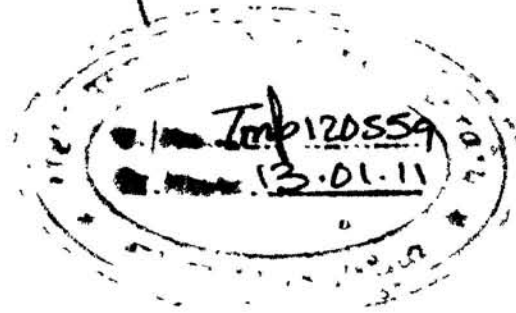


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PREFACE.

In these pages I have endeavoured to give a brief survey of the growth of municipal government in Calcutta. Considering the fact that the city was built on a swamp, the wonderful transformation, which it has undergone since the establishment of the Corporation in 1863, is a tribute to the civic patriotism of the residents of Calcutta—European and Indian. I have traced the history and followed the course of various legislative measures concerning the Municipal administration of the city from the very beginning. This little volume proposes to be no more than a compilation but I hope a narrative of the growth and expansion of civic life in the premier city of India will be found interesting. The study of the development of political institutions in India under British rule is a source of profound interest not only to the scholar, but also to those who may desire to serve the country in any capacity. The growth of local self-government in India, for instance, is a matter not merely of academic interest, but of supreme concern to the citizen, the legislator and the statesman. I have delineated in this book an outline sketch of the history of the Municipal administration of Calcutta and of the many vicissitudes through which it has had to pass before it came to be what it is at the present day. It is my intention

to publish hereafter a larger volume containing a more elaborate account of the development in this city of that most cherished institution, *viz.*, Local Self-Government, which was growing steadily, though somewhat slowly, until it suffered a setback in 1899. Municipal institutions, in the words of Mr. Gladstone, are the seed-plots upon which and around which are developed that political capacity and those habits of political thought which ought to be the supreme concern of all Governments to foster and to promote. In Calcutta there is a vast field for the development of our political activity in association with our European fellow-citizens. In fact, the benefits resulting from their co-operation are perhaps nowhere better illustrated than in the discharge of the common duties of citizenship on a common platform. In this connection Kristodas Pal very truly observed, "united with the Europeans they could do a great deal but single-handed they were too weak."

I have also given here a summary of the constitution and powers, and privileges of the London County Council. It will be seen that the London County Council is an entirely elected body. It is the central administrative authority. The County is divided into several Boroughs, each of which has a Council of its own for the administration of Municipal affairs under the general direction and control of the London County Council. For

purposes of comparison I have also given a summary of the constitutions of the Bombay and Calcutta Corporations, and a comparative statement of the financial position of the two premier Municipalities in India.

15th May, 1916.

RADHA CHURN PAL.



OF

MUNICIPAL GOVERNMENT IN CALCUTTA

The year 1727 saw the birth of the Corporation of Calcutta. It consisted of a Mayor and nine Aldermen. ^{Municipal history from 1727 to 1863.} Its duties were to collect ground rents and town dues and to make necessary repairs to roads and drains. In the year 1757 an attempt was made to organise a municipal fund by levying a house-tax but the scheme proved unsuccessful. During the latter part of the 18th century, the city of Calcutta, with its scattered and confused mass of houses, huts, sheds, streets, lanes, alleys, windings, gulleys, sinks and tanks, which jumbled into "an undistinguished mass of filth and corruption," was notorious for its insanitary conditions.

In 1794 by a statute of Geo. III., Justices of the Peace were appointed for the town. The Circular Road was metalled. In the year 1803 a Town Improvement Committee of 30 members was appointed by Lord Wellesley.

Since 1793 the practice was to raise funds for public improvement by municipal lotteries. As long as the town-improvement committee existed these funds were made ^{The Lottery committee 1809-1836.} over to it.

The history of Public lotteries in Calcutta as far as it can be traced is summarised below. —

The inhabitants of Calcutta had erected a statue to Lord Cornwallis and another to Lord Wellesley. In 1805 they considered that these two marble statues would

fittingly adorn some public buildings. They proposed accordingly to erect a Town Hall by means of public lotteries. The Government approved the proposal. These lotteries were very successful and in 1809 the Town Hall was so nearly completed that the provision of further funds became unnecessary. It was then proposed to continue the public lotteries, the funds being devoted to the purpose of improving the town of Calcutta. As long as the Town Improvement Committee existed the lottery committee made over the proceeds of the lotteries to the said Committee.

A notification was issued on 20th June, 1809 authorising the raising of funds by lotteries for the improvement of Calcutta. The following is an extract from the said notification :—

"The Right Hon.^{ble} the Governor-General in Council has been pleased to resolve that Lotteries shall be established for the improvement of the Town of Calcutta. The whole of the funds, which might be realised by the above means to be applied to the improvement of the town of Calcutta and its vicinity, after defraying the necessary expenses of the Lotteries and any deficiency which might exist in the funds required for the Town Hall."

This body worked for 26 years. During that period great advance was made. The Town Hall was built and a large number of streets including Strand Road, Amherst Street, Colootolla and Mirzapore Streets, Kyd Street and Bentinck Street were opened out, and other streets in European quarters were made. The long roadway formed by Cornwallis Street, College Street, Wellington Street and Wellesley Street with the four adjoining squares was also laid out. But, on grounds of public policy, this method of collecting funds was condemned, and the Lottery Committee was abolished in 1836.

In the year 1840, an Act was passed by which the city was divided into four divisions. This Act granted a privilege to the rate-payers to undertake their town assessment, collection and management of the rates. But the Act proved futile and in 1847 the Justices had to make room for a Board of seven paid members, four of whom were to be elected by the rate-payers for four divisions of the town, which may be compared with the present districts. (1)

The Justices replaced by a Board of 7 members in 1847.

In 1852 their number was reduced to four, two being appointed by Government and two elected. At last the privilege of election was taken away from the people and in the year 1856 the number of members was further reduced from four to three, all of whom were appointed by the Lieutenant-Governor. The Commissioners received a salary of Rs.4000 per annum for their services and they appointed their own officers. The income of the municipality in 1859-60 was eight lacs per annum.

Appointment of the Board

Public opinion strongly urged upon the Government the necessity of improvement of municipal administration of the city. (2). The Government of Bengal appointed a Commission consisting of Hon'ble Mr. Justice W. Seton-Kerr, C. S. I., President, Col. Beadle, Dr. Chevers M.D., (Principal, Medical College), Mr. Fitz William, Mr. Jennings (Master, Trades' Association), Hon'ble Babu Prosanno Coomar Tagore, C. S. I, Babu (afterwards

Seton-Kerr's Commission.

(1) The four Indian members were Babu Chandra Mohon Chatterjee, afterwards Registrar of Assurances, Calcutta, and related to Dwarka Nath Tagore, Babu Tarini Charan Banerjee of Dewanj family, of Hidaram Banerjee's Lane, Bowbazar, Babu Bhuvan Mohan Mittra and Babu Dina Bandhu De.

(2) In March 1862 Mr. Fergusson in introducing the bill for appointing Municipal Commissioners for the town of Calcutta stated that "about the middle of 1861 that very active body the Trades' Association presented a memorial to the Governor of Bengal, urging the appointment of a Commission to enter fully into the subject of municipal affairs of the city with a view to the establishment of a municipal administration adequate to the requirements of the city." It therefore appears that the Trades' Association have always taken a keen interest in the affairs of the city.

Raja, C. S. I.) Digumbur Mitter, M., Lazarus and Lord Ulick Brown I. C. S. The Commission was directed, to enquire into and report on the alleged inefficient state of municipal arrangements and to suggest what measures should be adopted to place the administration of the Municipal affairs on a sound and efficient footing. The Commission went thoroughly into the matter, examined witnesses and after mature deliberation recorded as follows :—

“The present form of administration might with advantage be exchanged for one in which the inhabitants could themselves take a more direct and active part in Municipal arrangements, under which much of the duty that now falls on the Board of Commissioners might be divided amongst local Committees, and which without much extra expense, might excite a spirit of emulation amongst the residents, such as could not fail to have beneficial results on the sanitary state and general conservancy of the city.”

District
Committees

~ They recommended that the town should be divided into six Districts, each of which to be administered by a District Committee of six members, vested with complete control of conservancy and new works within its own jurisdiction. The Central Board was to exercise a general control, allot funds, and levy taxes. A Bill generally on the lines recommended by the Commissioners was introduced in 1862. The Hon'ble Mr. Seton-Kerr explained the functions of the divisional or district Commissioner thus :—

“It will be necessary that one of them should sit daily to hear the reports of overseers, to pass summary orders on the back of those reports without keeping or writing voluminous records, or to give verbal instructions to their subordinates; to see that nuisances are promptly removed, and that all breaches of the conservancy laws are prosecuted with energy before the Magistrate of the town.”

The Bill also provided that in case of recusancy or

failure of any Divisional committee the affairs of the Division or District will be taken charge of by the president of the Central Board. This Bill was opposed in Council on the ground that honorary members could be expected to do executive work, and that such work if done at all would be indifferent and unsatisfactory. The system had its obvious defects, because unlike the present district system, there was no provision for an executive district officer, but it is satisfactory to note that the district system was considered a quite possible mode of development of Municipal self-government in the city. The Hon'ble Mr. Seton-Kerr thus deprecated one-man rule and favoured self-government —

"When, on the commission, we came to consider what would be the best arrangement for managing the conservation of Calcutta, I own that the idea of entrusting this duty to the hands of one single person did present itself to our minds. The theory of a civilised despot has a certain attractiveness which not unnaturally commends itself to some persons. I can conceive perfectly well the image of a dictator who should disregard prejudices and override objections; who should pierce new thoroughfares through the heart of a crowded city, should purify huge drains, adorn public buildings, and perhaps leave a city of marble where he had found one of brick. But I must say that there was nothing in the replies of the witnesses examined before the commission, nor in any suggestion offered by any society, or influential body, or by any independent individual, though we freely invited suggestions, which could have led the commission to assume that any such municipal despot would be acceptable to the community at large; consequently after much consideration, we adopted the scheme on which the present Bill is based."

One-man rule
vs self-govern-
ment.

Mr. Peterson whose vigorous opposition practically sealed the fate of the Bill, said : "He certainly thought if self-government were to be the principle of the Bill, the Municipality of Calcutta should be carried out by paid officials under the control of the Municipality, for then such officials would naturally exert themselves to merit the approval of their employers."

The Bill was, however, withdrawn and modified and a new Bill, afterwards Act VI. of 1863 was introduced.

Decentralisa-
tion of Muni-
cipal adminis-
tration.

In this connection it is interesting to note that after nearly sixty years the Town is again divided into four Districts in each of which a District Council is created, to whom are delegated some very small functions of reporting to the Chairman or the General Committee or the Corporation on such matters as are referred to them. The proposal of decentralization of the Municipal administration of Calcutta emanated from the Hon'ble Mr. Greer who was Chairman of the Corporation. He thus explained his proposal in the Bengal Legislative Council with a view to legislation :—

"Briefly speaking the system consists in independence in subordination to a Central authority—the Corporation. The preliminary steps in this direction have been taken in Calcutta since the passing of the existing Municipal Act by the division of the City into four districts, each provided with a District Office equipped with Engineers, Health Officers and Building Surveyors and the necessary subordinate staff, clerical and outdoor. The annual budget of the Corporation now shows the distribution of Municipal funds under various Municipal heads amongst the four districts. A process of decentralization has thus been carried into effect but any further substantial progress requires legislation and the creation of Boroughs is the natural and needful step. The time therefore has come

for extending the system by giving each of these districts some degree of independence for the discharge of its Municipal duties. Under such a system the Corporation, including the representatives from Borough Councils, would retain in their hands works which may be classed as Metropolitan, as, for example, main drainage and water supply, and especially the preparation of the annual City Budget with control over Borough Budgets. The Corporation and the head quarters staff would thus be relieved from dealing with an enormous mass of petty works and details and could devote more time to important major operations.

"On the other hand, the Borough councils working within Budget limits might deal with local affairs, the cleansing of the Borough area, the watering and lighting of its streets and numerous minor works. The Borough Councils might work with its own Chairman (a non-official) and committees and many representative men would find ample scope for their energies in these local administrations. It is desirable that the services of these men should be utilised in Municipal affairs and there being proper guidance the public would derive great benefit from them."

The condition of Calcutta before the creation of the Corporation in 1863 is thus described by Sir John Strachey (then Mr. Strachey) as president of the Sanitary Commission, Bengal :-

Condition of
Calcutta
before 1863.

