely subversive of the "Broad principles of Local Self-Government, already conceded." No doubt it will be said in reply that all that is intended is merely to *restrict* and not subvert the principles of Local Self-Government. But the restriction that is proposed will not only limit, but, in the attempt to check alleged abuses, regarding which no formal enquiry has been held, will practically extinguish the principles of Local Self-Government in Calcutta. Local Self-Government means the administration of local affairs by the representatives of the local public; but if in the Corporation which is entrusted with the management of local affairs, the representatives of the people are reduced to a minority—it may be to a hopeless minority—with little or no influence in the administration, Local Self-Government is practically at an end. In a Corporation of fifty members, only twenty-five will be the representatives of the rate-payers. The other twenty-five members will represent the European and official view, and with the official Chairman, the Commissioners representing the rate-payers will be in a minority; and if some of the European wards were to elect European Commissioners, as they are likely to do after the present controversy, it is no exaggeration to say that the representatives of the Hindu and Mahomedan rate-payers would be in a hopeless minority. The present Bill therefore is distinctly worse and more retrograde than the first Bill submitted by the Select Committee, and is even more reactionary than the Bill introduced by Sir Alexander Mackenzie's Government. If not under both these Bills, at any rate under the Bill as revised by the Select Committee, the power of the purse was vested in the representatives of the rate-payers, who were in a majority in the Corporation. They fixed the rates, regulated finance and controlled expenditure. The determination of all large questions also belonged to them. Being now reduced to a minority in the Corporation, their power and influence will be gone. It is the Hindu and Mahomedan rate-payers who pay the bulk of the taxes; but their representatives will have little or no influence in determining how the proceeds of the taxes are to be spent. The result will be disastrous to the ends of economical administration, for it is the universal verdict of mankind, confirmed by the experience of all countries where the system has been tried, that the greatest security of the public revenue is the control of the public purse by the representatives of the tax-payers. When people have to spend other's money, they are apt to be extravagant. When they spend their own money, naturally enough they are disposed to be economical. The truth of this observation is amply corroborated by the sound and economical administration of the finances of the Calcutta Corporation, under the Government of the elected Commissioners; and when it is borne in mind that finance is the backbone of every form of administration, municipal or otherwise, I have no hesitation in saying that the provisions of the Bill which reduce the representatives of the rate-payers to a minority in the Corporation is a dangerous innovation which may have a most disastrous effect.

As regards the constitution of the General Committee, the Bill now submitted makes a departure from the Bill as revised by the Select Committee. The Government of India recommend that of the 12 members of the General Committee, two-thirds are to be elected by the Corporation, and one-third to be nominated by the Government. This would have been a distinct improvement upon the Bill as revised by the Select Committee, if the constitution of the Corporation had not been interfered with. "But where is the good of it," as a leading London newspaper pertinently asks, "if the Corporation has an official majority?" The eight members to be elected by the General Committee, in accordance with the proposals of the Government of India, are to be representative of the constituent elements of the electoral body; and the other four are to be appointed by the Government. The Bill accordingly provides that of the 12 members of the General Committee, 4 will be appointed by the Government, 4 will be elected by the elected Commissioners, and 4 by the nominated Commissioners. This is not the Bombay system, which is distinctly more advantageous to the interests of the rate-payers. Of the 12 members of the Bombay Standing Committee, 4 are appointed by the Government, and the rest are elected by the Corporation in which the representatives of the rate-payers are in a majority; and as might have been expected, the majority of the members of the Standing Committee are representatives of the rate-payers. Under the Bombay system, therefore, as in the Corporation, so also in the Standing Committee, real power and authority is vested in the representatives of the Indian community. But in the constitution of the General Committee of the Calcutta Corporation as now proposed, the voice of the Government will be supreme. Directly the Government will appoint 4 members; indirectly, through the nominated Commissioners, 15 of whom will be the nominees of the Government, the Government will exercise an influence in the appointment of even the members elected by the nominated Commissioners. Thus directly or indirectly Government will exercise a potent influence in the nomination of two-thirds of the members of the General Committee. This is not the Bombay system. It is a

Section 65. The Corporation may at any time call for any extract from any proceedings of the Standing Committee, or of any Committee or Sub-Committee constituted under this Act, and for any return, statement, account or report concerning or connected with any matter with which the Standing Committee or any such Committee or Sub-Committee is empowered by or under this Act to deal, and every such requisition shall be complied with by the Standing Committee or other Committee or Sub-Committee, as the case may be, without unreasonable delay *Bombay Act.*

Section 66 (1). The Corporation may at any time require the Commissioner—

(a) to produce any record, correspondence, plan or other document which is in his possession or under his control as Commissioner, or which is recorded or filed in his office, or in the office of any municipal officer or servant subordinate to him;

(b) to furnish any return, plan, estimate, statement, account or statistics concerning or connected with any matter appertaining to the administration of this Act or the municipal government of the city;

(c) to furnish a report by himself or to obtain from any head of a department subordinate to him, and furnish, with his own remarks thereon, a report upon any subject concerning or connected with the administration of this Act or the municipal government of the city.

