

Proceedings of the Council
OF THE
LIEUT-GOVERNOR OF BENGAL

FOR THE PURPOSE OF
MAKING LAWS AND REGULATIONS.

Index to Vol. XXV.
JANUARY TO DECEMBER, 1893.

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FOR THE PURPOSE OF
MAKING LAWS AND REGULATIONS
FOR THE YEAR 1893.

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Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 24 and 25 Vic., Cap. 67.

THE Council met at the Council Chamber on Saturday, the 7th January, 1893,

Present:

The HON'BLE SIR CHARLES ALFRED ELLIOTT, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The HON'BLE J. T. WOODROFFE, *Offg. Advocate-General*.

The HON'BLE T. T. ALLEN.

The HON'BLE H. J. S. COTTON, C.S.I.

The HON'BLE H. H. RISLEY, C.I.E.

The HON'BLE J. LAMBERT, C.I.E.

The HON'BLE H. LEE.

The HON'BLE DR. MAHENDRA LAL SIRGAR, C.I.E.

The HON'BLE A. H. WALLIS.

The HON'BLE MAHARAJAH SIR HARENDRA KISHORE SING BAHADUR, K.C.I.E.

The HON'BLE GONESH CHUNDER CHUNDER.

The HON'BLE P. PLAYFAIR.

The HON'BLE MAULVI SYED FAZL IMAM, KHAN BAHADUR.

NEW MEMBER.

The HON'BLE MAULVI SYED FAZL IMAM, KHAN BAHADUR, took his seat in Council.

STATEMENT OF THE COURSE OF BUSINESS.

THE HON'BLE THE PRESIDENT said:—"Gentlemen, I wish to make a brief statement regarding the prospects of legislative business during the present cold weather session. We have at present before us only two Bills—the Fire-brigade Bill, and the Bill for amending the Municipal Act of 1884. You are all aware that, in consequence of the passing of the Indian Councils' Act, it is intended to introduce considerable changes into the Council of the Bengal Province, as well as those of the other provinces, and, possibly, the Supreme

[*The President.*]

Legislative Council also; and, as soon as practicable, I understand that the Government of India intend to issue for our guidance the rules under which the business of the new and enlarged Councils will be carried on, and at the same time to instruct us to the extent to which this Council is to be enlarged, and the manner in which representatives are to be appointed to the Council. It seems to me, therefore, better on every ground that any legislation which affects the province at large, and is of great general importance, should be postponed until it can be dealt with by the enlarged and revised Council. But the Fire-brigade Bill is one of purely local interest, and the interests which are concerned in it are interests which, I understand, will be represented in much the same way in the revised Council as they are now. I believe, for instance, that it is intended that the Calcutta Municipality shall be represented in the enlarged Council; and for that reason I obtained sanction to the appointment to the Council of the Chairman of the Calcutta Corporation to represent the municipality while the present Bill is under discussion, in order that the municipality may not be worse off, but may be as fully represented now as hereafter. I propose, therefore, that as soon as the Select Committee have disposed of the business, and revised the Bill in the manner that seems best to them, we should proceed with the Bill as early as possible.

“But the Municipal Bill should not be carried further till the Council is revised and enlarged; and with regard to the Municipal Bill, I have to make a short statement as to the intentions of Government in dealing with it. A very large amount of official literature has come in, dealing with the proposed amendments, and these have been under the consideration of the Government; and it seems to me desirable, without in any way interfering with the authority of the Select Committee, that on any points on which the Government has come to a definite conclusion as to the manner in which the amendments proposed shall be dealt with, it would be desirable to facilitate the work of the Select Committee by announcing that decision, and so save them the trouble of discussing any points on which the Government has already decided. There has been a good deal of discontent and remonstrance against the Bill, as interfering with the principles of Local Self-Government, and as being a restrictive and reactionary step, putting the municipalities in a worse position than they were originally put when the present Act was passed in Lord Ripon's time. The sections which mainly come under these remonstrances, and which interfere, or seem to interfere, with

[The President.]

the independence of municipalities, are six in number. Under section 4 Government reserves the power to alter the boundaries of a municipality, and to separate from a municipality any areas of land which seem to be unsuitable for municipal administration. At present that power rests only with Municipal Commissioners themselves, and, therefore, taking that power out of their hands, and placing it in the hands of the Government—or rather, not taking it out of their hands, but giving Government the power to act, in places where the municipalities are unwilling to do so—is distinctly an interference with municipal independence. Section 12, clause ‘4’, gives Government the power of placing any municipality in the second schedule, that is, of removing its power to elect its own Chairman and to appoint an official Chairman instead. Section 25 gives Government the power to sanction the election of a Vice-Chairman, whereas at present no such sanction is required. These sections are those to which my attention has been specially called, as being the sections most seriously remonstrated against, and which have borne the brunt of a very large portion of the criticism to which this measure has been subjected. It was stated by the HON’BLE MR. RISLEY, when introducing the Bill, and by myself, on more than one occasion, that no serious interference with the authority of Municipal Commissioners was intended; and that Government only intended to use these powers when absolutely obliged to do so, and that they were introduced as being a less serious interference with municipal liberty than the course provided for such emergencies by the present law. Under sections 65 and 66 of the present law, the Government has larger powers than it would generally desire to use when dissatisfied with the way a municipality is conducted, and when it seems to be necessary to remove the Chairman and appoint an official Chairman. Under the old law the only way was to practically destroy the municipality and reconstruct it. We thought that it was desirable and would not be unpopular to provide a gentle mode of interference than this, but the result shows that we were mistaken, and on further consideration we think it is not necessary to persevere in the proposal. I think you will all agree that it is right and wise of the Government to take note of the objections of those principally concerned; for no Government would act prudently in insisting on reforms distasteful to the majority of those concerned, so long as it was satisfied that the administration could be satisfactorily maintained by taking any other course. We have, as I said, received communications from a great number of quarters, and some of these have particularly

[*The President.*]

attracted any attention, as they are not the representations of the Municipal Commissioners themselves, who might be supposed to be too captious or too ready to discern a slight to their authority which was not intended. I refer to those bodies who represent the public, or certain sections of the public, at large. We have, for instance, received memorials from the Bēngal National Chamber of Commerce, from the Bhagalpur Landowners' Association, from the Indian Association, and from the Barrackpore People's Association; all of which have considerable importance and authority. The unanimous tone adopted by all these Associations is that the election of their Chairman is a privilege which is prized above all others by the Municipal Commissioners and the people they represent in the administration of municipalities, and they have represented that no sort of opposition has been shown by the municipalities where the Government has laid its finger on any faults, but that the municipalities have always shown themselves ready and willing to correct these errors to the best of their ability. I am bound to say that this representation is quite accurate. There were two difficult cases brought before the Government at the time these amendments were introduced—one a case of the choice of an unsuitable Chairman, and the other a case of the inefficiency of a Chairman. In both of these cases, the Municipal Commissioners showed a reasonable spirit in accepting the remonstrances of the Government; in the one case an efficient non-official has since been elected, and in the other the appointment of an official Chairman has been asked for. Since this Bill was introduced there have been similar occurrences in Howrah, Arrah, Raniganj, Puri and Jessore. In all of these, it seems to me that the Municipal Commissioners have shown a spirit of tact and concession. In the first four places I have mentioned, the Commissioners agreed to the appointment of an official Chairman till such time as the malpractices or inefficiencies complained of were corrected; and in the Jessore case, they at once dismissed the Chairman complained of and have appointed a thoroughly efficient non-official gentleman in his place. It is the bounden duty of Government to take notice of facts like these, and therefore we came to the conclusion that these two sections of the amending Bill might be dropped, and that we might rely in future, as we have done before, on the stronger coercive sections 65 and 66, to which I have referred—sections which can be employed as a last resource, but which it is seldom necessary for the Government to make use of. I think it also right to inform you that, after we had come to this decision,

[*The President.*]

a despatch was received from the Secretary of State to the Government of India bearing on the same subject. He took very much the same line as I have just mentioned, as representing the course of opinion in my own mind and considered the sections undesirable, and desired that we should withdraw them. It is right you should know this, and that the public should know it. Our course is very much facilitated by this communication, and we feel strengthened by the knowledge that the Secretary of State has come to the same conclusion as the Government had done independently.

There are three other sections which I wish to mention here, which tend in the same direction. Section 29 authorises the appointment of a special officer to put municipal accounts in order, in cases where the auditing officer complains of those accounts being in an unsatisfactory condition, and considers such an appointment absolutely necessary. Section 31 deals with the appointment of assessors; it takes the assessment of taxes upon persons or houses altogether out of the hands of the Commissioners, and places them in the hands of an independent assessor. I have given this matter great consideration, and you are possibly aware that, in addressing a municipality recently in Chota Nagpur, I threw out a suggestion as to amending the Act in such a way as to provide for the appointment of an assessor only when complaints were made by Magistrates and when the Commissioner of the Division agrees that such a course was necessary. This is not a point on which Government has come to any definite conclusion, but desires to be guided by the deliberations of the Select Committee and of the Council. In all matters concerning the independence of the municipalities and which have given rise to complaints, to the effect that Government is interfering unnecessarily with the powers of municipalities, or is taking a reactionary step, not justified by absolute necessity, the Government desires to be guided by the views of the Select Committee, in the first place, and by this Council, in the second; and I hope you will consider this matter in that light, understanding that the Government places itself in your hands, and does not desire to do anything in the restrictive line, which the united wisdom of this Council does not consider necessary for the purpose of good administration. I trust, as far as I can foresee, that in the course of next month, the Council will be reconstituted under rules issued for our guidance; and that we shall then proceed to the discussion of the Municipal Bill, treating it in the spirit I have described to you."

[*Mr. Risley.*]

BENGAL MUNICIPAL ACT, 1884, AMENDMENT BILL.

THE HON'BLE MR. RISLEY moved that the Bill to amend the Bengal Municipal Act, 1884, be referred back to the Select Committee for consideration, and report.

The Motion was put and agreed to.

THE HON'BLE MR. RISLEY also moved that the Hon'ble Maulvi Syed Fazl Imam be added to the Select Committee on the above-mentioned Bill.

The Motion was put and agreed to.

The Council adjourned *sine die*.

C. H. REILY,

CALCUTTA;
The 10th January, 1893.

} *Assistant Secretary to the Government of Bengal,*
Legislative Department.

Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal, assembled for the purpose of making Laws and Regulations under the provisions of the Act of Parliament, 24 and 25 Vic., Cap. 67.

THE Council met at the Council Chamber on Saturday, the 4th February, 1893.

P r e s e n t :

The HON'BLE SIR CHARLES ALFRED ELLIOTT, K.C.S.I., Lieutenant-Governor of Bengal, *presiding*.

The HON'BLE J. T. WOODROFFE, *Offg. Advocate-General*.

The HON'BLE T. T. ALLEN.

The HON'BLE H. J. S. COTTON, C.S.I.

The HON'BLE H. H. RISLEY, C.I.E.

The HON'BLE J. LAMBERT, C.I.E.

The HON'BLE H. LEE.

The HON'BLE DR. MAHENDRA LAL SIRCAR, C.I.E.

The HON'BLE A. H. WALLIS.

The HON'BLE GONESH CHUNDER CHUNDER.

The HON'BLE P. PLAYFAIR.

The HON'BLE MAULVI SYED FAZL IMAM, KHAN BAHADUR.

LICENSED WAREHOUSE AND FIRE-BRIGADE BILL.

The HON'BLE MR. COTTON in presenting the Report of the Select Committee on the Bill for the regulation of Warehouses and the maintenance of a Fire-brigade said:—

“It will be within the recollection of hon'ble members that this Bill was introduced into Council by the late Sir Henry Harrison, who, as President of the Fire-brigade Committee appointed by the Government, and as Chairman of the Corporation and Commissioner of Police in Calcutta for many years, was peculiarly qualified to advise and guide the Council in its deliberations on this Bill. On his death, the charge of this measure devolved on me under the Lieutenant-Governor's orders. I cannot mention the name of my dear and lamented friend without expressing my sense of the extreme loss which the Council has sustained by his death. In all departments of Government administration his loss is deeply felt, but nowhere more than in this Council, where

Mr. Cotton.]

his sound and mature judgment, his persuasive eloquence and distinguished ability in argument and debate were for many years the pride and admiration of his colleagues. I am sure that I echo the sentiments of every member of this Council in paying this tribute of respect to his memory.

“Hon’ble members will observe that the Report of the Select Committee on this Bill is not unanimous. The difference of opinion relates to a question of principle, and I feel it right in presenting the Report of the Committee to detain you for a few moments by explaining the character of the difference between the majority of the Committee and its dissentient members. The dissent is signed by the hon’ble member who represents the Chamber of Commerce in this Council and by the Advocate-General. The ground taken up is that the cost of the fire-brigade, which is maintained for the public good and public convenience, should be borne by the community at large, and not by any particular section of it. This principle so broadly stated has much to commend it. But when more closely pressed, I think the Council will agree with me in recognising that it is a principle which can only be accepted subject to very considerable limitations. It is a fact that in other large cities where a fire-brigade is maintained, it is invariably or nearly invariably the rule to impose the whole burden of taxation for supporting the fire-brigade on the general community. This is the case certainly in the metropolis of England, where the duty of maintaining a fire-brigade rests on the London County Council, who are empowered to impose taxation to support the fire-brigade. No limit is imposed on the rate which may be levied for this purpose. And so in India, in large cities like Bombay there is a three-fourth per cent. rate levied on the population of the city, and in Rangoon also there is a general rate levied on the rate-payers as a body, and this undoubtedly is the course which it would be most easy to adopt in Calcutta. The Select Committee would have saved itself an immense amount of trouble if it had accepted this principle unreservedly and ruled that the whole cost of the fire-brigade should be borne by the rate-payers, and that it should rest on the municipality to levy a special rate, the proceeds of which would be sufficient to maintain the fire-brigade. This would have been the simplest form of legislation that we could have adopted. But to the majority of the Select Committee this course did not seem to be a fair one. It appeared to us that, in imposing a tax for the maintenance of a particular object, the fair and reasonable principle would be to apportion that tax on different members of the community in proportion to the advantages which it is estimated they will gain

[*Mr. Cotton.*]

from that object. If this principle could have been followed in other cities, I have no doubt it would have been adopted, but it seems that in other cities the difficulty of doing so has been found insuperable. In London, for instance, fires occur more often in residential dwelling-houses and in lodging-houses than they do anywhere else, and the fire-brigade is more largely employed in extinguishing fires which break out in residential dwelling-houses than in extinguishing fires in large warehouses. The chief object of the brigade is to extinguish the numerous fires which break out every day in various parts of that large metropolis. Similarly, in Bombay and especially in Rangoon, residential dwelling-houses are constructed of inflammable materials, and the risk of fire in them is considerable. It has therefore been found impossible to make any fair apportionment in those cities of the amount of rate which should be levied from ordinary citizens and from those engaged in trade or in commercial enterprizes which involve the construction of large warehouses. But in Calcutta the circumstances are very different. It was only twenty years ago since there were no fire-engines in this city. There were merely a few hand engines in use, and the whole establishment maintained did not cost more than Rs. 478 per mensem. About that time the jute business extended rapidly; and as jute is an exceedingly inflammable material, large fires were found to occur in jute warehouses where jute was stored, and the Chamber of Commerce and other public bodies addressed the Government, pointing out the risk run, the great losses sustained, and the necessity of maintaining an efficient fire-brigade to extinguish fires. After due deliberation a law was passed, which established a fire-brigade more or less on its present footing, and imposed the whole burden of maintaining the brigade on the jute industry. This law, subject to minor variations, has remained in force up to the present time, and it is still the case that the fire-brigade in Calcutta is entirely maintained by rates levied from jute warehouses. The Chamber of Commerce have for several years been representing that this is unfair. A Special Committee was appointed to enquire into the whole question, and the result is the preparation of this Bill, which is intended to meet the grievance from which the jute industry undoubtedly suffers.

“In the Report which I now have the honour to lay on the table, we have stated that we think that it is unfair to levy the whole rate on any one industry. At the same time I must distinctly affirm that the fire-brigade was established in Calcutta in order to meet the requirements of the jute trade,

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and that the great majority of important fires occur, and always have occurred, in jute warehouses. If it were not for these jute warehouses I do not hesitate to say that the maintenance of the fire-brigade on anything like its present scale would be unnecessary. I do not know whether I am justified in saying that this city would be in a position to go back to the state of things which existed twenty years ago, but certain it is that the brigade, in its present state of efficiency and completeness, would not be required. It is on account of the jute warehouses that the brigade is maintained in its present organisation. For these reasons, the majority of the Committee considered that the jute industry should still continue to pay a large proportion of the funds required for the maintenance of the fire-brigade. We have added to jute various other commodities which may be described as of a highly inflammable character, and have laid down in the Bill that these commodities shall be kept in warehouses for which a special fee shall be levied and paid to the municipality. The scale of these fees is indicated in the Bill, and we have imposed as a limit to the total amount to be levied from warehouses the condition that, they shall not exceed one-half of the total sum required for maintaining the fire-brigade in any particular year. The most important items added to jute are hay, straw, wood and other things which, under the present municipal law, are liable to special taxation by the municipality. We have repealed the provision of the Municipal Act, which enables a special tax to be levied on those goods for general purposes. They will now be liable to taxation for a special purpose, namely, the maintenance of the fire-brigade. The reason why they are included is, that they are such inflammable materials as, in our opinion, justify their being placed in the same category as loose jute. The fees from these warehouses will form the bulk of the assets of the Fire-brigade Fund; but the aggregate of them will not be allowed to exceed half of the expenditure required for maintaining the fire-brigade. The remaining half of the assets will be supplied by rates imposed on the general community. We thought it fair that a special rate should be imposed on bustee owners. It is well known to all of you that the number of fires which occur in the clumps of huts in this city, known as bustees, are numerous and a source of great danger to the community. If they spread, no doubt the risk becomes very great indeed, and it is one of the duties of the fire-brigade to prevent these small fires which occur in these huts from spreading over a larger area. The existence of these bustees in a large city like Calcutta is a source of danger, and we consider it fair and reasonable that the owners of these bustees should

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pay a special rate, which we have limited in the Bill to eight annas per cent. of their assessable value, for the maintenance of the brigade. The remaining sum which may be required for supporting the brigade, will be borne by a general tax imposed on the rate-payers of the town, excluding those who are already called upon to pay either on account of their warehouses or as owners of bustees. This general rate will be a very low one. We have proposed that the maximum shall not exceed one-eighth per cent. on all lands and houses assessed under the Municipal Act. The fairness of this rate lies in this, that the general community are undoubtedly protected by the existence of a fire-brigade. The individual risk which any individual house-owner may run in this city may be infinitesimal. Residential house-owners in Calcutta do not insure their houses, either in the north of the town where the permanent residents of Calcutta mostly dwell, or in the south where European residents live; and I believe I am well within the truth in saying that the insurance of houses and furniture in this city is practically unknown. This in itself marks the radical difference between Calcutta and cities elsewhere. Everyone among you who has a house in London knows very well that he insures the value of the house and of the furniture and fixtures and other things in it. This is the invariable rule in London, and it is the invariable rule in Calcutta not to insure. This is the main reason why a general rate is not unfair in London, and why it would be harsh and oppressive in Calcutta. But the circumstances are amply sufficient to justify the Legislature in imposing a very low rate on the rate-payers at large to assist in meeting any deficit which the other means of taxation placed in the hands of the municipality may fail to supply. The protection which ordinary householders derive from fires not being allowed to spread may be inappreciable in any particular case, but it is obvious that such a general risk exists, and that it is at all times within possibility that fires may break out in residential houses. In order to meet such risk and in recognition of the immunity which the fire-brigade affords to the general public, we have considered it fair that a low rate should be levied.

“ These are the main reasons which have actuated the Select Committee in apportioning the taxation, from which the funds for the maintenance of the brigade shall be met, on different classes of the community. We have imposed on the owners of warehouses and places where inflammable goods are stored a heavier burden than we have laid on other persons, but we have largely reduced

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that burden from what it is under the existing law. It is estimated that the amount to be paid by jute warehouses under the Bill will perhaps be less than one-third of what they now pay, and this will be a very great gain to the jute industry which has, I certainly do think, been unjustly charged with the whole cost for so long a period. Next the owners of bustees will pay their share, and, finally a small proportion, which is very small in comparison to the large number of persons interested, will be contributed by the general rate-payer.