For many years past the sanitary condition of Calcutta has been a constant subject of complaint, and this condition has probably never been much worse than it is at the present time. The state even of the southern division of the town, which contains the fine houses of the principal European inhabitants, is often most offensive and objectionable, while with regard to the northern or native division of Calcutta, which contains some hundred thousand people, it is no figure of speech, but the simple truth, to say that no language can adequately

describe its abominations. In the filthiest quarters of the filthiest towns that I have seen in other parts of India or in other countries, I have never seen anything which can be for a moment compared with the filthiness of Calcutta. This is true, not merely of the inferior portions of the town or of the byeways and places inhabited by the poor classes, but it is true of the principal thoroughfares and of the quarters filled with the houses of the richest and most influential portion of the native community. If a plain unvarnished description of the streets of the northern division of Calcutta, bordered by their horrible open drains in which all the filth of the city stagnates and putrefies were given to the people of England, I believe that they would consider the account altogether incredible.

And again—

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

In 1863 the Corporation of Calcutta was established by an Act of the Legislature and the Government of the city was vested in the Justices of the Peace appointed by Government.

The regime of
"The Justices
of the Peace"
1863-1876.

Ben. Act VI.
of 1863

The number of the Justices appointed by Government was not limited. Originally it was to consist of all the "Justices of the Peace" for Bengal, Bihar and Orissa, and all Justices of Peace for the town of Calcutta. Subsequently in 1871 the Bengal, Bihar and Orissa Justices were eliminated. It may be interesting to note that the Bengal, Bihar and Orissa Justices, who were generally absentee members of the Corporation, found time to attend, whenever summoned by the Chairman, to vote. Great agitation ensued, because the independent J. Ps. were overwhelmed by the sudden influx of the absentee J. Ps. at the time of voting on any important occasion. The Government also found that the provincial Justices had

no permanent interests in the affairs of Calcutta and by an Act of 1871 they were eliminated and the Municipal Government of Calcutta was vested in "the Justices of the Peace for the town of Calcutta" who numbered 120. Much useful work was done by these Justices. (3)✓

From 1863 to 1876 no less than eleven Acts including the Market Act was passed completely vesting the Justices with civic powers for the administration of the city. The Chairman filled the dual post of Commissioner of Police and Chairman of the Corporation. Under Act XI of 1867 the Commissioner of Police submitted the Budget estimate for expenses of police force of Calcutta to the Justices. It showed various heads of the estimated expenditure and the intended distribution of the force during the period. The Justices might at their discretion pass, reject or modify the Budget which was required to be submitted to the Lieutenant-Governor of Bengal. The Budget as passed must be met by the Justices from the rate imposed for the purpose. The amount of Budget estimate, as might be passed, was, after deducting therefrom, such amount as might from time to time be allowed by the Government from the general

The City
Police and the
Corporation?

(1) "He would not trouble the Council with the history of Act VI of 1871 withdrawing the Bengal, Behar and Orissa Justices from the Town Corporation, which was passed during the incumbency of Sir William Grey. He was ready to admit that the Bengal, Behar and Orissa Justices would prove a very useful element in the Corporation, if they could be made to take due interest in the business of the town. They were a highly educated body of gentlemen and from their position they were greatly experienced in public affairs; but unfortunately, as the history of the Corporation showed, they took very little interest in the legitimate business of the Corporation except where personal questions arose. Their conduct in this way became a public scandal; representations were made to the Government of the day for the amendment of the constitution of the Municipality in that respect; and Sir William Grey, concurring in the views of the memorialists, sanctioned the passing of that law."—*Extract from Kripoto Das Pal's speech in Bengal Council,*

revenues towards the maintenance of the said police force to be paid to the said Lieutenant-Governor by the Justices out of the annual proceeds of the rate to be imposed as mentioned in Act XI of 1867, which was an annual police rate of not exceeding 3 p.c. of the annual value of lands and buildings. The law also required the Commissioner of Police to submit to the Chairman of the Justices an annual account of the expenses of the police force of Calcutta. By Act IV of 1876 the power of Corporation to reject, modify or pass the police Budget was taken away and the Corporation was only authorised to consider the Police Commissioner's Budget and to forward the same to the Local Government with such remarks as to them might seem fit and it was left to the discretion of the Local Government to pass or to reject or to modify the estimates of Major any sums entered in the same. By Act II of 1888 when suburbs were amalgamated with Calcutta the police rate was abolished, the posts of Chairman of the Corporation and Commissioner of Police were separated and all police charges were taken over by the Imperial Government with a statutory stipulation that not less than 3 lacs of rupees was to be annually devoted for the improvement of the newly-added suburban area. In lieu of the police rate, a sewage rate was levied.

Corporation
the controlling
authority.

From the beginning of the eighteenth century the cardinal principle of local self-government was recognised by making the Corporation the sole controlling authority and the executive responsible to the Corporation. This principle was followed in the Municipal legislation of 1863 as will appear from the following extracts from Sir Ashley (then Mr.) Eden's speeches :—

"The general principle of the proposed measure would be to vest in the Justices of Calcutta, as representatives of the rate-payers, a general control over the Government

of the town, leaving the executive administration in the hands of a single officer *responsible to the Justices.* (1)

It is clearly the duty of Government to lead on the citizens of this town to take a due share in its management if this can be done ; and this Bill has therefore been framed with the object of entrusting intelligent gentlemen, chosen from amongst the rate-payers, with a very considerable control over the Municipal Government of the town."

The then Lieutenant-Governor, Sir Cecil Beadon, as President of the Council made a distinct avowal of the intention of Government to substitute Government by the people for arbitrary Government. He said in the course of his speech :—

"The real question, however, now before the Council was whether they should continue to govern Calcutta in an arbitrary manner, or whether they should modify the present system and introduce the principle of 'self-government...He would be most happy to see Calcutta governed by Municipality, and removed from the direct control of the officers of the local Government."

Local self-government supported.

So great was the liberality and sincerity with which the Bill was framed to grant as much real power to the representatives of the people as possible, that even the power of appointing and removing the Chairman was ungrudgingly given to the Justices by Government but the clause was struck out in the Select Committee by non-official members. Sir Ashley Eden observed :—

"As regards the nomination of a Chairman, he had in the original draft of the Bill proposed that the Justices should elect their own Chairman, but on consulting some of the gentlemen who had shown a great interest in the

(1) The italics are mine.

Municipal affairs of the town, he had found a strong opinion prevailed to the effect that it would be more desirable to have the nomination in the hands of the Government, who would be likely to know where to find the kind of officer wanted than to make it a subject of canvassing among the Justices."

It is remarkable that Sir Alexander Mackenzie, who was nurtured in the secretariat under Sir Ashley Eden, as Lieutenant-Governor, took away in 1899 even the power of fixing the salary of the Chairman within statutory minimum and maximum. (a)

From the establishment of the Corporation in 1863 (when Calcutta might have been regarded as not ripe for popular Government) to the passing of the Mackenzie Act in 1899, the cardinal principle that the Corporation is the supreme authority has been recognised, and nowhere had the legislature, before the ill-fated Act of 1899, allowed one-man rule to prevail in any matter. Section 28 of Act VI. of 1863 ran as follows :—

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

(a) Under the old Act the Chairman as the head of the Executive was subordinate to the Corporation. His salary and house allowance was fixed by the Corporation from time to time subject to the approval of Government. The Corporation always treated their Chairman liberally; on some occasions the Local Government reduced the allowance sanctioned by the Corporation.

The Municipal administration continued in the hands of the Justices from 1863 to 1876. When "the Justices of the Peace" took over the administration of the city, almost every street and lane of the city was lined by one or two open drains from 2 ft. to 6 ft. broad, and more or less loaded with noxious matter and a great many drains of even larger size intersected the different bustees and formed the boundaries of different masonry houses. The bottoms of these drains were formed of a slimy compost of earth and filth and the stagnant water they contained was loaded with vegetable and animal matter in different states of putrefaction. The stench was sickening. The quantity of silt, which had annually to be removed from these drains amounted to a million and half cubic feet and even then only half the drain could be cleansed every year. During the regime of the Justices the main roads had been provided with brick sewers, to the total length of 38 miles and the streets and bye-lanes had been sewered with pipes to the extent of nearly 37 miles. In addition to the roadside drains, about 14 miles of noxious bustee drains had also been filled up and converted into bustee roads and sewered passages.

Various improvements in the regime of the Justices of the peace.

Filtered water supply was introduced in 1870. The first supply was six million gallons per day, or 13 gallons per head which was rapidly increased. A workshop was established for the manufacture of articles required for municipal use, the Kofrong brickfield was purchased for manufacture of bricks and jhama metals. A slaughter house was established and the conservancy establishment was reorganised. And last though not the least the Municipal market, now called, Sir Stuart Hogg Market was built. Three main roads—the Canning Street, the Grey Street, the Beadon Street with the Beadon Square were opened. All these good works were carried

out by a Corporation which was the supreme authority in respect of the administration of the town and which consisted of a heterogeneous body, of not less than 120 members.

History of the
Port Commis-
sioners of
Calcutta.

Bengal Act
X of 1866.

Bengal Act
IV of 1869.

Bengal Act V
of 1870.

In 1866 when it was found necessary to provide for the improvement of the port of Calcutta, the Justices were made Trustees for these purposes. For the purpose of immediate administration of this Trust, however, a "Committee of the Justices for the improvement of the port of Calcutta" was appointed. The Chairman of "the Justices of Peace for the town of Calcutta" was the Chairman of this committee. Nine members, of whom five were elected by the Justices from amongst themselves and the remaining four appointed and nominated by the Lieutenant-Governor, from amongst the said Justices, were to help the Chairman. The attempt to improve the port with these Justices proved unsuccessful, in as much as it was found that the Justices had ceased to perform or exercise the duties and powers vested in them by the Act of 1866. An Act was therefore passed in 1869 which declared that "the Justices of Peace for the town of Calcutta incorporated under the Act of 1863 should cease to be Trustees for carrying out the purposes of the Act of 1866." All property then vested in the Justices were transferred to the Secretary of State in Council, and the Lieutenant-Governor was authorised to provide for immediate administration of the Trust. Next year a more permanent arrangement was made by the appointment of Commissioners for making improvements in the port of Calcutta. An Act was passed known as the Calcutta Port Improvement Act, 1870, under which 9 persons were to be appointed Commissioners by the Lieutenant-Governor. He was also nominate one of such persons to be the Chairman and

another to be the Vice-Chairman. These Commissioners were created a Corporation to be known as "The Commissioners for making improvements in the Port of Calcutta."

In this connection it is necessary to narrate, briefly a few facts relating to the inalienable rights of the town to the free and uninterrupted use of river bank in the northern part of the city, which was given over to Government by the pottadars of Calcutta on that understanding. The following extract from the despatch of Lord Dalhousie, dated 22nd October, 1852 is worth quoting —

The river }
bank. Lord
Dalhousie's
pledge

"The most noble the Governor of Bengal, on the report upon your memorial made by His Lordship's order to the Government of India, has stated that certain pottahdars in Sootonoty, in 1820, acted upon the understanding that the land in front of their holdings was to be used as a road, affording them the advantage of a road and river frontage and that it would not be just to alienate the site of the present road for building purposes; so far from proposing at any time to build upon the present Strand Road, it is not proposed even to alter the present line of that road to any great extent, and it is proposed to keep the land between the road and the river in such a condition, as to be both ornamental and helpful to the town, and useful, at once for the purposes of commerce and recreation. The design of the most noble the Governor of Bengal is that the land in question shall be used permanently and exclusively for purposes of public utility connected with the trade, the traffic, the health, and the convenience of the community, in furtherance of which design, roads, ghauts, wharfs, and the like may be made, but no elevated buildings are in contemplation."

In 1862 an endeavour was made to influence the Government to override the pledge of the great Governor-

General. There was a keen debate in the Bengal Council. The Hon'ble Baboo Prosonno Coomar Tagore opposed it on the ground that there was a promise on the part of Government not to build on the Strand. Mr. Peterson (*) vigorously attacked such a policy and the following extracts are quoted from his long speech :—

" He had that morning read an article in the Hurkara newspaper, which certainly appeared to him to have been written by someone affected with the new disease, kleptomania, and which advocated the appropriation of the river bank to the benefit of the shipping by lowering the port dues... . It was a well-known fact that many persons, whose names were connected with the British Indian Association, had given up their claims, or in some cases, sold them at a nominal price, on the understanding that the property was wanted for the benefit of the town; and he could only repeat again that the town ought to insist upon its rights."