(2) Except as is hereinafter provided, every such requisition shall be complied with, by the Commissioner without unreasonable delay; and it shall be incumbent on every municipal officer and servant to obey any order made by the Commissioner in pursuance of any such requisition:

(3) Provided that if, on such a requisition as aforesaid being made, the Commissioner shall declare that immediate compliance therewith would be prejudicial to the interests of the Corporation or of the public, it shall be lawful for him to defer such compliance until a time not later than the second ordinary meeting of the Corporation after he shall have declared as aforesaid. If at such meeting or any meeting subsequent thereto, the Corporation shall repeat the requisition, and it shall then still appear to the Commissioner inexpedient to comply therewith, he shall make a declaration to that effect, whereon it shall be lawful for the Corporation to elect one councillor, who with the President of the Corporation and the Chairman of the Standing Committee (or if the President of the Corporation is also Chairman of the Standing Committee, with the said President and one member of their own body elected by the Standing Committee) shall form a Committee who shall engage to keep secret, save as hereinafter provided, the existence and purport of such documents and matters as may be disclosed to them; and to the said Committee the Commissioner shall be bound to make known and to disclose all writings and matters within his knowledge, under his control, or available to him and embraced within the requisition, and the said Committee having taken cognizance of the information, writings and matters so laid before them, shall determine, by a majority in case of difference, whether or not the whole or any part and which part, if any, of such matters ought to be disclosed to the Corporation or kept secret for a defined time, which decision shall be conclusive, and shall be reported to the Corporation at the next Ordinary Meeting thereof, where also the Commissioner shall be prepared to produce documents and to make any report or statement requisite to give effect to the decision of the Committee when called on to do so by the Corporation. *Bombay Act.*

system which I have no hesitation in saying, would be fatal to the influence of the rate-payers in the governing body of the Corporation. The difference between the Bombay and Calcutta systems is based on the ground that the population of Calcutta is more diversified than that of Bombay. As a matter of fact it is not so. There is a greater diversity in the population of Bombay than what exists among the population of Calcutta. The population of Calcutta consists of the three great divisions of Hindus, Mahomedans, and Europeans. The population of Bombay is less homogeneous, and there is a greater conflict of interests there than here. In addition to the Hindus, Mahomedans, and Europeans, the population comprises the Parsees, Portuguese, and Jews who form influential sections of the community in Bombay.

33. An alternative scheme has been suggested, which I must say is better than what the Bill provides in this respect. It is this—that the 12 members of the General Committee should all be elected by the Corporation, in the proportion of one-half from among the elected Commissioners, and the other half from among the nominated Commissioners. For my own part, I strongly maintain that the present constitution of the General Committee has worked well, and no case has been made out for a change.

34. I have made it abundantly clear, in the course of this Note, that I am entirely in favour of the maintenance of the existing system of municipal government in Calcutta which, according to the highest official testimony, has proved beneficial to the town. No case has been made out for a change. But if the Government of India have definitely resolved to modify the present Municipal system of Calcutta on the Bombay model, I have no hesitation in saying, as I have already urged in my previous Note of Dissent, that the Bombay system should be adopted in its entirety. As I read the proposals of the Government of India, it seems to me that this is what they mean, subject to the reservations to which I have already referred. The Select Committee, however, have understood the proposals in a different way. I, therefore, recommend that a reference be made to the Government of India in this connection. Let us clearly know what is intended by the Government of India before we proceed to embody their views in a legislative measure.

35. In conclusion I feel that I should be wanting in my duty as a Member of this Council, if I did not raise a note of warning. The Indian community fully recognize the spirit of the Government letter, and they are deeply grateful for it. But they feel that they cannot assent to the proposals of the Government which involve the sacrifice of one of their most cherished institutions. Local Self-Government may be English in its origin, but being in harmony with our own ancient institutions, viz, the *punchayet* system and the village communities, it has become a cherished institution and has drawn to itself in an unstinted measure the love and devotion of the people. The Government of India have appealed to the patriotism of all sections of the community to co-operate with them in the settlement of this controversy. Such an appeal, coming from so exalted an authority and addressed in a spirit that leaves nothing to be desired, ought to elicit the most cordial response. But I venture respectfully to submit that if the Bill be passed into law, there will be no Local Self-Government to vindicate; nor is the patriotic co-operation of a community possible, when their strongest patriotic sentiments are put to the severest strain by the practical abolition of a much-prized and dearly-beloved institution. If the amicable co-operation of all parties in the future municipal government of the city is essential to its efficient administration, then I am bound to say the prospects of the success of the measure are remote; for the Bill has created the gravest disappointment, and has alienated the sympathies of those, without whose good-will no municipal administration in Calcutta can be successful, namely, the sympathies of the great body of Indian rate-payers and residents of Calcutta.