"Now, Sir, in making this apportionment we have attempted an extremely difficult task—so difficult that I believe no other city under the British Empire has been able successfully to cope with it. We are making an initial attempt to be fair and just in the imposition of this special taxation for the maintenance of a special department. It is a very easy thing to impose a rate on the general community sufficient to bear the whole cost; it is very easy to single out a particular industry and make it bear the whole burden. But it is very difficult to apportion the cost among different sections of the community in proportion to the benefit which it is estimated they derive. It is this task we have attempted, and I trust that the assistance we shall receive from the members of this Council, in considering the detailed clauses of this Bill, will enable us to remedy and perfect any defects which may be detected in the measure as it now stands.

"I have prepared, for the information of the Council, two statements which have been circulated and laid before hon'ble members this morning. The first of them shows the estimate of receipts for the current year for the maintenance of the fire-brigade, the whole of which is paid by jute warehouses, and which has been sanctioned by Government under the existing law: the second statement shows the amounts which it is estimated will be borne by fees from warehouses and by special and general rates under the Bill as now framed. Both estimates are calculated to meet an expenditure of about Rs. 60,000 a year for the maintenance of the brigade. The estimate assumes that the jute industry of Calcutta, which now contributes a grand total of Rs. 28,000 for the maintenance of the fire-brigade, will henceforward pay Rs. 8,600 towards that object; that the sum of Rs. 8,000 will be levied from other warehouses in Calcutta; and that the total sum of Rs. 16,500 will be levied from Calcutta on account of warehouses as they are defined in the Bill. It is estimated that a sum of Rs. 25,000 will be levied from Calcutta by means of a special rate on bustees and a general rate. The total contribution from the town of Calcutta would amount then to Rs. 41,600, as

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against Rs. 28,000 now levied, the increase being entirely from bustee owners and warehouses other than jute warehouses and from the general rate-payers who, we consider, should pay some share of the cost. As regards other municipalities, the amounts they pay would be largely reduced. The sum paid by the Cossipore-Chitpore Municipality, which is entirely from jute at present, is Rs. 33,000, but it would be reduced to Rs. 10,500, that is to say Rs. 10,000 from jute warehouse and Rs. 500 from other warehouses; the Manicktollah Municipality, which pays Rs. 15,000 at present entirely from jute, would pay Rs. 6,000, of which Rs. 500 will be from other warehouses; and Howrah, which pays Rs. 6,250 from jute alone, would be reduced to Rs. 3,000, of which Rs. 200 will be from other warehouses. These estimates, which are put forward on my own authority and by way of illustration only, cannot of course bind the Government, or municipalities concerned, but they will assist hon'ble members in judging of the changed incidence of taxation which is likely to arise if the Bill, as now drafted, is passed.

“I do not wish to detain the Council in regard to any of the minor points contained in the present Bill. The most important is, I suppose, that which lays down that warehouses shall be open to the inspection of an officer appointed by the Commissioner of Police; provided that such officer shall be a member of the fire-brigade, and not a member of any police force. The effect of this provision is, that the Inspector of warehouses will, in future, not be a municipal officer, but will be an officer who will work under the orders of the Commissioner of Police. The executive control of the fire-brigade will be left, as it is now, entirely in the hands of the Commissioner of Police, and the funds will, as they are now, be collected by the Municipal Commissioners; only their powers for this purpose will be greatly enlarged and changed. The apportionment of the taxation among the several municipalities interested—Calcutta and the municipalities in its immediate vicinity—is not laid down in the Bill itself, but is left to the Government to decide.

“For the rest the changes are described in the Report of the Select Committee. The intricacies of the Bill are considerable, and I have no doubt that hon'ble members would wish for some time to consider it for themselves, and also to consult their constituents as to how they are affected by the changes proposed. Today, therefore, I intend to merely lay the Report of the Committee on the table. At the next meeting of the Council we shall proceed to consider

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the Report and to discuss the Bill in its several clauses. It will remain for the President to decide the date on which we shall meet again for this purpose."

The Council adjourned to Saturday, the 11th February, 1893.

CALCUTTA;	}	C. H. REILY,
<i>The 9th February, 1893.</i>		<i>Assistant Secretary to the Government of Bengal,</i> <i>Legislative Department.</i>

By subsequent order of the President the Council was postponed to Saturday, the 18th *idem*.

C. H. REILY,
Assistant Secretary to the Government of Bengal,
Legislative Department.

*Abstract of the Proceedings of the Council of the Lieutenant-Governor of Bengal,
assembled for the purpose of making Laws and Regulations under the provisions
of the Act of Parliament, 24 and 25 Vic., Cap. 67.*

THE Council met at the Council Chamber on Saturday, the 18th February,
1893.

P r e s e n t :

The HON'BLE SIR CHARLES ALFRED ELLIOTT, K.C.S.I., Lieutenant-
Governor of Bengal, *presiding*.

The HON'BLE J. T. WOODROFFE, *Offy. Advocate-General*.

The HON'BLE T. T. ALLEN.

The HON'BLE H. J. S. COTTON, C.S.I.

The HON'BLE H. H. RISLEY, C.I.E.

The HON'BLE J. LAMBERT, C.I.E.

The HON'BLE H. LEE.

The HON'BLE DR. MAHENDRA LAL SIRCAR, C.I.E.

The HON'BLE A. H. WALLIS.

The HON'BLE GONESH CHUNDER CHUNDER.

The HON'BLE P. PLAYFAIR.

The HON'BLE MAULVI SYED FAZL IMAM, KHAN BAHADUR.

LICENSED WAREHOUSE AND FIRE-BRIGADE BILL.

The Hon'ble MR. COTTON said:—"At the last meeting of the Council I presented the Report of the Select Committee on the Bill for the regulation of Warehouses and the maintenance of a Fire-brigade, and explained at some length, for the information of this Council and of the public, the principles which had guided the majority of the Select Committee in the preparation of the Bill which had been laid on the table. I have now the honour to move that, the Report of the Committee be taken into consideration in order to the settlement of the clauses of the Bill."

The Hon'ble MR. WOODROFFE said:—"Sir, the Motion, which I have the honour to move, embodies the general principle enunciated in the dissent to the Report of the Select Committee, signed by the minority of that Committee. In presenting the Report of the Committee to the Council at its last meeting, the

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Hon'ble Member in charge of the Bill, although there was before the Council no motion for the consideration of that Report, took occasion to explain the principles upon which the majority of the Committee had proceeded, and upon which the view taken by the majority of the Committee would be maintained. I listened with considerable attention and great interest to the speech of the hon'ble member. I was naturally anxious to hear what might be said in support of the view of the majority, and as the hon'ble member's speech proceeded, I felt myself growing more and more interested, because, though it may be that I was in error in so thinking, I arrived at the conclusion that, most of the observations which fell from the hon'ble member tended rather to weaken than to support his contention.

“The principle, Sir, which is involved in the Motion which I now move is, that the taxation of commercial interests for matters affecting the public good and the public convenience is opposed to all sound principles of political economy, and of those rules which govern the incidence of taxation in civilised countries. ‘The general community are undoubtedly protected by the existence of a fire-brigade.’ Those are words which I take from the Hon'ble Mr. Cotton's speech; and the hon'ble gentleman in defending the principle of imposing a tax on the general community, which should be of light incidence, went on to say that, ‘in recognition of the immunity which the fire-brigade affords to the general public, we have considered it fair that a low rate should be levied.’ There can be no question, it seems to me, Sir, but that the community generally, and as such, is protected by the existence of a fire-brigade, and that it does afford such immunity to the community as the hon'ble member maintained. The hon'ble member's words are but an echo of a statement made on this subject by the then Lieutenant-Governor of Bengal in a letter dated the 15th of February, 1878, in which His Honour stated: ‘The maintenance of the fire-brigade is an object in which all classes of the community are interested, and to which all ought to contribute.’ This position is so clear, that it seems unnecessary to adduce arguments in support of it. It is a fact admitted by the hon'ble member in the speech to which I have referred. It is admitted in the Bill even as now framed that, there is immunity provided to the general public as such by the existence of the fire-brigade. It is sought, however, to distinguish and to show that, that general rule is not to be applied to Calcutta. In other words, that to Calcutta the principle of taxation of commercial

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interests for the public benefit, for the public safety and for the public convenience, is to be applied.

“I know of but two instances in which this principle has been accepted. One of them was in Egypt, but, under the administration of the noble Lord who is now at the head of affairs in Egypt, it no longer exists; the other is still in force in Calcutta. Some years ago, I read that when in Egypt it was desired for some reason to throw a bridge over a canal, the persons who were made to pay for that work were the boat-owners who passed under it. They did not particularly want the bridge, but the bridge compelled the boats to lower their masts and take down their sails; and it was accordingly considered but fair and natural, they should be made to pay the tax. Calcutta still retains, in the present system of taxation for the maintenance of the fire-brigade, this truly Egyptian policy. It taxes the commercial interest for the benefit of the public, and it is sought to maintain this untenable position upon the ground that, the commercial interest to a greater or a less extent shares in the benefit.

“The principle, Sir, for which I am contending, has been recognised by the Legislature with growing distinctness both in England and in this country. In England, under the Act of 14 Geo. III, C. 78, s. 75, it was provided that ‘fire engines shall be kept up by the several parishes in and around the metropolis’, and so until 1865, the law continued when there was established the Metropolitan Fire-brigade Act, 28 and 29 Vic., Cap. 90. Between the Act of Geo. III and the Act of Her present Majesty, to which I have referred, it was found, that the parishes were remiss in the discharge of the public duty which had been laid on them. Accordingly in or about the year 1833, the Fire Insurance Offices in London banded themselves together, for the purpose of making proper and better provision for the extinction of fires than was then in existence. The Association was a purely voluntary one, and was, in the first instance, established for the purpose of extinguishing and preventing the spread of fires in or to buildings which were covered by insurances. The establishment was maintained at a large cost by the Insurance Companies, and shortly before the passing of the Metropolitan Fire-brigade Act in 1865, an arrangement was made with the Metropolitan Board of Works, by which the establishment which had been provided and maintained by the Fire-brigade Association was handed over to the Metropolitan Board of Works; and the value of the material so handed over, was then estimated at about £30,000.