Sir Ashley Eden, the Chief Secretary to Government and the member in charge of the Bill, thus spoke on behalf of Government :—

" As to the proposition of making over the river bank for the relief of the port dues, he considered it a most selfish one. He confirmed what had fallen from the Hon'ble and learned gentleman as to the pottahdars and others interested in the land withdrawing certain claims to the bank on a positive assurance from Lord Dalhousie that the bank would be reserved for the purposes of commerce and recreation, and that it should be devoted exclusively to purposes of utility connected with the trade, the traffic, the health, and convenience of the community. It was certain that neither Lord Dalhousie nor the

(*) A distinguished member of the Calcutta Bar, and a public-spirited citizen.

pottahdars, in compromising all disputes in this manner, ever intended the bank to be devoted to the reductions of port dues. If the bank belonged to the public it belonged to the whole of the public, and should be applied for their benefit."

The use of the expression "selfish" evoked a protest from the representative of the commerce in council, but the matter was quietly dropped, the Hon'ble commercial member agreeing with the contention that the river bank belongs to the entire community.⁽⁷⁾ To-day, however, to the great sorrow and disappointment of the people the solemn pledge of Lord Dalhousie is forgotten and four-storied buildings are erected like the great Chinese wall not only on the river bank but over the Strand Bank road blocking for ever the air and light to the denizens of the unfortunate northern city and obstructing the free communication of the Hindu community with their sacred river.

Returning to the history of the Corporation it may be stated that the system of nomination of the Justices Evils of the system of nomination. gave rise to grave scandals in the Corporation. The advance of western education and the growth of civic patriotism created an irresistible demand on the part of the citizens, to largely participate in the affairs of the city. Their ambition could not be gratified, for nomination generally favoured the more subservient class. At one time the scandal rose to such a pitch that when Sir Stuart Hogg (then Mr. Hogg) was counting the poll at a

(7) Mr. Maitland, on behalf of the Chamber of Commerce said:—"The Hon. gentleman (Mr. Eden), if he might be allowed to say so, appeared to him to be somewhat harsh in his observations when he made general charges of selfishness. * * * He himself, as engaged in Commerce was interested in the reduction of Port dues, but at the same time, as a citizen of Calcutta, he was equally interested in any thing that would benefit the town, and he felt bound to consider what would be for the benefit of the inhabitants generally."

meeting of the Corporation, one of the Justices on being asked by the Chairman which side he voted for exclaimed " *Ap Ka waste Husoor*" and ever since that day "*Apka wastism*" has become a current word in our vocabulary.⁽⁸⁾ During the days of the Justices there was a coalition of the British Indian Association and the Trades' Association—it was the representatives of the Trades in those days that used to take great interest in municipal affairs. This coalition, was popularly known by the historic name of Independent Justices, and contained some of the best and ablest men of the European and Indian communities. The names of J. B. Knight, John Blessington Roberts, F. F. Wyman, James Wilson, Rajendralala Mitra and Kristodas Pal were some of the foremost amongst them.⁽⁹⁾

Introduction
of elective
system in
1876.

Towards the end of the year 1875 the demand for an elective franchise became irresistible. Both European and Indian opinion were arrayed against nomination pure and simple. Amongst them there was a sharp cleavage of opinion, as to the best method of devising an elective franchise. One party was at that time for a self-elected Corporation, by which nomination should entirely cease and a certain number of members according to seniority should go out every year, whose places were to be filled either by their re-election or by new members, somewhat on the model of the election of Aldermen in Great Britain. The other party advocated universal

(8) "He had already said that the selections made by the Government had not been always happy ones. He believed he would not be far wrong were he to say that there were members of the Corporation who were not even acquainted with the English language, although that was the language in which the proceedings of the Corporation were conducted. Could it be expected that gentlemen who were not acquainted with English would be able to appreciate the merits of the measures proposed for discussion, or realized the character and gravity of the questions brought before them. Under any system, then, he would support the principle of election before selection."—*Extract from Kristodas Pal's Speech.*

(9) The independent party used to meet at the rooms of the British Indian Association for concerted action and in the later days the India Club was the rendezvous of the Commissioners.

suffrage. The Government of Sir R. Temple conceded the latter and the Bill for the Act of 1876 was introduced. This Bill provided for 48 elected Commissioners for 18 Wards and 24 nominated by Government, *i. e.*, two-thirds elected and one-third nominated.⁽¹⁰⁾ The following are the observations of the President, H. H. Sir Richard Temple on the subject :—

I for one always have been, and am still, in favour of the principle of election. I think it is most desirable that the rate-payers as a body should be accustomed to study their own municipal affairs, that they should take a lively interest in the checking of expenditure, and in reducing the necessary taxation to the lowest possible amount. Besides that, I am sanguine that our honorable native colleagues in this Council will bear me out when I say that it is good, morally good, for the natives of this country that they should be accustomed to incur that responsibility to their own judgment and conscience which is implied by the exercise of the franchise. The fact that every rate-payer, or a very large number of rate-payers, should have to say whether they will have this man or that to represent them, is in itself a good thing for them. Also, though I think there must be a certain limit placed by the Government on the powers of the Municipal Commissioners of such a place as this, still, with that qualification and that reservation, I am in favour of giving them as much self-government as may be safely possible. That being the case, I shall propose that a large portion, at least a large portion of Municipal Commissioners, should be elected.⁽¹¹⁾

The Hon'ble Sir Stuart Hogg, (then Mr. Hogg) the member in charge of the Bill, observed :—

That what was required for Calcutta and other towns in India was a scheme which, while affording every facility for the views of all classes of the community to be fairly represented in the governing board, should reserve to Government the potential voice in the decision of matters of great

Act IV of 1876 conferred upon the citizens the elective franchise.

⁽¹⁰⁾ Each ward returned two and some larger wards three Commissioners.

⁽¹¹⁾ Sir Richard Temple was willing to concede 34th elected and 14th nominated.

importance, and should also provide a strong executive head for administration of municipal affairs.

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

Then came the question whether selection was better than election. In Mr. Hogg's judgment, the Government was in a better position to select native gentlemen who would really represent in an intelligent way the views of the different native classes of the community in Calcutta than the public would be if the principle of election was adopted. The majority of Europeans advocated a Municipal Board, constituted of members returned by a system of representative election; whereas the natives, as a body, were strongly opposed to any system which would not encourage the most complete publicity in all matters which came before the Municipal Board; and they argued, and with justice, that the discussions by a small Municipal Board would not be as public as formal debates by a larger body.

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

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

what was still worse, deprived the Municipality of the support of gentlemen whose counsels were much to be desired.

The Hon'ble Kristodas Pal, representing the educated Indian community in the Council, observed :—

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

The Bill after much discussion and deliberation was passed. It re-affirmed the supreme authority of the Corporation, by re-enacting the identical section 28 of Act VI of 1863 into section 53 of Act IV of 1876.

From 1876 to 1888 this Act continued and Sir Henry Harrison was the Chairman of the Corporation for nearly 9 years. In his published office order, Sir Henry Harrison notified as follows :—“By this section the Chairman may exercise all the powers vested by the Act in the Commissioners. This of course does not include the powers vested in the Commissioners-in-meeting, and it is subject to certain other limitations set forth in the next paragraph. This general power suffices, so far as the Chairman is concerned, to enable him to carry on the executive duties of the Corporation. As regards the Vice-Chairman the Act says ‘that he may exercise the same authority as the Chairman on behalf of the Commissioners subject to his general direction and his control. So far as the Vice-Chairman is concerned

Delegation of executive functions to the officers.

therefore no further action is necessary to enable him to exercise his executive functions on behalf of the Commissioners. Any directions given by the Chairman have the effect of limiting and controlling and not of amplifying his powers without any specific assignment.⁽¹²⁾ The Act also provided that all powers which may lawfully be exercised by the Chairman should be deemed to have been exercised by him, if exercised by any subordinate officer acting in the execution of the duties assigned to him by the Chairman." Sir Henry Harrison in his order stated "The effect of this is that it is necessary for the Chairman to assign definite duties to all officers other than the Vice-Chairman, who are to exercise any of the powers vested in the Commissioners by the Act." He then delegated powers by a written order to various officers and heads of departments assigning specific duties under specific sections of the Act and making them responsible for the efficient working of the administration within their respective spheres.

Returning to the administration of the Justices, it might be remarked although much good work was done by the Justices yet such improvements as they could make within a brief space of 13 years could not remedy the evils brought about by the neglect of a century. When they laid down the reins of office the city was replete with abominations of every sort and the

(12) Under the Mackenzie Act the Vice-Chairman's position has been lowered. He is deprived of the power of attending, voting and presiding in the absence of the Chairman at the General Committee or the meetings of the Corporation. The post of the Deputy Chairman has been created. In the Statement of the objects and reasons of the bill and in the letter of the local Government to the supreme Government sanction was asked for the creation of the post of Deputy Chairman with the qualifications of an Engineer or Architect to help the Chairman in administering Building Regulations. The Deputy Chairman has always been a member of the Indian Civil Service while a city Architect on Rs. 1250 a month has been appointed to administer the building regulations. The post of Vice-Chairman is held by an Indian of superior abilities and distinction but the post has no longer that prestige which it had before.

Municipal Exchequer was bankrupt. Dr. Payne the then Health-Officer of Calcutta described the condition of the town in the last year of the administration of the Justices :—

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

Administration of the Municipal affair of Calcutta during the regime of the Justices.

It will thus be seen what sort of legacy the Justices left to their successors and what gigantic works they had before them.

In 1884, the Government of Bengal appointed a Sanitary Commission, to Enquire into the work of the

The Sanitary Commission of 1884-85.

Corporation. The Commission was presided over by Mr. Beverley who was then a Judge of the High Court. Dr. Lidderdale, Sanitary Commissioner, Bengal and Hon. Mr. H. J. S. Cotton, the representative of the Corporation were its members. The following quotations from the report will show how a partially elected Corporation without being fettered by co ordinate authorities successfully carried on the administration and elicited the admiration even of those before whom they were arraigned :—

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

within the latter period. That these improvements have benefited the town from a sanitary point of view cannot, we think, admit of doubt, though the fact may not be capable of easy demonstration from the mortuary returns. Whether the sanitary improvement has been as great and as rapid as it might have been—whether the Corporation have done all that they might have done with the means at their disposal, and whether they have carried out their improvements as expeditiously as possible—are of course large questions upon which room may exist for a difference of opinion. We think it sufficient to say that we are agreed that there has been great and solid improvement.

Holding this opinion as we do, it may not unfairly be expected that we should set out in some detail the particular improvements to which we refer; and we venture to think that this course will be attended with considerable advantage. Calcutta covers an area of about eight square miles, and few of its European residents at any rate are intimately acquainted with the northern portion of the town. Still fewer, perhaps are acquainted with the history of the town and of its sanitary condition in the past. Persons read a description of some noxious bustee or tank in the Health Officer's reports, and are amazed to find that the entire city is not like Chowringhee and Dalhousie Square. Ignorant or forgetful of what Calcutta was no longer than twenty or thirty years ago, they perhaps jump to the conclusion that the insanitary conditions brought to notice are due to laxity of administration on the part of the present Corporation, instead of being to a great extent the legacy of past neglect. For the information of such persons, then, we think it will be useful to indicate in some detail, without going into minute particulars, some of the principal improvements that have been effected within the last few years.

Then follows a vast mass of details of substantial work under "drainage," "water-supply," "new roads," "Bustee improvements," "general conservancy." Space will not permit me to quote further details. The following quotation from the admirable note of Sir Henry Cotton cannot however be omitted:—

Sir Henry
Cotton.