*Note of Dissent on the second Report of the Select Committee by the
Hon'ble Mr. J. G. Apar.*

I regret that in the Select Committee we were strictly restricted to the consideration of the recommendations which, it was alleged, were specifically made by the Government of India. The fact that shape was given to certain suggestions does not militate against my contention that other points were designedly left open for discussion and consideration. This view is supported by paragraph 21 of the letter of the Government of India, where it appears that that letter purports to give only "the outlines of the revision of the existing scheme which, in the interests of the future

efficient and orderly administration of Calcutta, the Government of India commend to the consideration of the Government of Bengal."

2. The fresh proposals, as interpreted in the Select Committee, leave those who have been most aggrieved by the measure before the Council, with their representation in the Corporation considerably weakened, and generally, in every particular, in a far worse position than under the Bill as amended by the Select Committee in April last. If I am to regard the narrow interpretation of the letter of the Government of India, that has prevailed in the Committee, as the true one, then I must take it that it is at the moment when those who have been most prejudiced in the controversy are in their worst position, that they are called upon to be satisfied with and acquiesce in their own greater discomfiture. It is impossible for me to accept that the Government of India, whose letter is instinct with courtesy in every sentence, deliberately intended to make sport of those whom they ostensibly wished to conciliate. On the other hand, if in other directions there were amendments entertained, that would serve to safeguard the interests which the new changes have injuriously affected, there might be reason to suppose that those to whom the appeal for a truce to dissensions has been made, may be induced to acquiesce in a remodelled Bill, and co-operate with the Government in the administration of the city.

3. The Government of India in their letter have expressed, in a marked manner, their approval of the Bombay model, and have pointedly suggested that a solution of the present difficulty may be found in a closer adaptation to that system, of the constitution for Calcutta. The letter seems to me to indicate that no objection or disapproval would come from the Government of India, however close the adaptation may be carried, and only two points that were in some degree at variance with

* "That the Calcutta Municipal Bill be referred back to the Select Committee for further consideration with reference to the correspondence between the Government of India and the Government of Bengal which was published in the Supplement to the Calcutta Gazette of the 12th July, 1899, and with instructions to report within two weeks."

the Bombay Act, were formulated in a definite manner for the guidance of the Local Government. The reply of the Local Government does not qualify their acceptance of the suggestions of the Supreme Government. These letters come in at the present stage as a new factor in the question, and they, with the terms of the motion* under which the recommittal to the Select Committee was made, create, I venture to say, a legitimate claim on the part of those who may desire it, for at least the consideration of the question in what respects, and to what extent, if any, the constitution for the Calcutta Corporation may be assimilated to that of Bombay. This claim was preferred, but was not allowed in the Select Committee.

4. In my opinion no change is called for in the system that gives the control of the administration to the Corporation of Calcutta. Those who so easily speak of the waste of time, forget that not so many as 5 per cent. of the business transacted in general meetings are even discussed. Those who complain that there are unnecessary delays by reason of the frequent references back of business from the General Meetings to the Committees, do not seem to be aware that 98 to 99 per cent. of the business of the Corporation is got through without any reference back being made, and do not pause to think that, if such a very large percentage of business is treated finally, there may be good cause for referring back the small proportion of one or two per cent. which are sent back for reconsideration. We ought not to lose sight of the fact that legislation with regard to the Corporation in 1876, when an elective system was granted, was undertaken after due enquiry, which covered, among other points, the adequate representation of the various mixed communities of Calcutta; that, again, when in 1888 amalgamation with the suburbs was effected, legislation was not undertaken until after full enquiry relating to the object in view. On each occasion the conduct of the proceedings was left by the Government in expert hands. In 1876 the member in charge of the Bill in this Council was Sir Stuart Hogg, who then was the Chairman of the Corporation, and had been in that office for 9 years. In 1888 the member in charge was Sir Henry Harrison, who then was, and had for 8 years previously been, the Chairman of the Corporation. Each of them had intimate practical knowledge of the subject. Who could be better advisers of the Government, from their own point of view, than men such as those to whom I have referred? From whom would come the best suggestions—again from the point of view of the Chairman and of the Government—for the efficient administration of the town? It has been publicly stated, and the statement has been echoed in the Council chamber, that the existing law fails to define the powers of the Executive. A reference to the proceedings of this Council, in connection with the Act of

1876, will show that that question was prominently brought forward at the time, and was present in the minds of the Legislators. That Act was deliberately shaped to define the relative functions and powers of the Executive and the Corporation, and the part relating to this question, after a test of 12 years, was deliberately re-enacted in the Act of 1888. If either of the distinguished and experienced Chairmen whom I have named, had found the existing system to be in truth inefficient and unworkable, it would have been his duty and in his own personal interest, to report to that effect. He most assuredly would have done so, and the Government of the day would as certainly have paid heed to him. So far from seeking any change, Sir Henry Harrison openly declared in Council his conviction to be that the system was not unworkable, and later took an opportunity of paying an eloquent tribute to "the moderation in judgment, the sense of responsibility, the toleration of opposition, and the practical sagacity" shown by the leading Hindu Commissioners.