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“On the passing of the Act, the funds necessary to be raised for the purposes of the Metropolitan Fire-brigade Act were obtained by a contribution, I think, of £35 per million from Insurance Companies; by the grant of £10,000 a year from the Government, in consideration of the services rendered or likely to be rendered by the fire-brigade for preventing fires in and the spread of fires to public offices, and by a general tax of a half-penny in the pound. Here, there is a clear recognition of the general liability of the public to maintain a fire-brigade. Intermediately there had been passed an Act, known as the Police Clauses Act of 1847, and many other public general Acts, which authorised the maintenance, out of rates to be levied thereunder, of the cost of firemen, fire-engines and other requisites for the extinction of fires and for preventing the spread of fires. And I may say that at the present moment, with, I believe, the exception of the boroughs of Salford and Liverpool, where under two local Acts the costs attending the extinction of fires are chargeable in the case of insured property upon the Insurance Companies, all the large cities in Great Britain and Ireland maintain their fire-brigades out of public rates. It is so in two cities in which there is a great deal of work carried on, involving the use of inflammable materials. I allude particularly to the case of Belfast, in which there is a large ship-building industry, and to the case of Dundee, where there is a very large jute industry. So far as I have been able to ascertain, there is no city on the continent of Europe in which the inhabitants do not pay for the cost and maintenance of the fire-brigade. In many of these cities, there are not the same strict rules, so far as I have been able to ascertain, as prevail in London and the large cities of Great Britain and Ireland, in respect of the building of houses—rules which minimise to the utmost extent the risk of fires in those cities; yet in almost every instance in which I have been able to inquire into, the fire-brigade is maintained out of general rates.

“This principle has also received recognition in this country. In 1872, when a fire-brigade was first established, it was provided by the Act II of 1872 of this Council, section 29, that, the full amount of the charges of the fire-brigade, over and above the monies which might accrue to the Fire-brigade Fund under sections 25 and 26 of the Act, which are the fees and fines in respect of licenses and the contribution by Insurance Companies, should be contributed by the Justices of Calcutta and the Commissioners of the Suburbs in the proportion of seven-tenths and three-tenths. By Act III of 1884 of this Council, section 69, the Commis-

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sioners at a meeting were empowered, so far as the Municipal Fund permits, to apply that Fund to any works within the municipality of public utility, calculated to promote the health, comfort or convenience of the inhabitants; and amongst other objects stated in that Act, and which fall within this description, I find the maintenance of a fire-brigade along with the establishment and maintenance of schools and the maintenance of hospitals. Probably, the clearest and widest enunciation of this principle is to be found in the Act which, at the present moment, regulates the Calcutta Municipality. By section 35 of that Act, all the properties vested in the Commissioners, and all funds received or raised by the Commissioners in accordance with the provisions of that Act, shall be applicable to the purposes expressly authorised by that Act. What are the purposes expressly authorised by this Act? Section 36, the following section, answers the question. It runs as follows:—‘The purposes expressly authorised by this Act shall be held to include the objects connected with the public safety, health and convenience hereinafter specified, that is to say, No. 1—the payment of all or any portion of the cost of the fire-brigade for the extinction of fires in Calcutta.’ Then follow a number of objects, and the section concludes with the words ‘and generally all objects connected with the public safety, health or convenience.’ That the Legislature in this country has therefore, in unmistakable terms, given in its adhesion to the principle of the maintenance of the fire-brigade as a matter of public utility, as a matter which affects the public safety, health and convenience, of the inhabitants, is beyond all doubt.

“Why, then, has Calcutta been singled out for exceptional treatment? In 1871, several fires occurred in jute stores situated in the central part of this city. The Chamber of Commerce, the Trades Association, the British Indian Association and several other public bodies presented petitions to the Government to take this matter into its consideration and to adopt measures calculated to promote the public safety, and to protect the public from the occurrence of fires. On the presentation of memorials to this effect to the Government, a Bill was introduced into this Council, which was afterwards passed into law as Act II of 1875; and I shall have presently to point out the entirely different state and condition of jute warehouses and places for storing jute, as they were then known to exist and as they exist now. Suffice it to say for the present that, they were then in a totally different state and condition from those in which they are now found. They were, as I shall show from the observations of

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the Hon'ble Mr. Bernard in introducing that Bill, in an absolutely different state from what they are now as shown in the very able report of my hon'ble friend Mr. Lambert, in his capacity as Commissioner of Police.

“Even then, when jute warehouses were in such a state as they were when this Act was passed, it was not then the intention of the Legislature to impose the whole liability for the maintenance of the fire-brigade on the jute industry. That is manifest from the fact that, that Act provides for the meeting of the deficit, if any, from the funds of the Municipalities of Calcutta and the Suburbs. It imposed a scale of fees on jute warehouses, which ranged, I think, from Rs. 100 to Rs. 1,000 a year, and fees on Insurance Companies. For whatever reason it was, whether for want of adequate information as to the number of places for the storing of jute or from other causes I know not, but it is manifest that, the scale of fees imposed on jute warehouses was excessive—grossly excessive; and from the income derived therefrom, for practically it is with that alone we need concern ourselves, the whole cost of the fire-brigade was maintained. That, with but minor alterations not bearing on the present question, is the state of the law as it exists at present. The rates were so excessive that, between the month of August, 1875, and the month of April, 1881, there was paid away out of the Fire-brigade Fund a sum of Rs. 1,26,552. Who received the benefit of that sum? The Municipality of Calcutta—Calcutta in that wider sense in which it is now dealt with under Act II of 1888 of this Council. It received in August, 1875, a sum of Rs. 35,000 towards the widening of a lane near the Municipal Office, and a subsequent grant of Rs. 5,000 for the same purpose in January, 1876. In November, 1875, Rs. 16,275 was given to the Alipore Lock-hospital; in January, 1876, a grant of Rs. 10,000 was made to the Suburban Municipality, and in 1881, Rs. 60,000 was given for widening Chitpore Road. That the Act of 1879, when passed into law, tended but ineffectually to reduce the incidence of this taxation on commercial interests, is manifest from the fact that, in 1881, there was surplus money to the extent of Rs. 60,000 to be paid away.

“The law stood so until 1883, when it was found that, owing to the limitation of seven-tenths as against three tenths and to the further limitation as to the amount to which the three-tenths should run up to, the jute industry had, in a great measure, removed from Calcutta to the outlying Suburbs. In 1883, there was passed Act IV of that year, which is the existing law. It did away

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with the proportion of seven-tenths and three-tenths. The Insurance Companies had been relieved by the intermediate Act, but it still made the Fire-brigade Fund pay one and a quarter times the cost of the fire-brigade. Eighty per cent. of the collections, under the head of fees, were paid to the Commissioner of Police for the up-keep of the fire-brigade; 20 per cent. went to the Calcutta Municipality for the collection of those fees. There can be but little doubt that, during all these years, the Municipality has made a very good business of it in respect of that 20 per cent., in addition to the sums of money which I have shown it has received.

“Speaking of this state of affairs, the late hon’ble member of this Council, Sir Henry Harrison, in introducing the present Bill into Council, observed that, ‘the jute legislation had reached that position rather by the process of drift than by any intention on the part of the Legislature.’ I would recall the Council from this policy of drift, and ask that the matter be put on the fair, proper and reasonable footing, by the incidence of taxation being thrown on the community at large. Why, I ask again, is it that Calcutta has been singled out? This retrospect in the history of the legislation, in respect of the jute industry, shows that the Municipality had, like spoilt children, been educated into the belief that, they had a right to be exempted from the obligations which naturally and justly fall upon them. They ask, why should the previous state of things be altered? Why, to use the concurrent language of the Indian Association and the Municipality, who seem to be entirely in accord in the present matter—why should there be at one bound this relief to the jute industry? Is it the contention of hon’ble members who support the Bill that, continuance in wrong-doing is ground for its maintenance in perpetuity? Surely not; what other reasons, then, can be suggested? That which I have just mentioned seems to me to be the one which ranks first in the minds of all those who have expressed an opinion on this subject, in accord with the majority of the Select Committee. As this Bill has been introduced into Council for the purpose of relieving the jute and other cognate industries from the unjust and oppressive incidence of taxation, I ask why should not the matter be fully considered, and if justice demands it, let justice be done?

“But it is said, Sir, that there are other reasons. It is suggested that, there is a radical difference between Calcutta and cities elsewhere throughout the civilised world. I deny this radical difference. It is said that, it has been found impossible in those other cities to make a fair apportionment between the amount of rate to be levied from ordinary ratepayers and from those engaged in

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commercial enterprises; in other words, that Calcutta is different from every other city in respect of the fire-brigade, and it has successfully attempted and overcome difficulties which have been found insurmountable in other countries. If others failed, I think we shall fail too. But I deny that, it has been found impossible in other countries to make a fair apportionment between the amount of rate to be levied from ordinary rates and those engaged in commercial enterprises, because there has never been made any such attempt. The principle, involved in this endeavour, does not commend itself to those who understand the principles of political economy. As soon as one makes this attempt, he finds himself beset by enormous difficulties. The hon'ble member, with a courage worthy of a better cause, has not shrunk from the abyssal depths of differential taxation, and has succeeded in producing a Bill which commends itself to nobody. The Calcutta Municipality does not like it; the Chamber of Commerce object to it; the Trades Association have intimated their dissent from some details of the Bill; the Bengal National Chamber of Commerce is not satisfied with it, and the last contribution from the Indian Association, also falls foul of it and challenges it on the ground that, it contravenes the principles of Local Self-Government. I do not see that it interferes with the principles of Local Self-Government in the least. The first principle of Local Self-Government is, that all classes should bear the burden necessarily incident upon them, and that individual selfishness should give place to public interests.

“What is the difference between the houses in other cities and the houses in Calcutta? It is said that, in the residential quarters of Calcutta houses are built of un inflammable materials. But what about the residences of the citizens of Calcutta, whose lives and property are just as dear to them as the people who live in the residential quarters? Go up to the top of the tower in the Telegraph Office, or any other place of height in Calcutta, and look down upon what is spread before you. What will you see? With the very small exception of the quarter which is known as Chowringhee and some quarters in the north of the town, you will find a large mass of residences of the poor which are distinctly of an inflammable character, and those you will find fringed round by streets and lanes of pukka-built houses. In every one of these houses fire may break out, and in this City fires do frequently break out in such dwellings.