The policy of the Corporation is rather, as Dr. McLeod described it, one of gradual and progressive reform. The whole case is, as the Army Sanitary Commission describes it, as complete as it well could be, I do not think the true friends of Local Self-Government, who are watching with unconcealed anxiety the struggle for existence which marks the infant growth of a great principle, could find anywhere in this country more satisfactory tokens of encouragement and hope than exist in the metropolis. The small tree is here firmly planted, I am not careful to enquire whether a better practical administration of the affairs of the town might not be possible. It is possible that the municipal works of the city might be more efficiently administered under the ideally perfect control of a benevolent despotism. But be that as it may, the policy of Government is now cast in another mould. We have another object in view, the education and training of the people and for this end we are content to put up with many failures in practical administration. And so even if there had been failure in Calcutta, if the Municipal Commissioners had been found wanting, if there had been short-comings, I would have appealed to the Lieutenant-Governor in his consideration of the Report of this commission to deal with those imperfections tenderly and with patience. But I have shown and my colleagues have shown that there has been no failure. The Corporation of Calcutta as a representative body commands the confidence of the vast majority of the rate-payers; it has already done very much in the direction of sanitary reform; it has not retrograded in giving effect to a single sanitary improvement; stimulated by the healthy action of public opinion and profiting by the greater experience gained year by year, it has afforded by the systematic enterprise of the past three years the

most solid guarantee that it will continue to advance on the path of progress."

The Act of 1876, was further amended by the Act of 1888. By this Act a portion of the old suburban municipality, namely the area comprising Bhowanipur, Alipore, Kalighat, Chetla, Ballygunge, and the fringe area on the Canal in town proper, was added to Calcutta. This Act continued till 1899 and during the 11 years of its existence the Corporation made such enormous improvements in the swampy, undrained, water-logged and pestilential area, that it is beyond recognition to sight and sense. Harrison Road, not to speak of the lesser improvements, was opened out.

The testimony of some of the past Chairmen of the Corporation working under the three successive Acts of 1863, 1876 and 1888 when there were no co-ordinate authorities but the Corporation was the sole authority, is very interesting.

It is a noteworthy fact that in all municipal legislation from 1863 till the advent of Sir Alexander Mackenzie, as Lieutenant-Governor, there was never any question of depriving the Corporation of its powers as the supreme municipal authority. In 1875 when it was proposed to abolish the Justices and to introduce the elective system, Mr. Schalch, who was for seven years the first Chairman of the Corporation under Act VI of 1863, made the following suggestion in the Bengal Council regarding the creation of an executive body subordinate to and not co-ordinate with the Corporation. He said, "The Justices would form the Town Corporation; but subordinate to them he would suggest the appointment of a Town Council of 12 members. The Town Council might be composed of five members appointed by the Corporation to represent the five divisions of the Town,

Mr. Schalch's
executive
body of 12
members.

Four members may be nominated by what might be called the representative bodies in Calcutta,—the Chamber of Commerce, the British Indian Association, the Trades' Association, and any other bodies which might be supposed to represent any particular class such as the Mahomedans and the remaining three members might be appointed by the Government to represent their interest and one of these should be the Chairman of the Corporation. He will not have a Municipal Commissioner as at Bombay, to transact the executive duties irrespective of the Town Council but would combine those executive duties with the proper supervision of Municipal funds and place both duties in the hands of the Town Council." (13)

Mr. Schalch in the above suggestion also recognised the principle of division of Calcutta into districts for purposes of administration which is a very important factor of Municipal decentralization.

Opposition of
Sir Stuart
Hogg.

No one was more fond of power than Sir Stuart Hogg, yet he opposed the proposal and paid the following tribute to the representatives of the people :—

His hon'ble friend Mr. Schalch advocated the creation of a Municipal Board appointed chiefly by the public bodies

(13) Now with regard to the Associations of Calcutta, although he had the honor to belong to one of them, (Kristodas Pal represented the British Indian Association, he must admit that they were not permanent bodies, and that it was therefore open to question as to whether the permanent interests of the town should be committed to bodies who lived on the breath of their subscribers. In the next place the hon'ble member proposed that the Town Council should be formed on the model of the Port Commission, and that its proceedings should be conducted in the manner of those of the Port Commissioners. Now, with every deference to the Port Commissioners, Babu Kristodas Pal hoped the Council would not pass any measure which would reduce the Town Corporation to the level of the Port Commission. The Port Commissioners, as the representatives of the merchantile interest, were doubtless doing their work well and satisfactorily ; but their close borough system, it appeared to him, was not suited to the public interests of Calcutta. The proceedings of the Port Commission were not open to the public ; the representatives of the press were not admitted to its sittings. An attempt, he believed, was once made for the admission of reporters to the sittings of the Commission, but the application was refused. No one outside the

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

Sir Stuart Hogg's opinion as to how successfully the old constitution, under which the corporation was the supreme municipal authority worked, has been already

Testimony of
Sir Henry
Harrison.

pale of the Port Commission knew what they did, beyond what they might vouchsafe to state in their annual report. There was, therefore, no check whatever over the proceedings of the Port Commission. On the other hand, the Justices acted in the full blaze of publicity. They did not conceal anything from the public view; on the contrary they courted criticism, and the public were therefore always in a position to know the history of every question discussed by the Justices, and the measures adopted with regard to it. The policy of publicity, introduced by the Municipal Act, had infused a new public spirit into the citizens of Calcutta, and he could assure the Council that the rate-payers of the town now took a far greater interest in its affairs than they had ever before done. They now read every paper published by the Municipality, they discussed every question and were ready to give their opinion upon important matters which affected their interests; and he hoped the Council would not take a retrograde step and put an end to that which was one of the redeeming features in the present system of municipal administration of Calcutta.

quoted. Sir Henry Harrison another veteran Chairman who worked under the old constitution paid the following tribute in the Bengal Council :—

In the first place by the elective system we have attracted to the Corporation a number of Commissioners who have taken the greatest possible interest in the work ;—Commissioners who have been most assiduous in their attendance at meetings, who have looked into matters with care and scrutiny, such as is hardly found in any other department. They have set their face resolutely against all extravagance, they have thrown the right of discussion on every detail. In fact, it has led to the administration of the Municipality being carried on much more in the light of day than it would have been as far as other members are concerned. On questions of the contracts and expenditure in detail they have paid an attention to the work which was hardly paid before. In the next place, the system has had the advantage of bringing in a number of men who owe their position entirely to something outside Government, not to nomination. They feel that they depend for their position on those who have returned them and who naturally look to them to represent their views, and therefore they bring with them the light of real public opinion, of a certain class,—a comparatively small class in numbers, but a very influential class indeed—and it has been a great advantage that we should have the opinion of a class of this kind pressed upon us, so that we know what they want and what they object to. Thirdly, we have persons who represent local areas. This has led to many good results. Previously the town was looked upon very much as a whole and the wants of the town as a whole were considered. Now the desire for large improvements has decreased, and the Commissioners are more interested in local wants. This has to some extent worked well, and the large increase in the value of property is in no small degree due to the way in which local improvements have been attended to. Fourthly, the elective system has been successful in this, that people know that they have a Commissioner who represents them, and when they have a complaint, if it is not immediately attended to by the executive, they prefer to get the assistance of their

Commissioners. This has some beneficial results ; it causes some degree of self-reliance in the people when they know that they have some one to whom they can go if they do not get immediate redress. The last and most important result is this. The elected Commissioners who have taken so much interest in the affairs of the Municipality have themselves improved much by experience in the work. I have seen very great improvement in the tone and method and manner of doing work by the Commissioners who have become familiarised with their labour. In this review I think that I have given a very fair account of the work of the elective Commissioners ; but, after all, is not the rôle which I have described precisely the rôle of opposition ? We all know that administrative affairs suffer if there is no effective check ; and whether we look at the official world as it exists in India or at the Government as it is in England, worked by party, it is a well-recognised fact that if there is no adequate check, there is danger either of the work going on too fast, or there is danger of its not being as economical as it might be. The rôle which the elective Commissioners for the Native wards have at once assumed is precisely that of checking, watching and controlling in every way, in seeing either that no expenditure is incurred without sufficient reason, or that projects of improvement are not undertaken which cannot be fully justified.

Sir Henry Harrison was the member in charge of the Bill* and if he had felt that the old constitution was not working well he would no doubt have taken advantage of the amendment of the Act to cut and clip the powers of the Corporation.

Mr. Colman Macaulay, Chief Secretary to the Government of Bengal, who, I believe was for sometime a member of the Corporation, thus spoke in the Bengal Council with reference to the proposal of the Hon'ble Mr. Irving to reduce the two-thirds elected to one-half :—(14)

Mr. Colman
Macaulay.

To guard against misunderstanding, I wish to state my

(14) This was suggested when Act II of 1888 was on the legislative anvil, but was not accepted.

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

Sir Henry
Harrison on
corporation
debates.

As regards the oft-repeated charge of too much talking in the Corporation, Sir Henry Harrison observed as follows in the Bengal Council :—

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

Mr. Harry
Lee.

Mr. Harry Lee, who was Chairman after the passing of the Act of 1888, thus bore testimony to the work of the Corporation :—

Less frequently now than of old, because the outside public is better acquainted with the facts, but still occasionally we hear insinuations that much time is wasted in this hall b

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

The following paragraph from the administration report of the same Chairman in 1892 speaks of successful administration of the Municipality under the old constitution :—

The most damaging criticism that is commonly levelled against the principle of Local Self-Government in Bengal is that it prevents or obstructs a reasonable out-turn of work. I maintain that the record of the Calcutta Commissioners refutes this criticism. The system of Municipal Government that has been in vogue here for many years past doubtless entails, greater demands on the time and patience of the Executive Officers than did the old Autocratic or Oligarchical system. And such demands have been growing and will continue to grow year by year. But so long as the strain can be borne, and the executive and the consultative or administrative officers of the governing body work harmoniously together, they produce a regular and

satisfactory harvest of good works, of which there is no need to be ashamed.

Sir Antony
MacDonnell.

Sir Antony MacDonnell, as Lieutenant-Governor of Bengal, recorded the following resolution :—

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

Method of
work. Mr. W.
M. Souttar.

As regards the method of work in the Corporation under the old constitution the following quotation from the administration report of Mr. W. M. Souttar, Chairman of the Corporation, is interesting :—

The conclusion thus arrived at, either by the Town Council or by the other Committees, whose proceedings come before

General Meetings, are eventually all brought up for confirmation before the Commissioners-in-meeting. Most of them are confirmed without further discussion ; a few of the more important or more interesting questions are again debated and finally determined by the general vote of the Commissioners.

Sir Henry Harrison writes :—

The policy of the Chairman is to associate the Commis-
sioners with himself in the consideration of every question of
importance which comes before the Corporation. This undoubt-
edly results in many matters being disposed of somewhat
differently from what he would have desired, but this is far
more than counterbalanced by the insight which it affords the
Commissioners into the details and difficulties of municipal
administration, whereby they become participators in, instead
of mere critics of, the work done ; while the practical power,
which they thereby wield creates a sense of responsibility for
the exercise of that power, which proves a most valuable auxi-
liary to the executive of the Corporation.

Sir Henry
Harrison.

Again :—

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

The Mackenzie Act curtailed the supreme authority of Corporation.

Such a constitution which had worked so remarkably well and which had fostered in however small a measure the principles of local self-government in a very modified and restricted form, was smothered by the hand of a Lieutenant-Governor. That Provincial satrap notoriously unsympathetic to local self-government in his early years as Secretary to the Government of Bengal never concealed his antipathy to and contempt for the Corporation of Calcutta.

History of Mackenzie Act.

The history of the Mackenzie Act needs brief recapitulation. On 26th November 1896, Sir Alexander Mackenzie was invited to lay the foundation stone of the new drainage works at Entally, costing nearly a crore of rupees. An address with a handsome casket was presented. The occasion was a festive one and marked the inauguration of a series of most important and far-reaching drainage works calculated to materially improve the sanitary condition of the city and the newly-added suburban area. To the surprise of all present, the Lieutenant-Governor after a few words of thanks for the address and appreciation of the gigantic works to be undertaken, delivered a long, scathing and deliberate tirade on the Commissioners. It was the elected Commissioners who came in for the full measure of abuse. It was generally felt as a matter of deep regret even by not a few Englishmen that the Lieutenant-Governor who was the guest of the Commissioners, could so far forget the inappropriateness of the occasion as to indulge in most unworthy and abusive epithets in castigating the Commissioners for the alleged failure of conservancy arrangements and sanitary condition of certain parts of the town.⁽¹⁵⁾ The Commissioners being highly

⁽¹⁵⁾ Dr. Simpson, the Health Officer was in charge of Conservancy. He retired. Dr. Banks was appointed Chief Superintendent of Conservancy.

mortified at this treatment from the ruler of the land, "respectfully protested" by a formal resolution against the condemnation passed on them "as being unmerited and inappropriate to the occasion" "and as involving a grave misapprehension of the facts of the case and as amounting to a severe censure on the Municipal administration of the town without the Commissioners being allowed the opportunity of explanation or defence."