5. When one who has had experience as the Head of the Executive is in charge of legislation intended to effect changes in the Corporation, we have some guarantee that the proposals will not be uncalled for, and will not be based on theoretical and general ideas that will be found unworkable and unwise in practice. And so sensitive have the Government hitherto been to be in touch with the Corporation, in any legislation affecting that body, that when the Fire-Brigade Bill was before the Council, a measure that concerned the Corporation in a very small degree, they sought the assistance of Mr. Lee, who then had only a short time been the Chairman of the Corporation, in the Council in connection with that measure.

6. The present Bill was framed and presented to this Council by one of the Secretaries to the Executive Government who has had no practical knowledge of the Corporation, and who has had no practical experience of any other Municipality other than, perhaps, that of the summer Capital of the Local Government. The Bill shows his inexperience of the working of the administration, and the statements on which it has been attempted to justify the changes that have been proposed, teem with inaccuracies, and are generally such as could not have been relied upon by any person acquainted with the facts. If there are faults to be remedied, most certainly they should be remedied; and where there is a genuine desire for reform, only an enquiry, such as we have established precedent for, could elicit how it could best be effected. But the present situation is emphasised by the fact that, although we have an inexperienced stranger to the administration set to work to devise a scheme of government, a completely novel constitution, which makes a sweeping change in every particular, is decided upon without any enquiry as to where the faults in the present system lie, and how they can best be remedied. In view of all these circumstances, it is not surprising that not only the power of control that has been held by them for 36 years is taken away from the Corporation, but even the opportunity of criticism to be allowed to them under the new law must prove ineffectual. In legislation of the nature of the Bill before the Council, there are no rewards or punishments: there are consequences, and the manner of proceeding to which I have drawn attention gives promise of no permanent or satisfactory arrangement for our municipal administration.

7. We have not a *tabula rasa* to work upon, and if fresh legislation is found to be required, the statesman-like policy, I venture to say, is to reform the constitution, not remake it. It has been the frequently declared policy of the Government when legislating in connection with the Corporation, to proceed on the old established lines, and I think that there ought to be no departure from that policy. While, however, I cannot admit that there is reason for revolutionary changes, or that it is wise to adopt them, I acknowledge, very readily, that the Bombay Act has presented to that city a well-thought-out and carefully-considered constitution for Municipal Government. The idea of the so-called co-ordinate authorities embodied in the Bill, is borrowed from that Act, but the proposals for Calcutta fail in the very particulars that make the Bombay constitution a suitable one for municipal administration. To take first the point which, in my opinion, is the most important of all.

8. In Bombay the three co-ordinate authorities are:—

I. *The Municipal Commissioner.*—He is appointed by the Local Government. He is the Head of the Executive. He is not a member of the Corporation. He attends all the meetings, he can give his opinion thereat, but he is not allowed a vote.

II. *The Standing Committee.*—This Committee answers to the General Committee in the Bill for Calcutta, and is what has been termed the executive body of the Corporation. Since they are intended in a great measure to be a check on the executive staff, the Head of the Executive is not

permitted to preside over their deliberations, and is not, as I have indicated, even a member of their body. They elect one of their own body to be their chairman.

III. *The Corporation*—consisting of the whole body of the Commissioners, or Councillors. They consider questions relating to the Budget, they, to some extent, have powers of control, and are given full powers of criticism, which they can make use of effectually. The proceedings of the Head of Executive and of the executive body, that is to say, the Standing Committee, are liable to be called up for consideration by them. When they meet, the Standing Committee merges into the general body of Councillors, and so jealous is the law to secure an independent, free, and impartial consideration of all questions, that the representative of the executive body, in the person of the Chairman of the Standing Committee, does not become the President of the General Body of Councillors, but free choice is given to the latter to elect whomsoever they think fit.

It will be observed that, under the Bombay Act, the intention is to have 3 co-ordinate authorities who shall be independent of each other in their allotted spheres of action, and not be dominated by any one or other of them, and this intention is carried out so far as circumstance can possibly allow.

9. Under the Bill for Calcutta, the so-called co-ordinate authorities are—

I. *The Chairman of the Corporation*.—He is appointed by the Local Government. He is the Head of the Executive. He is a member of the Corporation, and can speak at the meetings and vote. Moreover, he is *ex-officio* Chairman of the General Committee, of any other Committees he may attend, and of the General Meetings of the Commissioners, and has the power of giving a casting vote on a division.