“In Bombay, the cost of the fire-brigade is borne by a three-fourth per cent. rate; in Rangoon, it is paid for out of the general rates; in Madras, so far as there are any appliances for extinguishing fires, they are paid for by the

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Municipality. Calcutta seems to stand alone. The houses in the residential quarters of Calcutta are no less substantially built than those in England. The sole difference, so far as I am aware, between the building of pukka houses in Calcutta and the building of every house in every street in London is, that there are almost universally wooden floors in London houses, whereas they are to be found in but few houses here. On the other hand, in the Metropolitan district, there is a far more extensive and a far more careful application of the rules relating to buildings, by which the risk of fire is minimised to the utmost.

“Further, it is said that, the cost of the fire-brigade should continue to be borne, though not in whole yet at least to the extent of a moiety, by the jute industry and other cognate industries, because, first, of the state of things which existed in 1871 and which led to the establishment of the fire-brigade. In the proceedings of this Council of December, 1871, the Hon’ble Mr. Bernard, in moving for leave to bring in a Bill to amend the law for the registration of jute warehouses and to provide for the establishment of an efficient fire-brigade in Calcutta and the Suburbs, spoke as follows:—‘In January last, there were 247 jute warehouses in Calcutta alone, besides those in the Suburbs.’ I believe, if my information be correct, that the number of jute warehouses in Calcutta now is less than half of that number. The hon’ble member went on to say:—

‘As hon’ble members of Council well know, the custom at many warehouses and pressing places was, to leave the jute drums and loose jute out in open yards and to spread jute clippings over the courtyard, when a press might be at work. These jute yards were generally in the heart of the most populous parts of the city; some of them were in the midst of the mercantile quarter on the river-bank. It would be in the recollection of most of us that, a few weeks back a fire broke out in a jute screw-house on the quay, and that fire, if there had been any wind, must have reached an adjoining jute store; it might have destroyed the quarter of Calcutta which contained all the chief warehouses of foreign goods, and it would probably have spread to the shipping.’

“The hon’ble member further said:—

‘A few days ago, two Calcutta firms which had their offices and godowns on the quay complained to the Magistrate against a jute warehouse next door to them. In the enclosure of their store, there were some 200 square yards of ground covered with jute clippings; the stack of clippings was 12 feet high and topped the wall of the yard. On one side of this yard, was a steam-engine and its fire; on the other, was a large forge constantly at work. If a spark had fallen from either of these fires on the jute clippings, and there had been any wind, a most disastrous fire must have been the result.’

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“It was, Sir, to meet cases of this kind, and with reference to circumstances of this nature, that that Bill was brought in. But that is not now the condition of the jute warehouses and jute presses—far from it. Secondly, because it is stated, that by far the largest number of fires of an important character occur in jute warehouses. The meaning of the phrase is wrapped in obscurity from the use of the word ‘important.’ What is an ‘important’ fire? Is it a fire in which the largest amount of property belonging to any one person is consumed? Surely not! Regarded by the community at large, the burning of a jute warehouse in which there may be thousands of bales of jute, disastrous though it may be to the individual, is less disastrous than a fire occurring in a basti, in which all the property of the inhabitants may be utterly destroyed, and even their very lives may be at risk. Such fires spread with a rapidity wholly unknown to the conflagration in a jute warehouse. But turning from the question of injury to the individual, the risk arising from fires in bastis and tiled huts is far more dangerous, because more widely spread and less under control. That appears to me to be the real test of importance. In a letter from this Government to the Government of India, dated the 3rd of February, 1892, the Hon’ble Mr. Risley wrote: ‘The measure of liability to contribute is the risk of fire incurred, not the value of the property or the amount of possible damage.’

“But how does the matter stand as regards the question of fires? The Hon’ble Mr. Lee, in 1890, then untrammelled by the weight of legislative responsibility, and speaking in his character of Chairman of the Municipal Corporation of Calcutta, took up the position that ‘90 per cent. of the property destroyed by fire during the four years, 1886 to 1889, belonged to the jute and cotton interests.’ [The Hon’ble Mr. Lee said:—‘I did not use those words. Those words are not to be found in any letter or statement of mine.’] If I misrepresent the hon’ble member, I sin in excellent company. In a letter from the Government of India, dated the 18th of February, 1891, (Municipal), I find it stated, over the signature of the hon’ble member opposite (Mr. Cotton), as Secretary to the Government of Bengal, that in a letter from the Chairman of the Corporation of Calcutta it was stated that ‘the Commissioners of Calcutta also object to any portion of the cost of the fire-brigade being defrayed by the general rate-payers; they consider, on the contrary, that the fire-brigade should still be maintained by the jute industry, and they adduce the following arguments in support of their opinion that, 90 per cent. of the property destroyed

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by fire during the four years, 1886 to 1889, belonged to the jute and cotton interests.' That objection was made on behalf of the Municipality by the Hon'ble Mr. Lee. Mr. Cotton writes:—

'The letter from the Chairman to the Corporation of Calcutta was forwarded by Government to the Commissioner of Police, for an expression of his opinion. Mr. Lambert's reply, dated the 26th of December, 1890, takes exception to the arguments put forward by the Municipal Commissioners. It is argued that, of the fires which took place during the four years (1886 to 1889), only 15 occurred in places licensed under the Jute Warehouse Act against 123 fires in other places; and that the value of property destroyed by other fires almost equalled that destroyed by fires in licensed warehouses: the damage caused in jute fires being estimated at Rs. 8,70,810 against Rs. 7,64,265 in other fires. Mr. Lambert shows, that the strength of the brigade is in a great measure fixed with reference to the prevention of the spread of a conflagration, not from jute warehouses which are surrounded by high walls, which confine the flames and minimise the danger of the fire spreading, but from bastis, woodyards, straw-stacks, &c., where the risk of the conflagration extending to adjacent buildings is very great. The supply of water, he admits, is a benefit to the brigade; but he observes that, as a fact, out of the 138 fires which occurred during the four years, pipe-water was used in 37 only. The Commissioner of Police also observes that, a contribution from municipal funds to the fire-brigade would not do greater violence to the principles of Local Self-Government than the contributions now made by the Corporation to public hospitals and to the cost of surveying the town of Calcutta.'

"Dealing with this matter, the Fire-brigade Committee in their report to this Government stated in their tenth paragraph that, the statement of fires furnished by the Commissioner of Police for the four years, 1886 to 1889, though it showed heavy losses in jute warehouses, showed clearly that 'the numerical majority of fires break out in other places, and that it is impossible to deny that the general public derive much protection from the fire-brigade.' The reports of the Commissioner of Police as Chief of the Fire-brigade showed that, for the four years ending in 1892, that is, from 1888 to 1892, out of 139 fires, only 10, that is to say 7 per cent. of the whole, occurred in warehouses licensed under Act IV of 1883; and that the property which was destroyed in those fires only came up to 23 per cent. of the total value of the property destroyed in the 139 fires, which occurred during those four years. This dispels at once the statement as to the number of fires occurring in jute and cotton warehouses, and the value of the property destroyed in them. Extending the statistics so as to cover the period of seven years from 1886 to 1892, it would appear, from a representation made by the Bengal Chamber of Commerce to the Secretary of this Government during the time

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that this Bill was going through the Select Committee, that there were during that period, 247 fires; that of these, there were 17 fires in buildings registered or licensed under Act IV of 1883; six fires of jute in unlicensed places, and 11 fires on board vessels in the river; and that the fires in other places not falling within the above category amounted to 213, that is to say, 86 per cent. of the fires which took place in Calcutta in the seven years from 1886 to 1892, both inclusive, were in places other than in licensed jute warehouses, or in jute stored in unlicensed places, or on board vessels; and it further appears that the total value of the property destroyed in all these fires amounted to Rs. 28,42,000, of which only Rs. 8,37,560, or 29 per cent. worth of property, was stored in licensed warehouses. It cannot therefore be contended that, the fires in Calcutta were solely, or even to the extent of one-half, contributed or occasioned by fires in jute warehouses.

“That argument therefore fails. But it is said that, the legislation which was necessary in 1872 is necessary to be maintained now in a modified form. That also I question, and I question it on the same most undoubted authority, namely that of the Commissioner of Police who is specially charged with the working of the fire-brigade, and to whose services and that of the fire-brigade staff, Calcutta owes so much. The Commissioner of Police, after dealing with the assertion of the Municipality that ‘90 per cent. of the fires in Calcutta are due to the jute industry’, thus deals with the Hon’ble Mr. Cotton’s argument that, if it had not been for the jute industry, a fire-brigade would not be required in the efficient state that it is. The Commissioner of Police says in the letter already quoted:—

‘The strength of the fire-brigade is in a great measure fixed by the reference to the prevention of the spread of a conflagration, not from jute warehouses which are surrounded by high walls, which confine the flames and minimise the danger of the fire spreading, but from bastis, woodyards, straw-stacks, &c., where the risk of the conflagration extending to adjacent buildings is very great.’

“There is the source of danger indicated in clear and unmistakeable terms; and it is pointed out by the Commissioner of Police that, these buildings are now of a substantial character, that the measures taken to prevent the spread of fire from them are effectual and that, when a fire breaks out in a jute warehouse, it is often beyond the power of any fire-brigade, however well-manned and however effective, to put out the fire. But there is a thing it can do and which it does do. It prevents the spread of fire from the place or building in

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which it occurs to the adjoining buildings by pouring water on it and so preventing the rise of sparks by making a free passage and isolating the fire, or by so keeping it under in the place in which it occurs, that the danger is entirely removed or most materially reduced.

"In more than one of the objections put forward by the Municipality there is involved this patent fallacy, that the cost of the maintenance of an institution required for municipal purposes generally affecting the public health, safety and convenience, is to be borne only or mainly by certain persons deriving a certain special benefit. That is not the principle of civic life. The principle of civic life is, that every citizen shall, in accordance with his means and property, bear the burden or cost of those matters and things which subserve the public benefit, health, convenience and safety, though he may derive no benefit from them at all. As well, may we have blind men protesting that, they ought not to be bound to pay a lighting-rate because they cannot see and do not require light. A doctor will tell you that, there are men who are particularly susceptible to malarial influences. Shall a heavier sewage-tax be imposed upon them, as being more likely to be affected from want of proper sewerage? Why impose a tax on the unmarried for education? You might ring the changes from one end to the other of the system of taxation and find yourself confronted with matters of this kind. In each case, the individual must contribute to the public good. It may be asked—And what is the benefit which jute warehouses receive if a fire is not capable of being put out? The goods therein must burn, and the private individual suffers loss, but the benefit to the public remains. The fire does not spread.