They also submitted a "statement" narrating the vast amount of work done by the Corporation, vindicating the elective system which was partially granted by Sir Richard Temple in 1876. In his speech although he abused the Commissioners, the Lieutenant-Governor disclaimed all intention to introduce a change in the law. On the submission of the "respectful protest" and the statement in vindication of their administration by the Commissioners, Sir Alexander Mackenzie, who was apparently highly incensed, stated in reply, "The Lieutenant-Governor's address had not been brought up-to-date upon official record, the action taken by the Commissioners makes it necessary that this should now be done." Then after dwelling on the various facts embodied in the "statement" he concluded that "he will now make a reference to the Government of India." From this moment Sir Alexander Mackenzie resolutely set himself to bring about a change in the constitution of the Corporation. On the 7th March 1898 he submitted to the Government of India, in continuation of previous confidential communications, definite proposals for the amendment of the municipal law of Calcutta. On the 16th March of that year the Government of India gave its general approval to the proposals but also warned the Local Government that "as the Bill introduces wide and far reaching changes

in the law under which the Municipal affairs of Calcutta are at present managed," "His Honour will carry out the proposed legislation in as conciliatory a manner as possible." It is needless to observe that this instruction of the Government of India was honoured more in the breach than in the observance. The people of Bengal was highly aggrieved. Not to speak of the discourtesy, the unamiability and lack of moderation in the use of language, his firm determination to destroy the small but growing tie of local self-government in Calcutta created such an upheaval of public feeling that "twenty-eight" Commissioners including the best and the foremost representatives of the rate-payers of the day resigned. The bill was introduced in March 1897.

The changes effected in the new Municipal law are of a revolutionary character. Ever since 1876 the Municipal administration of the city had been entrusted to the Corporation consisting of two-thirds of the Commissioners elected by the rate-payers and one-third nominated by the Local Government. All rights, privileges and powers under the law had hitherto been vested in such a Corporation or in other words the Corporation had always been the one supreme central authority for the purposes of the Act. The Chairman, the head of the executive, had been one of the members of the Corporation—its president—and had hitherto exercised all executive functions subject to the control and direction of the Corporation. The Corporation also had the power of appointing committees and the proceedings of such committees had been subject to confirmation by the Corporation. Under the new law, instead of one authority three separate authorities have been created.—The Corporation, the General Committee and the Chairman and by far the greater part of the authority hitherto vested in the Corporation has

been withdrawn and distributed between the General Committee and the Chairman who now exercise these powers quite independently of the Corporation. The number of Commissioners remained intact, fifty elected and twenty-five nominated. Sir Herbert Risley, the member in charge of the original bill, observed: "For the last twenty years Calcutta had had an elected Municipality and there are obvious objections to restricting the operation of the elective principle so far, at any rate, as the main body of the Corporation is concerned." Sir Alexander Mackenzie retired in the middle of the controversy on account of ill-health and Sir Herbert Risley was transferred to the Government of India. Sir John Woodburn assumed the office of Lieutenant-Governor and Sir Edward Baker succeeded Sir Herbert Risley as member in charge of the bill. Sir John, speaking from his place in the Bengal Council, observed as follows:—

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

The local government was more anxious to curtail the powers of the Corporation than to curtail the number of Commissioners.

On the completion of the labours of the Select Committee in April 1899 it became necessary to obtain the sanction of the Government of India to some new clauses in the Bill, as revised by the Select Committee

The Bill was accordingly forwarded to the Government of India and Lord Curzon who had then succeeded Lord Elgin as Viceroy decided that the Corporation should consist of only 50 Commissioners—25 elected and 25 nominated; the 25 elected to be representatives of the 25 wards into which the town was divided. And this order was carried out by the Bengal Government and embodied finally in the revised bill.

The General Committee—a co-ordinate authority—is formed of twelve members and the Chairman as President; four elected by the Ward Commissioners; four by the nominated and institutional Commissioners; and four appointed by Government. The object of retaining these four nominations in the hands of Government was then explained in the letter of the Bengal Government to the Government of India in applying for sanction to proceed with the legislation.

The four seats reserved to Government will enable it not only to secure adequate representation of its own important interests in the town, but also, if need be, to provide for a Muhammadan member and to nominate at least one Commissioner *as the special representative of the humbler working men of all ranks and trades who earn their livelihood in Calcutta.* ⁽¹⁶⁾

Representa-
tion of the
working
classes.

The question of representation of the working and poorer classes was raised from time to time before. In 1885 Sir Henry Harrison observed:—

Not only do the labouring classes of Calcutta, important as their interests are, get no representation under the present system but there are some of them who, by their dependent relation to the Municipality, especially need it—I mean those classes with whose freedom of action we are compelled, in the interests of the community at large, to interfere. Such are the residents in bustees whom we have to displace in

(16) The Italics are mine. Uptill 1914 none but nominated members were appointed to G. C. Latterly, it must be gratefully acknowledged, the policy has changed.

opening out crowded localities ; the carters whom we tax first for using the streets and then for keeping their cattle within municipal limits (there are 17,000 carts licensed in Calcutta) ; the gowalas whom we are compelled to prosecute in hundreds because they will not comply with our requirements as regards the stabling of their cows and who ought to be placed under much closer surveillance to prevent disease being conveyed by milk ; the dhobees who for the same reason ought also to be brought under sanitary regulations as soon as the suburbs come into our hands.

The poorer classes or the working classes had no direct representation but it may be said to the credit of the Ward Commissioners that they have never failed to represent their grievances. But in the appointment to the General Committee the original object of securing representation of the working and poorer classes was lost sight of. Barring the deplorable retrogression of Sir Alexander Mackenzie's legislation, the policy of municipal government in Calcutta has always been to work with the people and by the people and for the people. Even the Government of Lord Elgin in sanctioning the introduction of the bill as prepared by Sir Alexander Mackenzie, warped him to be most "conciliatory." Most distinguished members of the Indian Civil Service, who have left their mark on the history of municipal administration of Calcutta, recognized that the rule of despotism was not compatible with the growth of Local Self-Government and that persuasion and not compulsion should be the keynote of a successful administration.

Sir Henry Harrison in admonishing Dr. Simpson, the Health Officer, in 1885 observed :

Ignorant of the state of the town 5, 10, 20 and 30 years before and intolerant of the comparative immobility of a conservative civilisation of 4,000 years' duration, he could only describe Calcutta as an African village and propose the most drastic measures regardless of expense, or of the time-honored

Sympathy the
key-note of
administration

sentiments of the people. Under these circumstances, it is not surprising that he should not be as satisfied as his predecessors were with the support he receives.

But the remedy lies in Dr. Simpson's own hands and it is in his own power to give a stimulus to sanitation far more effective than can ever be attained by uncompromising and unsympathetic propositions for improvement. Dr. Simpson should not allow himself to lose sight of the fact that the Government has resolved to entrust the administration of Calcutta to a body largely composed of Commissioners elected by the rate payers, of whom nine-tenths are natives of India. To attempt to coerce such a governing body and to compel them to adopt measures diametrically opposed to their own views and those of their constituents, must end in disastrous conflicts. If sanitation is a real boon to the population of a city, it can be made with tact and judgment to appear in that light, and the residents can by degrees be converted from strong opponents to ardent supporters of sound measures of improvement as has been conspicuously the case in regard to the water supply. Although it can not for a moment be expected that a governing body, such as the Corporation of Calcutta, will effect sanitary improvements as fast as could a Board of official dictators, it is quite certain that any progress made by the former is indefinitely more durable, more real, more fraught with future promise. The Commissioners can well understand that to an officer like Dr. Simpson, coming fresh from England, full of the latest and most advanced theories of sanitation adapted to wealthy cities like Birmingham, Liverpool or Manchester, whose means are out of all proportion to those of Calcutta, it must be galling to have to descend to a lower platform to be hampered, on the one hand, by financial considerations, and on the other, by the conservative habits of the people, which seem to him purely obstructive; but they would beg him to consider that it is precisely under such conditions that the qualities of a first class man may be expected to make themselves apparent. He is not the true model of a great Commander, a great Administrator or a great sanitary Reformer, who, with unlimited resources, has only to consider what is ideally best and promptly to have it carried out, but he who,

with limited resources and a path beset with rocks and shallows, makes the most of those resources and steers his course with skill and judgment.

The extract is long but will amply repay perusal. A similar controversy arose in 1877. Dr. Payne the Health Officer in 1877, when Calcutta was full of tanks, advocated indiscriminate tank filling. Sufficient earth was not available and the ratepayers were directed to fill the tanks with garbage. Two distinguished Commissioners⁽¹⁷⁾ strongly opposed such a course. They contended that water supply had not been extended to all parts of the town, the Bustee population had no water except the tanks, and that sufficient earth was not available and therefore the tank-filling should be taken up with discretion. Long and acrimonious discussion took place in the Corporation. The matter came to the notice of the Lieutenant-Governor and Sir Ashley Eden administered the following rebuke to Dr. Payne :

People should
be led and
not driven.

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

(17) Raja Rajendralala Mitra, LL. D., C. I. E., and Kristodas Pal.

the whole subject. In some of the finest cities in civilized Europe, with every appliance and convenience for sanitary improvement available, there are streets, lanes, and houses whose description, if faithfully given, would throw into the shade the vivid pictures of the filth of Calcutta so graphically drawn by Dr. Payne.

While thoroughly agreeing to the necessity of obliterating the foul tanks of the city he counselled extension of water supply and gradual filling-up of tanks, thus upholding the policy of the representatives of the people in the Corporation. The following extract is quoted from the Government Resolution :

The first thing is to provide good water, and the people will not then be so anxious to cling to the filthy water, which, according to Dr. Payne, is in a great portion of the town the only supply available to them. They not unnaturally prefer bad water to no water at all. The Lieutenant-Governor has again observed with regret that there has been a want of harmony between the Commissioners and the Health officer, a want which greatly impedes the work of sanitation, and has given rise to much unpleasant discussion. There is nothing to be gained by entering into the details of the disputes, but the action of the Health officer in issuing notices on the proprietors of all open tanks was injudicious and notices seem to have been issued under some misapprehension of the law.

The association of the Commissioners with the executive in conducting the administration of the Corporation leads to a better understanding of the wants, the wishes, the grievances, the prejudices, the sentiments and the feelings of the Indian races than it could be under the arbitrary rule of the Executive, however well intentioned it may be. Drastic and co-ercive measures are replaced by persuasive and conciliatory actions. Co-ordinate authority is therefore out of place in a self-governing institution like the Corporation and in the hands of a despotic officer, not unoften leads to drastic and oppressive

proceedings which give a bad name to the Government and make it unpopular.

The attitude of the representatives of the people in the Corporation has steadily undergone a change in the direction of a desire for larger and larger reform which is witnessed in numerous improvements which they have brought about by persuasion, tact and compromise. British Rule rests on the adamant rock of justice, liberty and freedom. The success of British Raj is due to co-operation with the people and that co-operation must be ensured in the Corporation by the restoration of its former authority and prestige.

Regarding the curtailment of the powers of the Corporation and the setting up of co-ordinate authorities independent of the supreme authority of the Corporation, the following quotation from the Hon'ble Mr. Telang's observations on the City of Bombay Municipal Bill will not be out of place.

Reflections on the creation of co-ordinate authorities.

I admit that we are all anxious to secure the good government of the city, and that what we have to consider is its true interests. I admit that to conserve those interests properly we ought to have a strong executive. But to conserve those interests, it is not necessary to make the executive independent of the higher municipal authorities. The executive ought still to be answerable to the Town Council and Corporation.

Again, when it is said that the Municipal Commissioner is responsible for the condition of the city, I ask to whom is he responsible? It is to the Corporation he ought to be responsible, and then the proposition about power and responsibility going together ceases to have any application to the case. My *beau idéal* of Municipal Government includes strong executive responsible to the Corporation, enlightened Corporation watchful over its Executive. In such a constitution you may give full play to the Corporation, which has been, or shown during the past fifteen years

Hon'ble Mr. Telang.

Bill are as far from my *beau idéal* as they could well be. And I am afraid that this Bill will not accelerate, but rather retard the approach of it. Local Self-Government is a sham if no trust is reposed either in the Corporation or the Town Council, I do not say that Mr. Naylor or Mr. Ollivant is actuated by a distrust of popular government, but their confidence in it is weaker than it should be.