II. *The General Committee*.—This forms the so-called executive body for Calcutta. Their functions, as those of the Standing Committee of Bombay, include the exercise of a check on the executive through their control over the finances. The Head of the Executive is, *ex-officio*, the Chairman of the Committee, and he will be in the Chair to control and guide all enquiries and discussions by that body. They cannot however enquire about the acts of the Chairman and his subordinates.

III. *The Corporation*—that is to say, the general body of Commissioners in meeting assembled. They also are not to be allowed to even enquire about the acts of the Chairman and his subordinates. But they may endeavour to criticise the acts of the General Committee, who become merged in the larger body at their General Meetings. The Head of the Executive who, as the Chairman of the General Committee, may be a strong partisan in the question coming up from that body, again appears as the *ex-officio* Chairman of the General Meeting. He can open a discussion, intervene when and as often as he chooses, and close it, give rulings on points of order; control the debate without any sort of appeal; and there is reserved for him a casting-vote in the event of equality on a division.

10. It is not fair to the Chairman to place him in a position so invidious. The Bombay Act recognises the difficulty, and provides for it. It would be wise if, in the Bill for Calcutta, that example were followed. In the constitution intended for Calcutta it is a misnomer to call the Chairman of the Corporation a "co-ordinate authority." His rank is designed to be distinctly supreme and his authority will overshadow that of the others. The General Committee also, with their representative, in the person of their Chairman, presiding *ex-officio* at the General Meetings, will have superior power to that of the general body of Commissioners.

11. The discussion of the Budget remains to the General Meeting. Here again the subject will come before them from the General Committee. Their information on general questions, so necessary to take an intelligent and independent part in the discussions, will, at best, be meagre, and they will be unable to cope with the General Committee, particularly as the Chairman of that Committee will preside. In the present system, there is full power of becoming acquainted with all that is being done, and the whole body of Commissioners can be in touch with the General Committee. On the other hand, the elected Commissioners are largely represented on the General Committee, and through these representatives, among whom are the leading and most active Commissioners, that Committee are kept in touch with the general body. The Commissioners in General Meeting, under the new constitution, it is easy to foresee, will lapse into a useless and ineffective body, to register the decrees of the General Committee, who will not be the representatives of the rate-payers. The rate-payers will be in a hopeless minority of 4 to 8 in the General

Committee exclusive of the Chairman; there will be a standing majority against them in the General Meetings; and there will be the weight of the influence against them of an irresponsible Chairman, in whose appointment they have no voice. The Bill, as remodelled, will take the control the finances completely out of the hands of the rate-payers who contribute practically the whole of the revenue of the Corporation.

12. I must not omit here to express a strong objection to the Government reserving to themselves the power of appointing 4 members of the General Committee. The Government will have to rely on the advice of the Chairman, and, in practice, the patronage will be that of the Chairman. And since membership of the General Committee will carry with it emoluments, not insignificant in amount, the influence and power of the Chairman will be overwhelming in the so-called executive body, and, through that body, in the Corporation. It is true that in Bombay, the Government have the same power, but there is the important distinction that their official representative is not the permanent Chairman either of the Standing Committee, or of the Corporation. He is not even a member of the Corporation.

13. If in the General Committee, even as reconstituted, the Government thinks that a member cannot be found fit to be its Chairman, and if the General Meeting cannot be trusted to elect a President for themselves, it will be far better to make the Municipality a Government Department, for the public would then know where the responsibility will lie.

14. To such a degree is the centralisation of power in the Chairman, and the subordination of the Corporation carried, that even when the Chairman is unable to be present at a General Meeting, he will nominate either the Deputy Chairman or Vice-Chairman to preside. This is the more remarkable since neither of the two officers named are to be members of the Corporation. They will become members on the nomination of the Chairman for the period of the Meeting only, and on the termination of the Meeting over which they may be appointed to preside, they will lapse back into their original obscurity.

15. There are many more reasons why the Head of the Executive should not be the permanent Chairman as is proposed in the Bill. Whatever may be argued against me on this head, it cannot be denied, I submit, that the three so-called co-ordinate authorities for Calcutta are not kept distinct and independent of each other. In the constitution for Calcutta the scheme, in extreme contrast with Bombay, tends towards official absolutism.

16. Now, when the power of control rests with the Corporation, the system that places the Head of the Executive permanently in the Chair, to preside over all the proceedings, has disclosed disadvantages. But when control is taken away from them, and even their powers of obtaining information and of criticism are seriously encroached upon, I fear that discontent and friction will be inevitable.

17. Again, I do not approve of the appointment of the "Sub-Committees," which I understand are to be standing committees, being given to the General Committee. There has not been a suggestion, in the varied assortment of charges that have been levelled at the Corporation, that they "pack" their committees. On the contrary, they have been charged with making them too large and unmanageable. I think that the number of each standing committee being fixed by law, the right of electing them ought to be given to the general body of Commissioners. This body will be in a far better position to judge of the relative merits of the candidates, and since the members of the Sub-Committees are to be paid fees, it is inadvisable to give further powers and influence to one of the so-called co-ordinate authorities, by conferring on them the patronage of making these appointments.