"Now a few words more as to the difference in the state between jute warehouses in 1871 and 1872, and the present time. I quote again from the Hon'ble Mr. Lambert's report. He says:—

'The jute industry was, it would appear, required in the first instance to contribute to the expense of maintaining an efficient fire-brigade, because jute warehouses and yards were situated in the heart of the most populous parts of the city, and because loose jute was spread out and stacked in open yards often in close proximity to steam-engines.'

"The hon'ble member, no doubt, had the speech of the Hon'ble Mr. Bernard in his mind. He went on to say:—

'Open yards for the storage of jute were to be found in the wealthiest quarters of the town, and the danger arising from this condition of the trade laid upon that industry the burden of contributing to the support, and eventually, of solely supporting the fire-brigade.'

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But this state of affairs has entirely changed during the past 18 years. The largest jute warehouses now lie outside the mercantile quarter of the city ; loose jute is no longer stored in open yards, and jute presses and warehouses are now substantial masonry buildings, well adapted to stop the spread of fire. At the present time, there is infinitely less risk of the spreading of a fire in a jute warehouse, than of a fire in a basti or the centres of the mercantile community in the native quarters of the town.'

"That is the deliberate opinion of a gentleman who knows what is the state of things. Before I pass on, allow me to supplement what I have said, with respect to fires. The Hon'ble Mr. Lee, in his report No. 33J., dated the 1st of July, 1891, on the working of the Licensed Warehouses and Fire-brigade Act in Calcutta during the year 1890-91, states in paragraph 8: 'No case of fire in any jute godown has occurred in the year under report.' In that year, there were 104 licensed warehouses on the register, and not one single fire occurred. Mr. Lee was succeeded by Mr. Ritchie, and he, in his report for 1891-92, paragraph 7, states: 'There was no case of fire in any jute warehouse during the year.' That brings the matter down to last year. It cannot then be said that, jute warehouses are in themselves such a source of danger to the community at large as to justify any special taxation upon them. The large and vast majority of fires occur elsewhere.

"And now I proceed to show, in addition to what I have pointed out to the Council, basing myself on the authority of the letter of the Commissioner of Police, that the danger of fire from jute warehouses is minimised by the use of every possible appliance to check the spread of fire. I believe it will not be denied that, there is no instance of fire spreading from jute warehouses to any other buildings. Their own brigade and the manner in which the jute warehouses are constructed, obviate the possibility of this. Not only are these buildings now constructed of a substantial character, and the storing of loose jute in open spaces entirely superseded, but most important steps have been taken towards safeguarding them from the risk of fire. Everybody knows that a prudent man insures his place of business, and in order to secure favourable rates from Fire Insurance Offices, jute warehouses have been provided with various means and appliances for preventing and extinguishing, and circumscribing fires. At Messrs. Ralli Brothers' press at Golabari, there is a Merryweather's portable steam-engine kept standing ready for use at all times, and there is a special staff of firemen always on duty at night to work the fire-service. The suction-pipe from that engine is let into the water-supply tank, and delivery hoses are attached to the two discharge branch pipes ready for immediate work. Besides

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that, there are two portable manual pumps which can be worked by about twenty men each at all times, ready for immediate action. In addition to these, there are 39 hydrants distributed all over the premises and connected with the main engine. Each hydrant has a hose box adjoining it, containing the delivery hoses, nozzles, &c. There is an aggregate supply of 10,000 gallons, and the tank belonging to this Press is supplied from the river.

"To such a state of efficiency has this Press come, that they are not only absolutely independent of any fire-brigade but they were in March 1890 and 1892, able to give the greatest assistance at the fires which took place at the Bengal Hydraulic Press and at Baliaghatta. In the latter instance, at a time when the resources of the fire-brigade were taxed to the uttermost in consequence of there being at the same time a fire at Howrah, at the Sibpur Jute Mills. The Strand Bank Press is another well-equipped press, and so is the Canal Press, which possesses a Tangye's duplex pump with piping laid throughout the works. In these two Presses, the pumps are supplied with water from the river.

"I mention these among others which could be mentioned. In the largest and which, according to the Hon'ble Mr. Cotton are the most important fires which are likely to occur, the persons concerned are practically independent of the fire-brigade. Not only is the condition of fires in 1872 not in existence now, but the jute industry has practically rendered itself almost secure from danger from fires, and is almost entirely independent of the fire-brigade itself.

"But there are other reasons why this principle, supposing it were a fair and just principle, should not be applied to Calcutta. I have dealt with one of them, namely, that the state of things is such as to show that there is no obvious reason for applying this most extraordinary principle in the most extraordinary manner to this most extraordinary town. And it is this. At the present moment, money is contributed by the jute industry towards the funds of the town, amounting to Rs. 6,327 per annum. There were transferred to the Municipality various sums standing to the credit of the Fire-brigade Fund, amounting to Rs. 1,66,752, and those monies have been spent in making substantial improvements; and it must be assumed that, those sums would not have been transferred by the Government without a necessity for such improvements. Those sums, taken at a moderate rate of interest, have made the Municipal Fund better than it would otherwise have been by Rs. 6,327 per annum. The Corporation has laid out those sums in making permanent improvements, and it is but fair and

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reasonable to suppose, that otherwise they would have had to raise money to effect those improvements and pay interest thereon; and that, by reason of those improvements, they have received increased rates and taxes.

“There is but little more I need trouble the Council with, and I apologise for the length at which I have dwelt on the subject. The principle at stake is of the greatest importance, in that the interests of Calcutta centre in its commerce. But for its situation at the bottom of the Gangetic valley, Calcutta would have no importance whatever among the cities of India. It is to this port that the principal wealth of this country, in the shape of produce, comes; and by the establishment of railways and river communications, goods, imported from foreign countries, find their readiest market and are most easily distributed.

“The Hon’ble Mr. Lee, in dealing with this point as a Port Commissioner, justly observed that this port was the most heavily taxed in the world, and that for his part, he would most gladly shift from the port to the municipality anything which could be so shifted. If we proceed further in the way of legislation by imposing taxation on commercial interests, we may arrive at a time when Calcutta will be but little better than a first class municipality. A gentleman, now deceased, who was on the Committee of the fire-brigade, objected to the system of general taxation on the ground that, the tax would fall on land which is not inflammable. I do not believe that Calcutta mud is one bit more inflammable than London clay. But what makes the mud so valuable? It is that thereon, there are built houses in which the commerce of Calcutta is carried on. Remove that commerce. You may do so by improper legislation, as the Legislature of Great Britain demolished the ship-building trade, the linen trade and the woollen trade of Ireland. This Government may, by legislation in like manner, bring about a state of things in which there may be left Calcutta land and nought but Calcutta land, and it would not need the services of a fire-brigade.

“For these reasons, I contend first, that there are no grounds for imposing this tax on any special industries, such as jute and cotton, oil or other materials dealt with by this Bill, but also that there are good and abundant reasons why they should not be so dealt with. As far as I can find out, the rateable value of Calcutta and the Suburbs, which come within the provisions of the Bill, amounts to about 210 lakhs. The hon’ble member the other day produced a statement containing, as he himself admitted, some considerable inaccuracies. That statement was not before the Select Committee and could not be considered

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there. Taking 210 lakhs as the basis of the rateable value of property, it is perfectly clear that a quarter per cent. rate, that is one-third of what is imposed in Bombay, would meet all the expenses of the fire-brigade. As to how that may be done, if the Motion which I am putting to the Council meet with its assent, is a matter for future determination. It may be, for the reasons adduced by the Hon'ble Mr. Cotton, that the incidence of this rate should fall more on occupiers than upon owners, upon the ground that, the property in houses is more likely to be destroyed than the house itself. The Council should not attempt the impossible, as the Hon'ble Mr. Cotton has attempted to do. The chorus of disapprobation which has arisen against the differential taxation is proof positive that, the hon'ble member has not been able to answer the demands of every one; and whether this Motion receive the assent of the Council or not, of one thing I am confident that, in a time to come, the principles for which I am now contending will meet with acceptance. They are the only sound principles which can be applied; they are simple in their application; they are equitable in their distribution; they adopt the broad principle that, in a community, all members must alike contribute towards the public good, though they may not enjoy equal advantages.

“For these reasons, I have the honour to move that the Motion which stands in my name be accepted.”

The Hon'ble Mr. LEE said:—“The amendment which stands in the name of the Hon'ble Mr. Woodroffe is moved by him chiefly in the interests of commerce, and it is mainly in the true interests of commerce, which are identical with the best interests of this City, that I oppose the motion. The learned Advocate-General began by referring to the present Municipal Act II of 1888 of this Council, and read the whole of section 35 and the beginning of section 36. Section 35 states that ‘all property vested in the Commissioners and all funds received or raised by the Commissioners in accordance with the provisions of this Act, shall be applicable to the purposes expressly authorised by this Act’, and section 36 mentions what those purposes are and enumerates them all; whereas the learned Advocate-General stopped short at the first of those purposes, viz., ‘the payment of the whole or any portion of the cost of the fire-brigade for the extinction of fires in Calcutta.’

“The learned Advocate-General did not read or refer to the section of real importance in this case, (section 37), which lays down what the duties of the

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Commissioners are. These duties are there categorically stated, and the maintenance of a fire-brigade is not included among them. The Commissioners have to provide for the payment of interest on the municipal debt; to complete and extend throughout Calcutta drainage-works, and open out and improve bastis (expending for these purposes annually a sum of not less than two lakhs of rupees); to maintain a water-supply; to make adequate and suitable provision for the cleaning and conservancy of Calcutta, the maintenance and cleaning of drains and drainage-works, the construction and maintenance of public latrines and urinals, and a number of other sanitary objects which I need not enumerate: and finally, they have to devote a sum of three lakhs a year to the improvement of the newly-added area. In referring to the maintenance of a fire-brigade as being the first of the objects mentioned under section 36, it escaped the attention of the learned Advocate-General that this proviso represents merely a 'paper transaction.' The whole of the cost of the fire-brigade is paid to the Municipal Commissioners under another Act, and it was, therefore, necessary that in this Municipal Act an enabling clause should be added, so that the Commissioners might transfer their receipts under the Fire-brigade Act to the furtherance of the object for which those receipts are collected. The proposal, then, that is now moved is, in effect, to add another to the list of duties drawn up by this Council and enumerated by section 37. Now it is not open to me to question the legality of this course, since it has the approval of the learned Advocate-General; nor will I contend that, it is not in the present circumstances necessary. But it is, I think, most unfortunate that an amendment of section 37 of the Municipal Act should be brought forward in this way, because we are precluded from going into the details of the receipts and expenditure of the Municipal Commissioners. None of the sections of the Act, except, perhaps, those regarding the assessment of the taxes of Calcutta, received more careful consideration in this Council than those two sections—37 and 36—and that was so short a time as four years ago.