If popular government cannot be trusted to cope with all the necessities of that pre-eminent position, let us abolish the Municipality altogether, and let us have a strong administration, and rule by means of the Governor in Council. But if we are to have popular government, let us have it in a genuine form, with power and responsibility in the hands of those who represent the people. Considering the large expenditure which has been incurred and the great development of the city, which Mr. Naylor has described as marvellous, there are grounds, in my opinion, for reposing great confidence in those representatives. There may have been blunders, but these blunders are a necessary part of our municipal education, and are not always absent under autocratic rule. We must be prepared to put up with such occasional blunders to secure eventual good government.

Hon'ble Mr.
Forbes
Adams.

The Hon'ble Mr. Forbes Adams, President of the Bombay Chamber of Commerce and the representative of the European non-official community in the Bombay Council who discountenanced the establishment of co-ordinate authority, thus delivered himself on the principle that the Corporation should be the governing body :—

I regret that Your Excellency's Council has not seen its way to give such consistency and all-pervadingness to the great central principle of the Bill—the principle that the Corporation be the governing body—that no possibility of question, uncertainty, or clash could hereafter arise. The idea of co-ordinate authorities seems to me to be fraught with chance of friction and to attempt to reconcile what is irreconcilable. The Bill is full of unsettlement and feud. I firmly believe that without all its sections have emphasised

and accentuated its central principle without running the slightest danger of fettering or interfering unduly with the Commissioners in carrying out the details of the Executive work of the Municipality.

In all European countries which have any form of ^{Albert Shaw.} Municipal Government, the supreme authority is vested in the Corporation. On this point Albert Shaw in his well-known book gives the following information :—

“Municipal Government elsewhere than in the United States, after having constituted a ruling body, do not erect a separate one-man-power and give it the means to obstruct the ruling administrative body and to diminish its scope and responsibility. The Mayor elsewhere is an integral part of the Council. English, Scotch and Irish Municipal Government is simply Government by a group of men who are to be regarded as a grand committee of the Corporation. In Glasgow, it is a committee of seventy eight; in Edinburgh, of forty one; in Manchester, of one hundred and four; in Birmingham, of seventy-two; in Liverpool, Leeds, Sheffield and most of the large English towns, of sixty four; in Dublin of sixty; in Belfast, of forty and in the other incorporated towns of the United Kingdom it varies from twelve to sixty-four, according to their size. They appoint and remove all officials. They have entire charge of Municipal administration distributing the work of departmental management and supervision to Standing Committees of their own numbers which they organise and constitute as they please.

The object of the above rapid summary of the municipal administration of Calcutta is to show that even this small gift of British beneficence has been snatched away without any justifiable reason and that it has left an indelible scar in the hearts of a large and ever increasing section of His Majesty's subjects. That the Bombay system with its co-ordinate authorities and restricted powers is not at all a popular system and will not be acceptable to the community at large, will be apparent from the agitation that has taken

Restoration
of the old
constitution
prayed for.

place. The people long to return to the old system—a system tried and well-tried and found successful despite what a Lieutenant-Governor with deep-rooted prejudices against and antipathy towards the Corporation, might have said in a fit of anger. If the generous Government with the changed angle of vision cannot restore to the people the old and dearly-beloved constitution, it is to be hoped that the amendment of this Act will not make it worse than what it is now.

Association of
Indians with
Europeans.

The Corporation is the nursery of public life of educated men in the Presidency, resident in Calcutta. It affords to the Indian a unique opportunity of work and association with his European fellow-citizen. Kristodas Pal truly voiced the Indian public opinion when he said in his long and eloquent speech :—

“ He believed that when the people wanted a measure of self-government, they did not mean that they would have the whole thing in their own hands. What they meant was that they should be associated with their European fellow-subjects in the task of local self-Government. He might observe that the people of this country if they were in any way to be useful to themselves and the nation at large could only be so by associating themselves with their European fellow subjects. They must learn a great deal and under the direction and guidance of their rulers might prove themselves equal to the task which they might be called upon to perform. Since England had planted its flag in this country there had been many important changes in its political organization and its internal administration and the people had been invited to an active share in the administration of the country ; and he believed the Government would admit that they had not been found wanting in taking advantage of that honourable and responsible position which it had pleased

the Government to confer upon them. He believed that if the people of Calcutta were associated with their advanced European fellow-subjects in the government of the affairs of the city, they would not be found wanting. As matters now went, even if the Corporation was not considered a representative institution still it was to a great extent a free institution and he believed it would be admitted that his countrymen had done their part of the work well and to some extent creditably. Looking to the success which had in some measure attended the attempts of the people of this city to work with their European rulers and fellow-subjects, he thought the further extension of the experiment of local Self-Government might be safely made in the administration of its Municipal affairs."

In this interesting work of municipal government by popular representatives, the Europeans have worked shoulder to shoulder and hand in hand with the Indians. If Government is pleased to grant the people larger powers of local self-government both the communities will participate as fellow-workers in the administration of the affairs of this great city. The Europeans may not be so anxious as the Indians are for self-government out here in India for they have it in full measure in their own country and the official head of the Corporation is a representative of their community.¹⁰ But such is not the case with the Indians. They naturally feel and resent, if they are treated differently from their other fellow-subjects in the Empire. They regard it as a badge of inferiority and degradation. The above sketch of Municipal legislation will show that while there was some progress in local self-government in the early days, there has been distinct retrogression since the time of Sir Alexander Mackenzie. The people of India, however, look forward to the dawn of better times and they are confirmed in this hope by the recent policy of Government.

THE BOMBAY CORPORATION.

THE MUNICIPAL CONSTITUTION

The Municipal Authorities of Bombay consist of :—

(a) The Municipal Corporation ;

(b) The Standing Committee ;

and

(c) The Municipal Commissioner.

(a) The Municipal Corporation is composed of seventy-two (72) councillors elected as follows :—

(1) 36 elected at Ward elections ;

(2) 16 elected by Justices ;

(3) 2 elected by Fellows ;

(4) 2 elected by the Bombay Chamber of Commerce ,

and

(5) 16 appointed by Government.

All general elections are to be held in a specified order. The Ward elections shall be fixed to take place simultaneously for all Wards. Within 21 days of Ward elections, that for the Bombay Chamber of Commerce is fixed. And within 7 days of this latter election must be held that for the Justices' election. The Fellows' election is to be held within 14 days after the Justices' election.

For purposes of elections, the city is divided into Wards and the number of councillors to be elected at Ward elections is apportioned over them. The number and boundaries of the Wards may be altered by the Corporation with the sanction of Government.

Candidates for election at a Ward or at Justices' election must be nominated in a writing according to certain

specified provisions. A contested Ward election or a contested-Justices' election is followed by a fresh election after 7 days of the original one

Elections of councillors by Fellows are held at a Meeting of the Senate, provided that they may not elect one who is himself not a fellow.

The Chamber of Commerce similarly must send its councillors from amongst its own members.

If the validity of any election is questioned any person enrolled in Municipal election roll may apply for adjudication within 15 days to the Chief Judge of the Small Cause Court.

(a) **Proceedings of Corporation** —

The Corporation shall ordinarily meet for the despatch of business once in each month. The President, in his absence the Vice-President, in whose absence the Chairman of the Standing Committee, may, at his discretion, and shall, upon a written requisition signed by not less than 16 councillors or not less 4 members of the Standing Committee, call a special meeting. Every meeting shall be open to the public unless otherwise provided.

President of the Corporation is elected by the Corporation from among its own members. He is re-eligible. In case of any casual vacancy a new one is similarly appointed for formers' remaining term of office.

Committees :—The Corporation may appoint committees out of its own body for inquiry and report or for opinion about matters relating to Municipal Works.

It must appoint Schools' Committee of eight members for the purpose of giving effect to the provisions as to primary education, the two senior members retiring every year. Members are re-eligible.

Function of the School Committee :—It is to provide,

out of the funds placed at its disposal by the Corporation, for the accommodation and maintenance of primary schools which at any time come wholly or partly under the Corporation. It shall direct and control the instructions given in such school and the terms and conditions of such instructions. It may be invested with powers and duties by bye-laws.

Committee may also be appointed for other educational purposes, *e.g.* secondary education or any branch of technical or other instruction, with similar powers and duties.

Hospital Committee for the benefit of the aged, sick and infirm may be appointed, either singly or in concurrence with Government.

(b) **The Standing Committee** :—It shall consist of 12 councillors, 8 appointed by Corporation and 4 by Government. The former must be out of their own body the latter must be appointed within one week after such appointment by the Corporation.

Chairman of the Standing Committee—is elected by the body out of their own members. He is re-eligible. Any casual vacancy to be filled by appointment ; for his remaining term of office, of one of their body.

Members of the body—retire by halves each year of elected persons and $\frac{1}{2}$ of Government nominees Retirement is by ballot. Remaining Members retiring next year. The Corporation elect and Government, within one week after, nominate to fill up the vacancies of retiring members. Members are re-eligible. Any casual vacancy to be filled up by Corporation or Government, as the case may be, for the remaining term of the post. Each Standing Committee to continue in office till a new committee is appointed, notwithstanding that the members or some of them may no longer be councillors

Functions of Standing Committee :—(1) Despatch of business ; and (2) scrutiny of accounts. It must meet once a week, quorum consisting of 6. It may delegate any of its powers or duties to sub-committee consisting of at least three of its own body, binding such sub-committee with instructions, with power to discontinue or alter at any time the constitution of any sub-committee so formed.

Every member of the Standing Committee is entitled to receive a fee of Rs. 30 for each meeting with quorum, not more than one fee in one week.

"(c) **The Municipal Commissioner** :—A wholetime official appointed by Governor in Council for renewable period of three years. Must be removed if not less than 45 Councillors vote for it or if Governor in Council finds him unfit.

Deputy Municipal Commissioner :—Corporation may appoint such, subject to confirmation by Government. His function is subordinate to Commissioner. He exercises powers of Commissioner which he delegates.

" **Commissioner's salary** :—Fixed by Government. Not less than Rs. 2,000 and not more than Rs. 2,500 in the case of a junior civilian ; and not less than Rs. 2,500 and not more than Rs. 3000 in the case of a senior civilian, according to the discretion of the Corporation. Deputy's salary not more than Rs. 1,500 and not less than Rs. 1,200 to be determined by the Corporation.

Duties and Powers of the Municipal Authorities :—

(1) Duties : (a) Obligatory and (b) Discretionary.

(a) **Obligatory** :—

- (1) Drains and Drainage Works ;
- (2) Water-Supply ;
- (3) Scavenging ;
- (4) Abatements of all Nuisances ;
- (5) Places for Disposal of Dead ;

- (6) Vital Statistics ;
- (7) Vaccination ;
- (8) Measures against Dangerous Diseases ;
- (9) Hospitals and Dispensaries ;
- (10) Markets and Slaughter Houses ;
- (11) Regulations of Offensive and Dangerous Trades ;
- (12) Fire-Brigade ;
- (13) Dangerous Buildings ;
- (14) Streets, Bridges, etc. ;
- (15) Lighting, Watering, and Cleansing of Public Streets ;
- (16) Obstructions and Projections in or upon Streets, etc. ;
- (17) Name of Streets and number of Premises ;
- (18) Schools for Primary education open to Government Inspections ;
- (19) Municipal Office, Public Monuments and other Property of the Corporation ;

(B) Discretionary—

- (1) Educational Objects other than under (a) 18 ;
- (2) Library, Museum, etc. ;
- (3) Parks, Gardens, Botanic, Zoo, etc. ;
- (4) Trees on Road-side ;
- (5) Surveys ;
- (6) Marriage Registration ;
- (7) Census ;
- (8) Address to Distinguished Persons ;
- (9) Music to People ;
- (10) Any measure to promote public safety, health, convenience or instructions ;
- (11) Contributions to any public ceremony or entertainments in the city with previous sanction of Government.

II. *Powers* :—

Municipal Government of the city vests in the Corporation.

Entire executive power vests in the Commissioner. He shall (1) perform all duties and exercise all powers, (2) prescribe duties of and exercise supervision over acts of Municipal officers, (3) take any emergency steps. His acts may be supervised by the Corporation.

He shall frame budget for expenses. Commissioner may execute contracts on behalf of the Corporation. Every such contracts involving expenditure of more than Rs. 500 and less than Rs. 5000 must be reported by him to the Standing Committee within 15 days. Tenders must be invited for contracts involving expenditure exceeding Rs. 3000. Commissioner may, at his discretion, ask for security for performance of contract.