18. I am opposed generally to the unnecessary expenditure in the payment of fees to the members of any committee, and my objection is stronger with relation to the "Sub-Committees" referred to in the Bill. The Special Committees that may be appointed by the Corporation will get no payment. The "Sub-Committees" receive no remuneration in Bombay, and I see no reason why they should do so in Calcutta.

19. The letter of the Government of India, as I understand it, intimates the opinion that the elected Commissioners and the nominated Commissioners should be given proportionate representation in the General Committee under the remodelled Bill. This view has not been accepted in the Select Committee. I submit that, to be in accordance with the terms of the letter, not less than half the General Committee ought to be representatives of the elected Commissioners.

20. I venture to observe that a misapprehension underlies the idea that, in Bombay, the Ward Commissioners as the representatives of the rate-payers on the one side, and on the other side the other members of the Corporation, form two bodies of equal numbers. There, it is true, the Wards elect 36 members which gives half the number of the Corporation. But in the other body, the Justices who, in a very large proportion amongst themselves, represent the rate-payers, elect 16 members, and their numbers almost wholly represent the rate-payers. Personally, I am by no means averse to some constituencies being formed of selected classes, so long as there is a genuine election of members by them. I am entirely in favour of those who play the more manly part and put themselves forward for election. They have a greater sense of responsibility, they act with greater zeal, and more on their own independent judgment than, in my experience, I have found among the nominated Commissioners as a body. It cannot be denied that it is in rare exceptions only, that equally active members have been found among the nominated members.

21. I am constrained to protest against the reduction in the number of the elected members to 25, that is to say, allowing only one member to each ward.

The efficient administration of the Municipality, I think, essentially requires that the rate-payers should be given a powerful and effective voice in the control of its finances. I do not so much care how it is arrived at, whether by giving the privilege of election to selected bodies or in other ways, so long as the control I seek is established. The mercantile interests contribute to the funds of the Municipality only by the license tax levied on them, which, as a matter of fact, is comparatively an insignificant amount. The members of that community pay an amount, as residents and occupiers, which is comparatively small, and they are not concerned, the difference to them being inappreciable, whether the rates are at 25 *per cent.* or 15 *per cent.* The business firms do not pay any *octroi* duty on goods handled by them, and their license tax is a fixed sum and does not vary with the rates. There is no substantial reason to hinder them from accepting the most extravagant schemes that will land the Corporation into serious financial complications. The other nominated Commissioners will be ready to agree with the views of the Chairman, who has no permanent interest in the city, and whose tenure of office is only an incident in his career, while the more money that he can induce the Commissioners to vote for, the easier it will be for him to show good results during his incumbency.

22. The representatives of the rate-payers, on the other hand, have to protect permanent interests and are concerned on their own account, and being in touch with the poor of the city, are concerned also on their behalf, because they know that the limit of taxation that the latter can bear is not more than 19½ *per cent.* Even Sir Alexander Mackenzie did not intend to deprive them of the control of the purse, for their numerical position was maintained under the Bill as it was originally framed, although that position was rendered less effective by other provisions of the Bill. All that prejudiced their position remains, and they are reduced to a minority under the fresh proposals.

23. Furthermore, this reduction in the number of Ward Commissioners will entirely destroy the representation of minorities which was built up with such solicitude on a previous occasion in this Legislature. It will be exceedingly difficult, if not impossible, for a Mahomedan to be returned for any ward. Mahomedan Commissioners are returned now in a friendly spirit, in conjunction with Hindus, with the support of Hindu votes. Sometimes they are returned without a contest with a Hindu colleague. The elections will in future be fought out purely on class lines, and I venture to warn the Government that there will be risk of racial feeling being excited in Municipal election contests, particularly if the Mahomedans find themselves unsuccessful in elections throughout the town. The European Ward Commissioners will be reduced to a *minimum*. Even if their numbers are proportionately small, they form not an inconsiderable body. Elected Commissioners work cordially together for the common interest of the administration irrespective of their nationalities, and European elected Commissioners give serviceable help in spreading through the various Committees.

24. There is another highly important aspect of the question that ought to be considered: to allow only one Commissioner to each ward will concentrate too much power into the hands of the Commissioner who may be elected, and the inhabitants of the ward may have to suffer in more ways than one. It cannot be denied that rivalries frequently arise in each ward of the native city, the influence of which permeates throughout the ward. The assistance of the Ward Commissioner

must be sought for many purposes, and those who do not belong to his party, or are attached to a rival party and their dependants, will suffer. With two Commissioners for each ward, if an inhabitant cannot go to one of them, he may generally safely rely upon the help of the other. I am quite prepared to hear this objection made light of, but any person who is acquainted with the subject will know how serious are the difficulties that I have mentioned. In the native quarters of the town, a Ward Commissioner's duties are not merely with those who may have the franchise: his work lies mainly with the poorer inhabitants of his ward. And if only one Commissioner is to be allowed to each ward, in the quarters to which I have referred, I have no hesitation in saying that his attention will be required for his municipal duties to such an extent that he will hardly have any time to attend to anything else. The reduction of the number of elected Commissioners is a solution of a difficulty that is attractive on paper, and is a change that is fatally easy of execution. But in practice, it will be found that while there is no real gain obtained, such a proceeding will inevitably be fruitful of much inconvenience and hardship, it will unnecessarily destroy the representation of minorities, and will withdraw even the nominal control of the purse from the rate-payers.