"The learned Advocate-General has observed that, it is incumbent on the community to provide for the cost of education. Now that, I think, is certainly an object for which the Commissioners might as fairly be allowed to contribute something as that they should be asked to pay the greater part of the cost of the fire-brigade. But what happened when that very proposal on the subject of education was before this Council? The Director of Public Instruction brought forward a motion that, the Commissioners of Calcutta should be empowered

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to spend money on other than primary and technical education. He even did not ask, that the Commissioners of Calcutta should be compelled to spend a certain amount of money on other than primary and technical education. His speech was an extremely powerful one; he adduced arguments that seemed very hard to meet as to the desirability of the Commissioners contributing towards the cost of higher education. But how did the Council regard the matter, and how did they decide? I will ask the attention of the Council to the following words which Sir Henry Harrison delivered at the time. He said: 'I am bound to admit that, so far as the precedents and practice of Bombay and other municipalities are concerned, they are all against me.' * * * *

"My hon'ble friend referred to two arguments which might bear specially against his proposal. One is, that the proposal is against the weight of practice or precedent elsewhere. That argument cannot be met, because he proved successfully that both practice and precedent are against us. He also referred to the argument that, heavy expenditure is required for the sanitation of Calcutta and the Suburbs, and that is the only argument I feel bound to press upon the consideration of the Council. The first point to recollect is, that municipalities in India are essentially poor bodies; the Municipalities of Calcutta and Bombay are by far the richest in India, but yet their means cannot compare with the means at the disposal of civilized municipalities elsewhere. Calcutta has to levy its taxation almost entirely by rates on property; and the assessable value of property in Calcutta, does not exceed £1,200,000 a year. It is considerably less than one-twentieth of the rateable value of London, and the population of that city is only seven times larger. It is less than one-tenth of New York, with a population twice as large. It is less than one-fourth of Philadelphia, with a population only slightly larger: so that, the Calcutta Municipality cannot command anything like the funds of other large cities. But when we come to the question of expenditure, then we find that sanitation in Calcutta attains such importance, that so far from the expenditure being less, expenditure quite on the same scale as in English cities becomes obligatory. We are to have a large area in the most insanitary condition added immediately to the town. Nobody would say that, the town itself is in anything like a satisfactory sanitary condition. The difficulty in adding the suburban area has been simply and solely this, that no one could suggest the sources from which the funds should come. The Amalgamation Committee was distinctly of opinion that, about six lakhs ought to be added to the funds of the Municipality from some source. I myself formed a more

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sanguine estimate and leaned to the opinion that, probably, four lakhs might suffice. I took a more sanguine estimate than any other member of the Committee. Can anyone in this Council doubt that, as soon as the suburban area is added to the town, we shall have the fullest possible use for all the funds at the disposal of the Municipality?

“And here I will interpolate that, the latest estimate I have received for the drainage of the suburban area, prepared under Mr. Baldwin Latham’s advice by the Engineer of the Corporation, amounts to Rs. 1,70,69,570, which may or may not be capable of reduction; and we have spent quite lately 15 lakhs for giving a water-supply to the Suburbs, and other large sums on sanitary works. Sir Henry Harrison continued:—

‘I admit that education is a legitimate subject of municipal expenditure, but I also maintain that it is a secondary object. It is not to be put on the same plane as the primary objects, such as the repair of roads, the removal of refuse, cleansing, sewerage, supplying water, and in one general word, *sanitation*. If education is to supplant any of these objects, would it be right? I put it to the Council whether, if Rs. 50,000 be taken from the purposes of sanitation and given to education, it would not be a mistake. That is a point on which I am so satisfied that, I must press this view on the attention of the Council.’

“On that occasion the learned Advocate-General, Sir Charles Paul, observed that, he could not vote for the inclusion of assistance to higher education among the purposes on which municipal funds could be legitimately spent. He said:—

‘If I could approach the subject of this discussion with the fact that, the municipal funds of this town were unencumbered and in a flourishing condition, and with the assurance that, the money which would be raised would be more than sufficient to supply all the wants of the town in respect of its sanitation, I would consider the present a proper time for discussing the question raised. Unless we are satisfied that the requirements of the Municipality can be met in this respect, we are not in a position to introduce another subject of expenditure. Therefore, I do not intend to consider or discuss the question whether, strictly speaking, municipal institutions are concerned in education or not; nor even the merits of the smaller proposition put forward by the Hon’ble Dr. Gooroo Das Banerjee, in reference to the larger measure advocated by the Hon’ble Sir Alfred Croft. I wish to impress upon the Council that, the time has not arrived for these amendments. If I were perfectly satisfied that the funds now in hand were not all required for sanitary purposes in particular parts of the town of Calcutta, then, as I said before, the question would arise. So long as the municipal funds are urgently required for sanitary and other purposes, I would protest against enlarging the area of the subject to which they might be applied. I would not enlarge it beyond the purposes stated in section 36 of the Bill.’

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“And how did the representatives of commerce vote? They and the Advocate-General voted against the proposal. There were in the minority, Sir Alfred Croft, Mr. Macaulay, Mr. Reynolds and His Honour the Lieutenant-Governor—four votes against nine. The commercial members, Mr. Moore and Mr. Irving, voted in the majority. Mr. Allen, the Advocate-General, Sir Henry Harrison, Dr. Gooroo Das Banerjee, Dr. Mahendra Lal Sircar, Babu Kali Nath Mitter and Maulvi Abdul Jubbar completing the nine.

“A matter of the supremest importance to the interests of this City is, the rigid maintenance of the principle that its sanitary funds should not be whittled away. It is said that, a special rate will be added to the rates that we have already in Calcutta on general property, and therefore there will be nothing taken from the receipts that now come in. I reply, Sir, that in fact it will not be so. For the last four years Sir Henry Harrison, and each year subsequently I, as Chairman of the Corporation, have asked the Commissioners, when the budget has been before them, to consider whether, they ought not to raise the general tax above $9\frac{1}{2}$ per cent. We knew that the water-rate, the lighting-rate and the sewage-rate were levied at their maxima. We were very reluctant to ask the Commissioners to raise the general tax, because the four property taxes, coming as they do to an aggregate of $19\frac{1}{2}$ per cent. on the yearly value of property, fall very hardly on the masses. It is with the greatest difficulty that many persons in Calcutta can meet the tax-payers' call; so that when the Commissioners were appealed to raise the taxes, they found that they could not, and they did not. It was thought that, the objections to raising the taxes were greater than the benefits which could result. The taxes can only be raised to 22 per cent.: they are now, as I have said, at $19\frac{1}{2}$ per cent. If the property taxes which are now so heavy in Calcutta be added to by a tax of even one-third per cent., it would simply mean that the collections will fall off, that the Commissioners will not be able to increase the general tax as soon as they otherwise might, or, it may be, that they will feel themselves compelled to even reduce the $9\frac{1}{2}$ per cent. they are now levying to 9 per cent., or slightly over 9 per cent.

“The learned Advocate-General has referred to the case of Bombay and has asked why, if a three-fourth per cent. rate is levied in Bombay, a general rate should not be also raised in Calcutta? Now, Sir, I will take this opportunity of dealing the death-blow, if I can, to this pestilent comparison between Bombay

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and Calcutta, in the matter of municipal expenditure. In Bombay, the Commissioners received last year town duties to the amount of Rs. 8,40,222, and liquor license fees and tobacco duty fees, amounting to Rs. 3,29,900, making a total of over Rs. 11,70,000 from sources not at all available to the Commissioners of Calcutta. It is impossible for any one to ask the Commissioners of Calcutta to follow the example of the Commissioners of Bombay in their expenditure on education, police, the fire-brigade, and in their liberal policy of exempting from taxation charitable institutions, and in various other similar directions, unless and until the Government puts itself in the same position towards the Corporation of Calcutta that the Government of Bombay assumes towards the Corporation of Bombay. If it should happen, that the Government of Bengal will make over to the Commissioners of Calcutta the canal dues and a considerable proportion of the license fees received from excise, then, or in like case, will it be possible for the Commissioners to incur any other expenses than those they have now to meet.

“As regards the difference between Calcutta and Bombay in this special matter of jute-licenses and the fire-brigade, I do not propose myself, Sir, to deal with that subject in detail. There are others present who can do so better and with more authority, but I will venture to call the attention of the Council to an extract from the last report on the Bombay fire brigade. A list is there given of the fires where property to the value of Rs. 2,000 and upwards was destroyed: there were eight such cases, and only one of them was in a place where the material stored would have been taxable under our Fire-brigade Act, and there, property of the value of only Rs. 2,000 was destroyed. The largest fire was in a house where Rs. 20,000 worth of property was destroyed; the next largest was of Rs. 13,500, and the next of Rs. 9,000 worth of property in houses; and actually, the very lowest in the list was in the warehouse where some loose cotton was destroyed. I would ask you to compare that with the list in the last report that I have seen published in the Calcutta Gazette on the working of the Calcutta Fire-brigade, as the learned Advocate-General has referred to recent figures to show that, there have been of late few fires in jute houses in and near Calcutta. The supplement to the Calcutta Gazette of the 21st of September last, contains a list of the fires during the year 1891-92 that occurred in Howrah. First, there is the fire in the Sibpur Jute Mills, where property to the value of Rs. 3,35,000 was destroyed. In all the other fires taken together, property to the extent of Rs. 760 was destroyed, such as here one tiled hut, there one stack of straw, there

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one boat load of straw, and the like. That is the list for Howrah only. I have said that I do not propose on this occasion, at all events, to go into the history of the fire-brigade, or the demands which the jute industry has made and still continues to make on the fire-brigade establishment; but that the jute industry should still continue to bear a considerable proportion of the cost of the brigade there can be no doubt, and that will be established by figures which will be given by my hon'ble friend the Commissioner of Police.