Municipal Officers and Servants :—The Corporation shall appoint the executive engineer and executive health officer for a renewable term of 5 years. They must be wholtime men. Salary of engineer not to exceed Rs. 2000 and not less than Rs. 1,200, of Municipal health-officer not less than Rs. 1500 and more than Rs. 2000.

The Corporation shall also appoint a Secretary to the Schools' Committee.

The Standing Committee shall appoint the Municipal Secretary,—a wholtime man, salary Rs. 700, may be increased with previous sanction of the Corporation. The Standing Committee shall frame regulations for grant of leave, etc., subject to confirmation by the Corporation.

Acquisition of Property.—The Corporation can acquire and hold moveable and immoveable property, whether within or without the limits of the city. The Commissioner can dispose of, by sales or otherwise, any

moveable property not exceeding in value Rs. 500 or grant a lease of immoveable property for any period not exceeding 12 months. With sanction of the Standing Committee he may similarly dispose of any moveable property not exceeding in value Rs. 5000 or grant a lease for a period not exceeding 3 years. With sanction of the Corporation, he may lease, sell otherwise convey any property, moveable or immoveable.

Borrowing Power.—The Corporation may borrow from the Government, or with its permission, from any other person, any necessary amount. Money shall not (1) be borrowed for any but permanent work, (2) the sum borrowed must not at any time exceed double the rateable value of premises in the city assessable to property taxes. (3) It may not be borrowed for a period of more than 60 years. (4) It must be paid back by equal instalments or by a sinking fund (5) Money borrowed for discharging a previous loan must be paid within the unexpired portion of the period for which original debt was contracted, unless sanctioned otherwise by Government.

Revenue and Expenditure.—The Municipal fund consists of all moneys received by the Corporation. Only sums covered by Budget grant are to be expended from Municipal fund with certain specified exceptions happening in ordinary transactions of business.

The fund must be applied to work out the duties (obligatory and discretionary) of Corporation.

Special funds may be created with the approval of the Corporation

Annual Budget Estimate —The Commissioner prepares (1) an estimate of expenditure, (2) of balances and (3) a statement of proposals as to taxation. Upon this the Standing Committees prepare the budget with details

as to articles to be taxed and rates to be levied. Final acceptance lies with the Corporation.

Unexpended budget grants may be carried to next year and applied to the completion of the original intention, with sanction of the Standing Committee.

The Standing Committee may at any time reduce the amount of a budget grant, or transfer and add amount or portion of one budget-grant to any other.

Re-adjustment of incorrect expenditure can be made by the Corporation whenever necessary.

The Standing Committee is charged with a weekly scrutiny of Municipal account. Auditors shall be appointed by the Corporation. A special audit may be directed by the Governor in Council.

Municipal Taxation :—Taxes may be imposed as follows:—

- (1) Property-taxes ;
- (2) A Tax on vehicles and animals ,
- (3) A Toll on vehicles entering the city from Salsette, and
- (4) Town duties.

(1) *Property Taxes* shall be levied on buildings and lands, they are (a) Water-Tax—(i) on premises with private water supply or (ii) on premises near which such water is supplied ; (b) Halal-Khor Tax for removal of excrementitious and polluted matter, levied on (i) premises within the city and (ii) premises outside it but connected with the municipal drain. (c) General Tax of not less than 8 and not more than 12 p. c. of their rateable value, levied on all buildings and lands in the city except those (i) for public worship or charitable purposes, (ii) for Government or Corporation property. For Government property the Corporation will receive a sum ascertained according to statutory provisions.

Liability for Property Tax:—Property taxes leviable from actual occupier of premises if held directly from Government or Corporation. Otherwise as follows:—

- (1) If they are let, from the lessor;
- (2) If sub-let, from the superior lessor;
- (3) If un-let, from the person who may let.

Valuation is effected by the amount of annual rent minus ten p. c. of it for repairs. Commissioner may call for information or returns from owner or occupier or enter and inspect assessable premises

2. **Taxes on Vehicles and Animals:**—On all scheduled vehicles and animals excepting generally those used for public or Government purposes.

Every person is liable if the vehicle or animal is used (1) for not less than 30 days, for whole tax of the quarter; (2) for less than 30 but more than 7 days, for one-third of the tax; (3) for not more than 7 days, exempted altogether.

(3) *Toll on vehicles entering the city from Salsette*

(4) **Town Duties:**—Rates and articles prescribed by schedule. Government articles and articles subsequently acquired by Government exempted. Re-fund on re-export

(5) **Supplementary Taxation**—by increasing, for unexpired portion of the year, the rates only.

Appeals against valuations and taxes:—Heard by Chief Judge of Small Cause Court (1) within 15 days and (2) no complaint having been heard before Commissioner

Control by Government:—Government can provide for performance of duties in default of any Municipal authorities; and such expenses must be borne by the Corporation.

Commissioner of Police shall co-operate with the Municipal Commissioner for carrying into effect and enforcing provisions of the Municipal Law.

Persons acting in their official capacity in the Corporation are protected by law in certain ways against suits, etc.

LONDON LOCAL GOVERNMENT.

The Supreme Municipal authority in London is vested in the London County Council subject of course to certain statutory control and guidance from the Local Government Board.

The territorial jurisdiction of the county council consists of the Administrative County of London which again consists of the old city about one square mile in area and the Metropolitan Boroughs. The constitution of each of these we shall deal with.

(1) CONSTITUTION:—As to the supreme authority the Administrative County Council consists of a Chairman, 19 aldermen and 118 councillors. The Chairman may be selected from outside the council. The number of aldermen must not exceed one-sixth of the number of county councillors. The Councillors are elected four for the city and two each for the other Parliamentary Boroughs or electoral divisions into which such boroughs are divided.

2. Powers, duties and liabilities of the Council:—

(1) FINANCIAL:—(1) It makes, assesses, levies, applies and expends the county, hundred, and all rates except police rate, (2) makes orders for payment out of such rates, or out of the county stock or county fund, prepares and revises the basis or standard for the county rate, exercises the power of borrowing, passes the accounts and discharges the county treasurer, (3) fixes the tables of fees to be taken by and the costs to be allowed to inspection analysts, and other county officers; (4) determines and pays the salaries of all officers when remuneration is payable out of the county rates; (5) provides for, and pays the salary of the county coroner and determines

the fees, allowances and disbursements to be paid by him ; provides and pays the costs of matters in connection with the registration of parliamentary votes.

(2) The County Council also exercises certain powers of dividing the county in coroners districts, and polling districts and of appointing places of election and revision courts.

(3) In matters of licensing the powers are those of licensing places for music and dancing, and of granting certain race-course licenses.

(4) The Council also exercises the powers and performs the duties as county authority on highways and locomotives ; as local authority relating to contagious diseases of animals, destructive insects, weights and measures, gas-meters and stamps ; also the registration of the rules of scientific societies, the registration of charitable gifts, the certifying and recording of places of religious worship, the confirmation and record of loan societies.

(5) The Council can make representations to the Local Government Board as to the boundaries of a borough the union of boroughs.

(6) The Council has jurisdiction with respect to main drainage, new streets, width of streets, regulations and supervision of building operations, dangerous structures, temporary structures, bridges, tunnels and embankments, unhealthy areas and houses, housing of the working classes, parks, gardens, squares, common open spaces, the gas testing, tramways, explosives, protection from fire, public health and sanitation.

(7) The Council is a high way authority for purposes of development and road improvement, a local authority for the protection of dangerous places on canals It deals with prevention of cruelty to children.

(8) It may conduct inquiries and negotiations relating to markets and market rights and the expediency of establishing new markets in or near the administrative county.

(9) It may purchase by agreement, buildings or places of historical or architectural interest, works of art, and may undertake or contribute towards the cost of preserving, maintaining and managing any such places.

(10) It may maintain or subsidise bands to provide music in parks, gardens, open spaces and in any place within the administrative county of London; and may establish and maintain an ambulance service.

(11) It has powers relating to the manufacture and sales of ice-cream, the licensing and control of common lodging houses and their keepers, the provision of accommodation for retail street vendors, the licensing of depots for the reception of horses for slaughter or the carcasses of dead horses, the registrations of employment agencies, and the appointment of special constables.

(12) The Council is competent to promote or oppose any local and personal bill in Parliament or to prosecute or defend any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of the district. It may apply its funds or rates to payment of costs thus incurred. It may also promote bills when it appears that further powers are required for the purpose of any work for the improvement of the metropolis or the public benefit of the inhabitants, including the provisions of parks, pleasure grounds, places of recreation and open spaces or relating to the supply of water in London. There are certain limits of this power, viz., (1) it cannot be used to promote or oppose a bill whose fate has been decided by a committee of either house of Parliament as unreasonable or vexatious, (2) nor can any member of the

local authority be paid for acting as counsel or agent in the matter ; (3) a bill for the establishment of Gas or water-works cannot be promoted in competition with any like existing work established by act of Parliament.

(13) The expenses of the County Council, so far as they fall upon the rates, are collected by means of a county rate on precepts issued to the Metropolitan Borough Councils and by them raised as a part of the general rate, the county rate is the means by which contributions are raised when the general county account and the special county account fund are insufficient to meet the expenditure properly charged upon them respectively. Contributions for general expenses are assessed on all the parishes in the county, while those for special expenses are assessed on such parishes in the county as are liable to be assessed to county contributions for those purposes.

(14) Borrowing Powers :—The Council may borrow (1) for the purposes of paying off securities ; (2) for the purposes of its duties as successor of the metropolitan board of work ; (3) for making loans to the managers of the metropolitan Asylums District ; (4) for purposes of the Local Government Act 1888 ; (5) for Lunatic asylums etc. ; (6) for Tramways ; (7) for education, (8) for expenses of executing the public Health (London) Act, 1891 ; (9) for the diseases of animals ; (10) Housing of working classes ; (11) open spaces ; (12) for making loans to borough councils and other public bodies in the metropolis ; (13) in other cases where authorised by any public general Act of Parliament and the Annual Money Act obtained by the council. Such powers can be exercised by sanction of Parliament in the form of a money bill introduced into parliament.

(15) Revenue and Expenditure :—Costs incurred by the council in the general performance of its function are

paid out of the county fund. The income of metropolitan council, county, city and borough, is derived from many and varying sources, including grants from exchequer, income from property, profits of undertaking, contributions from other authorities, penalties, fines, and costs recovered from offenders, and *chiefly from the rate which each is authorised to make.*

(16) Acquisition of property :—The Council may acquire, purchase, take on lease, or exchange any lands or easements or rights over lands, whether within or outside the county, and may also acquire, hire, erect and furnish any necessary halls, buildings, offices, whether within or without the county.

(17) Alienation :—With the consent of the Local Government Board, the County Council and any Metropolitan Borough Council may alienate any land for the time being vested in such council, except that a Borough Council may not alienate any recreation ground or other open space dedicated to the use of the public, or any land held on trusts which prohibit building thereon.

(18 A) The council may make bye-laws for the good rule and Government of the county and for the prevention and suppression of nuisances. These are general powers in exercise of which the council has made bye-laws as to :—

- (i) Steam organs, shooting galleries, roundabouts, etc.
- (ii) Noisy animals.
- (iii) Street betting, tracing literature.
- (iv) Street-shouting.
- (v) Flash and search lights.
- (vi) Public decency.
- (vii) Waste paper, advertising bills, refuse, etc.
- (viii) Window cleaning and painting.
- (ix) Spitting, and

(x) Construction of vehicles.

(B) There are also certain special powers given by various statutes and the council has made bye-laws in accordance with these, with respect to :—(1) Woolwich ferry, Thames bridges and embankments, other bridges, Black-wall and Greenwich tunnels.

(2) Sewers.

(3) Drains.

(4) Subways for pipes and wires.

(5) Overhead wires.

(6) Tramways.

(7) Locomotives on bridges.

(8) Waterclosets, earth-closets, privies, ash-pits, cess-pools and receptacle for dung.

(9) Removal of refuse and offensive matter, and closing of cess-pools and privies.

(10) Slaughter houses and noxious businesses.

(11) Common lodging houses.

(12) Parks and open spaces.

(13) Employment Agencies.

(14) Buildings and structures.

(15) New Streets.

(16) Sale of coal.

(17) Dairies, cowsheds, milkshops, etc.

(18) Transfer of Powers by County Council.

(i) Where street is in more than one metropolitan borough, or where the roadway and footpaths of a street are in different boroughs, or where the roadway and footpaths are in one borough and the adjoining houses in another, the County Council may place some or all of its powers with regard to them entirely under the control of one borough council.