25. I very anxiously ask that a larger representation of rate-payers be given, whether it is directly or indirectly obtained; that is to say, that either the original number of 50 elected Commissioners be restored, or that there be a redistribution of seats, with wards of smaller areas than as at present formed, or that selected constituencies as at Bombay be enfranchised, and for the purpose of considering these questions and adopting any of them or any combination of them, there be a recommittal to the Select Committee; and I would further venture to urge a reference to the Government of India on the issues I have raised.

26. I do not think that a complete abandonment of the present system is called for, but since we have the Bombay constitution quoted so frequently with such high commendation, let the principles of that constitution be adopted in their entirety for Calcutta *mutatis mutandis*, without disturbing the representation of the Chamber of Commerce, the Trades Association, or the Port Trust, which have been enjoyed by them for nearly 12 years.

27. With an increase in the number of Commissioners, there should be a proportionate increase in the number of the General Committee, with proportionate representation, on the principle that prevails in Bombay.

28. I have referred to certain salient matters in the Bill from which I dissent. I have other objections to the Bill which will appear in the amendments that will in due course be moved in Council.

APPENDIX J.

Statement showing the Classes and Standards in Government-aided Schools and the number, qualifications and salaries of teachers in those schools.

No.	Name of School.	Average Enrolment.	Classes and Standards taught.	Salary of Head Teacher.	Age of Head Teacher	Qualifications of Head Teacher.		Salary of Assts.	Age of Assts.	Qualifications of Assistants.		
						General.	Professional.			General.	Professional.	
1	Fairbreeze	265	Classes Ia., Ib., Ic., II., III. Standards I., II., III., IV., V., VI.	£ 168	50		Senior.	£ 1 100 2 90 3 72 4 48 5 32 6 36 7 32 8 18 9 18 10 18 11 12	40 38 25 23 19 20 18 17 19 19 18		Senior Certificate Junior (provisional) Certificate. .. (provisional)	
2	St. Anthony's, Durban	290	Classes Ia., b., c., IIa., b., III. Standards I., II., III., IV., V.		28		Std. VII.	1 2 3 120 4 120 5 90 6 42 7 36 8 36 9 30	64 21 24 34 30 19 20 19 18	Std. VI. .. VII. 3 subjects of matric. Std. VII. VI. .. V. ..		
3	Cato Manor School ..	373	Classes I., II., III. Standards I., II., III., IV., V., VI.	180	34		Senior.	1 84 2 84 3 78 4 78 5 78 6 75 7 72 8 72 9 54 10 48 11 48 12 48	23 32 26 23 22 21 22 21 22 21 24 24		Junior Certificate. Senior .. Junior U.S.A.	
4	Umhloti	123	Classes I., II., III. Standards I., II., III., IV., V., VI.	150	31		Senior.	1 80 2 72 3 60 4 48 5 64 6 48	33 22 20 18 23 24	Std. VI.		Junior Certificate .. Provisional Certificate
5	Wesleyan Indian ..	156	Classes Ia., b., II. Standards Ib., I., II., III.	144	36		Junior.	1 24 2 24 3 24 4 48 5 48 6 60	20 20 19 21 22 30	Std. VI. VI.		Junior Certificate Senior .. Junior ..
6	Welbedacht	98	Class I. to Standard V.	120	28	Std. IV.	Senior.	1 72 2 78	21 35½	Std. VI. .. V.		Junior Certificate
7	St. Paul's	155	Classes I. and III. Standards I., II., III.	£150 plus £18 house allowance	37	Std. VI.	Senior.	1 72 2 48 3 36 4 21 5 18 6 18 7 18	23 19 19 18 16 16 16	Std. VII. VI.		Junior Certificate
8	St. Thomas'	83	Classes I., II., III. Standards I., II., III., IV.	156		Std. VI.	Junior.	1 60 2 30	25 18	Std. VI.		Junior Certificate
9	Nonoti	45	Classes I. and II. Standards I., II., III.	Grant salary no fixed wage.	24		Senior.					
10	Tongaat (Girls) ..	47	Classes I., II., III. Standards I., II., III.	86		Std. VII.		1 28	21	Std. V.		
11	Malvern	194	Classes I., II., III. Standards I., II., III., IV.	162	37	Std. VII.	Senior.	1 96 2 84 3 60 4 84 5 54	25 23 25 22 19	Std. VII. .. VI. .. V. VI.		Senior Certificate Junior .. Senior .. Junior ..
12	Sutherlands	115	Classes Ia., Ib., Ic., II. Standards I., II., III., IV., V., VI.	156	28		Senior	1 75 2 63 3 54 4 42	21 21 20 20	Std. V.		Junior Certificate
13	Port Shepstone ..	76	Kindergarten to Standard V.	140	25	Std. VII.	Senior.	1 54 2 36	21 19	Std. V. Std. VI.		