"As I have been reported to have said what I never did say, and have been so reported, not only once but twice, I endeavoured to correct the misapprehension in the Select Committee, but it escaped the attention of the learned Advocate-General or he would not have repeated the mistake to-day. I never used the words '90 per cent. of the property so destroyed by fire during the past four years (1886 to 1889) belonged to the jute and cotton interests.' I quite understand how the learned Advocate-General was misled, because those words appear in a letter from the Chamber of Commerce to the Government of Bengal in inverted commas. It says: 'Mr. Lee, Chairman of the Municipality, has committed himself in his letter No. 90 (J), dated the 18th of August, 1890, to the statement that, 90 per cent. of the property destroyed by fire during the past four years (1886 to 1889) belonged to the jute and cotton interests.' That would naturally lead any one to suppose that, I used those words. But what I wrote was this:—

'I append a statement of property destroyed by fire in the course of the last four years in the Town, the Suburbs and Howrah, which I have extracted from the Annual Administration Reports of the Commissioner of Police. It shows that, Rs. 16,35,075 worth of property was so destroyed; and that out of this, no less than Rs. 14,45,100 was property of the jute and cotton interests. The ratio is nearly 90 per cent. No stronger confirmation could be needed of the fact that, this proportion, which holds for the last four years, is not higher than the proportion which would be found to hold through a prolonged period, than is afforded by the insurance rates paid for different classes of goods and property. I am informed that the rate for insuring jute presses is, Rs. 3½ per cent., and for jute warehouses, Rs. 2 per cent.; while the rates for ordinary masonry house property and non-hazardous goods stored therein is, 1½ annas per cent. The proportion of Rs. 2-12 to 1½ annas is, 88 to 3.'

"That was in the form of an argument. I appended a list of the fires that had occurred with full details. The reason that there afterwards appeared a misconception in the matter was due to the fact that, the Commissioner of Police in making out his comparative list excluded, from his list of fires that had occurred of property belonging to the jute and cotton industries, two large fires,

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in which a certain amount of jute gunny-bags only was destroyed with other property. One of those two fires burned Rs. 3,00,000 of property in the Port Commissioners' warehouse, containing gunny-bags and piece-goods. Similarly, regarding another item of Rs. 10,000 worth of gunny-bags and tobacco destroyed by fire. These two being transferred out of the list of fires debitable to the jute and cotton interests, the percentage would be, of course, lowered; for it would make a total difference in the calculation, of twice Rs. 3,10,000, but my view is, that the only available method of taxing the jute interests at all is through the warehouses. We did try in Select Committee to find some other way of spreading the incidence of taxation on the industry, but found none possible. Finally, I would observe that even the calculation, as made by the Chamber of Commerce, showed that Rs. 8,60,100 worth of property, belonging to the jute industry, was destroyed, in those four years as compared with other property worth Rs. 7,64,975.

"The speech of the hon'ble mover of the amendment divides itself into two parts—one to show that some alteration of the existing law is necessary, and the other to show that the alteration should be by way of imposing a general tax on property in Calcutta. As regards the first, I do not think it is necessary at this stage to enter into the details which will have to be considered when we come to decide how the taxation should be distributed. As regards the latter contention, I think that I have shown that, the Corporation of Calcutta is not in a position to accept the whole responsibility or any great portion of it, and that it would be unwise and wrong to try to put it on the general funds of the municipalities."

The Hon'ble MR. PLAYFAIR said:—"Twenty years ago, the hon'ble member who then represented the mercantile community in this Council took exception to the original Fire-brigade Bill, as imposing 'a tax on persons for the benefit of the community'; and the Merchants of Calcutta, upholding this view, have ever since expostulated against such a system of taxation, contending that, as the whole community of Calcutta enjoys the protection of the brigade the cost should be contributed by all, through a municipal assessment. And while the Merchants of Calcutta were pressing their views upon the Government of Bengal, it has transpired that the Merchants of London, through the Association of Fire Insurance Companies,

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gave expression to similar views to the Metropolitan Board of Works, under date the 14th of January, 1886, and in these words:—

‘The protection of life and property from fire is as much a public duty as are protection from murder and robbery, sanitary arrangements, maintenance of roads, &c., and, as such, it should in the interests of the community at large, be provided at the public expense. In cities and large towns, the extinction of fires is the public duty of the municipal or governing body thereof, who are bound to make the necessary provision for the same and to defray the cost out of the rates which they are authorised to levy for the purpose. The principle has been recognized by the Legislature, which not only on passing the Town Police Clauses Act, 1847, but in every other general public Act, authorising the maintenance out of rates to be levied thereunder of firemen, fire-engines and other appliances and requisites for extinguishing fires, has not authorised any charge to be made for the use thereof, in the case of fires occurring within the boundaries of any city or town to which such Act applies.’

“And, Sir, this representation is continued as follows:—

‘Taxation of a commercial interest for matters affecting the public good and public convenience, is opposed to all sound principles of political economy. It is never suggested that, Life Insurance Offices should contribute towards sanitary improvements, or Marine Insurance Offices to the cost of harbours of refuge, lighthouses, &c.; and yet they are no less interested in such works than are Fire Insurance Offices in arrangements for fire extinction.’

“The fire-brigade was established twenty years ago under Act II of 1872, on account of the then dreaded frequency of fires in jute godowns scattered throughout a wealthy part of the native quarter. Many of these jute press-houses and godowns were then situated in and around Clive Street and Radha Bazar, within gunshot of this Council Chamber; and owing to the lax manner in which jute was stored in inferior godowns and stacked in open yards, the trade was considered a source of danger to the community.

“The tax for the maintenance of the fire-brigade was, in consequence, mainly levied upon the jute trade. The trade has, however, remodelled itself, both as regards situation and working. Jute is now pressed for export in hydraulic press-houses which are situated, for the most part, beyond the town of Calcutta. There is no attraction to bring these back to within the limits of the town, and the Justices who grant the licenses for warehouses will doubtless be careful to prevent their return. The press-house buildings, as they now exist, are of substantial masonry construction, mostly fireproof, and are equipped so fully with fire-extinguishing appliances and a fire-brigade staff of their own that, it has become a matter of indifference to them whether or not a public fire-brigade exists. The companies are encouraged to maintain this high state of efficiency

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by a liberal reduction or discount allowed in the rate of insurance, amounting to 15 per cent. according to the highest standard of efficiency, and to 10 per cent. according to a lower standard of efficiency.

"It is found that six of the largest hydraulic presses; out of a total of twenty-three, have become entitled to the full reduction of 15 per cent., and that the rest, with exception of 3, claim a reduction of 10 per cent. Eight of the press-houses are owned by native merchants. The conditions that carry these discounts are both practical and complete in themselves. To obtain a rebate of 15 per cent. of the premium, the establishment, according to the Insurance Schedule, must include—'A steam fire-engine, a manual fire-engine, boiler pumping-engine, fire-plugs, buckets, cans, extincteurs with, in each case, water (available from public or other sources), and with hose sufficient to command the premises insured, and with a trained fire-brigade consisting of not less than 8 men.' The 10 per cent. allowance contemplates less efficient appliances, and stipulates for—'A steam fire-engine or stationary fire-engine worked by steam or water, or fire-pump worked by steam or water, or fire-plugs with, in each case, water (available from public or other sources), and with hose sufficient to command the premises insured.' These arrangements have been promoted in the interests of owners of press-houses and Insurance Companies, by the experience that, unless a fire in a peel of jute is discovered and extinguished when it commences, it burns itself out, and no public fire-brigade, however alert and efficient, is of the least use. Such being the case, owners of well-built, efficiently-equipped and isolated press-houses naturally not only demur, but strongly protest against being taxed for the maintenance of a fire-brigade; the head-quarters of which is situated one-and-a-half miles distant from them, and which has been chiefly of use in dealing with conflagrations in bastis and marts.

"The native jute mart is confined to Hatkhollah and to Durmahatta, situated on the river bank. The jute is, for the most part, stored in brick buildings. Fires are infrequent, and the owners do not insure. No instance has been reported of a conflagration having extended to neighbouring property from a fire breaking out in premises licensed under the Act. On the other hand, the whole community sleeps secure, knowing that, in the event of fire, the brigade is at call. Houses and dwellings between Chowringhee and Intally, between the Strand and Sealdah, schools, colleges, theatres, Government offices, godowns, stores, shops, are all protected by the brigade; and such being the case, I contend that the

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owners or occupiers are called upon to contribute generally to the cost. If the owners do not wish to do this, the brigade may be abolished. It is for the public to choose whether, they will control fires or pay higher rates of insurance premium.

"In no other country, and in no other city of this empire, is a particular industry separately assessed for the support of a fire-brigade. In Bombay, Madras and Rangoon, the cost is defrayed by general taxation. In Bombay, cotton is not separately taxed, as it is with jute in Calcutta. Calcutta, therefore, stands out as the exception to a general common-sense and reasonable rule. The European and Native jute and cotton merchants naturally object to be so penalised. The practice, too, in Calcutta, is certainly not supported or justified by facts as to the occurrence of fires.

"The learned Advocate-General has pointed out that, during the past seven years only 7 per cent., that is to say, only 17 out of 247 fires, occurred in warehouses licensed under Act IV of 1883. The reports for the two years ending April, 1892, show that, no fires occurred in jute warehouses in that period. And it may be added that, no fires in jute warehouses have occurred during the ten months of the current year. The owners and occupiers of licensed warehouses, therefore, protest that the history of fires in Calcutta in no way proves them liable to be assessed for the cost of a fire-brigade, when the maintenance of that brigade is so plainly for the benefit of the whole community. The other fires include what may well be termed, the devastating conflagrations in bastis, when hundreds of houses have been destroyed, fires in wood and hay stores at the Port Commissioners' jetties, and in Government stores, including an important loss of property which lately occurred in the Government Clothing Department at Alipore, and, I believe, a fire once occurred in Government House.

"It is proposed by the present Bill that the rate of taxation on hazardous trades, for the most part represented by the jute and cotton industries, should continue at 10 per cent. of the municipal assessment, with a maximum fee of Rs. 750 for any one license, and provided that, the total trade contributions shall not exceed 50 per cent. of the annual cost of the brigade. In effect, this points to taxation to the extent of 4 per cent. to 5 per cent. of the municipal assessment, or even more; whereas, if spread over the community, the incidence would not exceed a quarter per cent. In Bombay, the tax does not exceed three-fourth per cent. and includes the provision of interest on a special fire-brigade loan. In