APPENDIX J.—Continued.

No.	Name of School.	Average Enrolment.	Classes and Standards taught.	Salary of Head Teacher.	Age of Head Teacher.	Qualifications of Head Teacher.		Salary of Assts.	Age of Assts.	Qualifications of Assistants.	
						General.	Professional.			General.	Professional.
14	Verulam	173	Classes I., II., III. Standards I., II., III., IV., V.	£ 140	56		Senior.	£ 1 72 2 64 3 56 4 64 5 36 6 18	23 21 27 24 19 17		Senior Certificate Junior (provisional) Nil. Nil. Nil.
15	Railway, P.M.B. ..	200	Classes Ia., b., c., II. Standards I., II., III., IV., V., VI., VII.	174	27		Senior.	1 61 2 36 3 90 4 21 5 18 6 45 7 60	19 19 22 18 18 18 32	Std. VI. .. " Std. V. .. VI. .. V. .. VII.	Junior Certificate .. " Senior .. Junior ..
16	Sydenham (Boys') ..	404	Classes Ia., b., c., IIa., b. Standards Ia., Ib., II., III., IV., V., VI.	204	35	Std. VII.	Senior.	1 138 2 111 3 108 4 60 5 60 6 72 7 72 8 48 9 66 10 120 11 36 12 30	37 30 34 18 18 26 31 21 24 42 19 18	Std. VII. .. " .. " .. VI. .. " .. " .. " .. " .. " .. " .. " .. "	Senior Certificate .. " Junior " .. "
17	Tinley Manor	135	Classes Ia., b., II., III. Standards I., II., III., IV., V.	180	40		Senior (prov.)	1 96 2 60 3 48 4 48	23 22 19 19		Senior (prov.) Junior Certificate .. " .. (prov.)
18	Clare Estate	136	Classes I., II., III. Standards I., II., III., IV.	162	37		Senior.	1 84 2 72 3 60	25 23 20	Std. VI. .. " .. "	Senior Certificate Junior ..
19	Sea View	132	From Class I. to Standard V.	156	35		Senior	1 108 2 84 3 72 4 48 5 36	31 29 23 22 19		Senior Certificate Junior " .. " Nil.
20	Stella Hill	153	Classes I., II., III. Standards I., II., III., IV.	162	45		Senior.	1 84 2 84 3 72 4 84	21 24 31 27		Junior Certificate Senior .. Junior (prov.) Senior ..
21	Darnall	76	Classes Ia., b., II., III. Standards I., II., III., IV.	130	22½	Std. VI.	Senior (Part II.)	1 56 2 24	23 15	Std. VI. .. "	Junior (prov.)
22	Red Hill	81	Classes I., II., III. Standards I., II., III.	140	46		Senior.	1 80 2 56	28 23	Std. IV. .. "	Senior Certificate Junior ..
23	Mount Edgecombe ..	132	Classes Ia., Ib., II., III. Standards I., II., III., IV., V.	135		Std. VI.	Junior	1 48 2 54 3 64 4 80	19 20 20 32		Unqualified. Junior Certificate .. "
24	Greenwood Park	72	4 Standards 4 Sub-Standards	132	27		Senior.	1 54	21		Junior Certificate
25	Lidgetton	46	Classes I. and II. .. Standards I., II., III., IV., V., VI., VII.	156	25	Std. VII.	Senior.	1 36 2 12	19 14	Std., VI. .. "	
26	St. Anthony's, P.M.B.	298	Intro A., Intro B. Classes I., II. Standards I., II., III., IV. (Girls' only)	240	36		T3 of Europeans	1 21 2 21 3 60 4 30 5 72 6 96 7 180 8 240 9 30	20 18 21 18 24 26 40 36 18	None. .. " .. " Nil. .. " .. " .. " .. " Nil.	Senior Certificate .. " Cape T3. " Natal T3.
27	Richmond	56	Classes I., II., III. Standards I. II. III., IV.	144	30		Senior.	1 36	21	Std. IV.	
28	Umzinto	173	Classes I., II., III. Standards I., II., III., IV.	204	32	Std. VII.	Senior.	1 114 2 60 3 48 4 30	28 23 31 19	Std. VII. .. VI. .. V. .. "	Senior Certificate .. " .. "