(ii) The County Council may also place part of a

borough under the control of another borough council for sewerage purposes.

(iii) Committees :—

(A) Committees which *must* be appointed :—

- (1) A Finance Committee to regulate and control the county finances.
- (2) An appeal committee for hearing appeals by persons aggrieved by any order of a borough council in relation to construction of works or to their expenses, or as to the removal of subsoil under the street, or as a sanitary authority.
- (3) A Public health and Housing Committee
- (4) An Education Committee.
- (5) A small holdings and allotments committees.
- (6) A Local pension committee.

(B) Committees which *may* be appointed :—Other committees may be appointed for such purpose as the council deems advisable including the exercise of any transferred powers other than those of raising money by rate or loan.

Under (A) and (B) above, there were in 1912, 19 general committees and 7 special committees the names of which are as follows :—

(I) General Committees of :—

- (i) Asylums.
- (ii) Building Acts.
- (iii) Education.
- (iv) Establishments.
- (v) Finance.
- (vi) Firebrigade.
- (vii) General purposes.
- (viii) Highways.
- (ix) Housing of the working classes.

- (x) Improvements.
- (xi) Local Government Records and Museums.
- (xii) Main Drainage.
- (xiii) Parks and open spaces.
- (xiv) Parliamentary elections.
- (xv) Public Control.
- (xvi) Public Health.
- (xvii) Small holdings and allotments.
- (xviii) Stores and Contracts.
- (xiv) Theatres and Music Halls.
- (II) Special Committees of :—
 - (1) Appeal.
 - (2) Allocation of the cost of street improvements along Tramway routes.
 - (3) Local Pension
 - (4) Midwives Act.
 - (5) Officers' (Education) superannuation.
 - (6) Teachers' superannuation.
 - (7) Standing Joint Committees of quarter sessions and the London county council.

Next we come to subordinate authorities under the London county council, a second stage in the process of decentralisation.

The Administrative county of London is divided into the city of London and the boroughs. The city of London includes only the site of the city about one square mile in area. It comprises of one parish. It is divided for the purpose of its Municipal Government into 25 wards of unequal size which on the whole returns 206 common councillors to the court of common council.

The City Corporation :—It discharges its functions through three assemblies—the Court of Aldermen, the Court of Common Council, and the Court of Common Hall.

The Lord Mayor :—Is elected for one year from among the aldermen who had filled the office of sheriff. He has got certain minor rights and privileges. He summons and presides over the Court of Aldermen, the Court of Common Council and the Court of Common Hall.

The Court of Common Aldermen :—Consists of 25 Aldermen, one from each of the city wards, and the Lord Mayor. The office is held during good behaviour. On a vacancy the Lord Mayor notifies and an election is held. Each alderman has the rule and government of his Ward, and may appoint a Deputy from among the common council men for his ward.

The Court of Aldermen is a court of Record. It appoints 4 standing committees :—(1) privileges, (2) gaols, (3) general purposes; (4) finance. The Committee consists of the whole Court. It decides election petitions. An Alderman as such becomes a Justice of the Peace for the county of the city of London. The Lord Mayor and the aldermen are the licensing justices and the compensation authority.

The Court of Common Council .—Consists of the Lord Mayor, 25 aldermen and 206 common council men, chosen annually by the 25 city wards. The Court appoints all Corporation officers. It has sole control over the landed property and Estates of the Corporation. The Court has powers and duties with regard to :—

- (1) Matters of Local Government.
- (2) Education.
- (3) Appointment of a distress committee.
- (4) Ports sanitary authority for the Port of London.
- (5) Public markets.
- (6) Bridges.
- (7) Bye-laws for locomotives.

(8) Appointment of the Assessment Committee.

(9) Collection of General rate for the city.

(10) Borrowing money on security of Corporate Property.

The Common Hall :—Consists of Lord Mayor, aldermen, sheriffs and liverymen and nominates two aldermen for office of Lord Mayor and elects sheriffs and other minor officers.

The City Corporation maintains its own police force.

The Metropolitan Boroughs :—The whole of the administrative county of London, exclusive of the city of London, is divided into 28 metropolitan boroughs for each of which a borough council has been established and incorporated.

(1) Constitution :—Each metropolitan borough is governed by a council, which is a body corporate, consisting of the Mayor, Aldermen and councillors of the metropolitan borough. A woman may be elected as Mayor, alderman or a councillor. The total number of aldermen and councillors for a borough must not exceed 70. Every qualified person elected to the office of Mayor, aldermen or councillor must either accept office or pay a fine

Each borough is divided into wards, a number of councillors being assigned to each ward.

The Mayor and Aldermen :—The Mayor may be elected either from among the aldermen or councillors or from persons qualified to be aldermen or councillors. He is as such a Justice of the Peace.

The number of aldermen in each council must be one-sixth of the number of councillors.

Borough Councillors :—There are no nominated members. A councillor must be a parochial elector of a parish within the borough or must have resided during

the whole of the preceding 12 months in the borough. Sex and marriage are not disqualifications. The term of office is three years.

(II) Powers and duties of borough councils :—

- (1) Of Surveyors of highways.
- (2) Repair of roads delegated by the county council.
- (3) Supervision of drainage and sewerage.
- (4) Sanitary authority of the borough.
- (5) Enforcing provisions for factories and workshops.
- (6) Adulteration and sale of unwholesome food.
- (7) Electric lighting.
- (8) Gas.
- (9) Open spaces.
- (10) Tramways.
- (11) Water
- (12) Housing of working classes.
- (13) Buildings.
- (14) Shop-hours.
- (15) Employment of children.
- (16) Notification of Births.
- (17) Enforcement of Law of barbed wires, and overhead wires.
- (18) Canal Boats, protection of dangerous places on canals.
- (19) Baths and wash-houses.
- (20) Burial
- (21) Public Libraries
- (22) Some minor powers of the county council transferred.
- (23) Enforcing bye-laws.
- (24) Provisions of Schools in the borough
- (25) Provision and maintenance of sufficient offices.

- (26) Levy and assessment of the ordinary rate and poor rate as one rate, called the general rate.
 - (27) Power to borrow without any sanction to pay off old securities.
 - (28) To borrow for street improvements, electric fittings, (with sanction of the County Council under seal).
 - (29) To borrow for bath, washes, public libraries, working class lodging houses, burial grounds (with sanction of Local Government Board).
 - (30) Must set aside and invest not less than 2 per cent. on the amount of the outstanding loans, to form a sinking fund to pay off mortgages.
 - (31) London County Council may lend money to the boroughs for specific purposes.
- (II) Committees :—(A) Committees which *must* be appointed :—
- (1) A Finance Committee for regulating and controlling the finance of the council.
 - (2) A Distress Committee—for purposes of the unemployed Workmen—Act 1905.
 - (3) Assessment Committee.
- (B) Committees which *may* be appointed—for such purposes as may be deemed desirable. Two or more borough councils may appoint a joint committee.

THE CALCUTTA MUNICIPALITY.

1. Constitution—The Municipal authorities are

- (1) The Corporation.
- (2) The General Committee of the Corporation.
- (3) The Chairman of the Corporation.

(1) Constitution of the Corporation—It consists of the Chairman and 50 Commissioners. (a) 25 of the Commissioners are elected by the Wards, and (b) 25 are appointed as follows :—

- (a) 4 by the Bengal Chamber of Commerce.
- (b) 4 by the Calcutta Trades Association.
- (c) 2 by the Port Commissioners of Calcutta.
- (d) 15 By the Local Government.

(2) Constitution of the General Committee. It consists of the Chairman and 12 members of the Corporation to be selected thus :—

- (a) 4 elected by Ward Commissioners.
- (b) 4 elected by the other than Ward Commissioners
- (c) 4 appointed by the Local Government.

A Commissioner is elected or appointed to be member of the General Committee for a period of one year.

Appointment of the Chairman—by the Local Government. He may be removed from office by the Local Government or by a vote of at least two-thirds of the Commissioners at a special meeting for that purpose. His salary is fixed by the Local Government. He also may be given a house allowance of not more than Rs. 500, if the Corporation does not provide with a suitable residence. Special functions of—

(I) The Corporation—

(A) Obligatory—

- (a) To complete and extend drainage works

through Calcutta and to open out and improve bustees at a cost of not less than 2 lacs of rupees annually.

- (b) To devote to permanent and progressive improvement of newly added area to Calcutta not less than 3 lacs of rupees annually from receipts of the General Fund, the Water Supply Fund and the Lighting Fund.

(B) Discretionary—

- (i) Planting and preservation of trees in streets and public places.
- (ii) Constructions, alternations, maintenance and adornments of public halls, offices and other buildings under its control.
- (iii) Laying out and maintenance of squares and gardens.
- (iv) Survey of buildings and lands and the preparation of plans.
- (v) Construction and maintenance of hospitals and alms houses.
- (vi) Vaccination.
- (vii) Promotion of primary and technical education.
- (viii) Provision of free libraries.
- (ix) Payments of contributions to costs incurred for public ceremonies or entertainments in Calcutta (with previous sanction of the Local Government).
- (x) Payment of contributions to any neighbouring Municipality for expenditure on sanitary purposes.
- (xi) Any other matter likely to promote public health, safety or convenience.

(III) Functions of the General Committee :—

- (a) To appoint proper person to offices carrying

salary of more than Rs. 300 per mensem and which are not mentioned or referred to in Sec. 63;

- (b) to hear appeals against orders of dismissal of Municipal officers in receipt of a monthly salary of more than Rs. 100 per mensem ;
- (c) to make rules with respect to their meetings ;
- (d) to prescribe the manner or form in which accounts of the Corporation are to be kept ;
- (e) to invite tenders for any work or the supply of any materials or goods which will involve an expenditure exceeding Rs. 1000 ;
- (f) to sanction all contracts involving and expenditure exceeding Rs. 1000 but not exceeding Rs. 10,000 ;
- (g) to exercise control over all house drains cess-pools, privies and urinals subject to certain provisions of Schedules XV and XVI, etc ;
- (h) to maintain public street in repairs etc ;
- (i) to prepare schemes, and plans of proposed public streets ;
- (j) to fix exemption fee under 357 ;
- (k) to prescribe general line building of buildings on either side of public streets ;
- (l) to approve standard plans for improvements of Bustees ;
- (m) to exercise control over stables, cattle-sheds, etc., and to the site, constructions, etc.

The General Committee is the final authority in all matters of sanctioning of plans. It is the appellate authority against Chairman's order in certain matters. The members receive a fee of Rs. 20 for attendance at its meetings.

(III) The Chairman—(i) The entire executive power vests in the Chairman.

(ii) He prescribes the duties of, and exercises supervision and control over, the acts and proceedings of all Municipal officers. Subject to the provisions contained in Chapter VI.

(iii) He can take any emergency step, reporting forthwith to the General Committee and to the Corporation

(iv) He may take any step which he is specially authorized to take by the General Committee reporting forthwith to the Committee.

The exercise or performance by any Municipal authority of any power or duty involving any expenditure must be such.

(i) that such expenditure is within the budget estimate of the year ;

(ii) any expenditure beyond the year is to be incurred with the sanction of the Corporation.

Control by Local Government over Municipal authorities.

(1) Sanction of Local Government is necessary for execution of any project involving any expenditure amounting to one lac of rupees.

(2) The Local Government may require the Chairman to furnish it with

(i) returns etc. regarding any matter ;

(ii) a report on any such matter ;

(iii) a copy of documents in his charge.

(3) The Local Government may depute officers to make inspection or examination or report on any matter concerning the locality of Calcutta.

(4) Government may require the Corporation to take

action in any matter in which it has been in default.

- (5) The Government may appoint any person to undertake any work which the Corporation has failed to perform the costs of such persons to be paid by the Corporation.

Election of Commissioners.

Municipal election roll is prepared by the Chairman—

Qualification of voters :—

- (i) Male sex
- (ii) 21 years in age
- (iii) residence or payments of rates or other taxes
- (iv) his name entered as
 - (a) owner and occupier of some land or building in Calcutta valued not less than Rs. 150 per annum or
 - (b) owner only of some land or building in Calcutta valued not less than Rs. 300 per annum or
 - (c) occupier of some building in Calcutta valued not less than Rs. 300 per annum
 - (d) holder of a trade or professional license under clause I., II., III. in IV., of schedule II. for the year in which the election is held
 - (e) or one who has paid Rs. 24 in respect of rates or taxes or both combined for the preceding year.

A Commissioner must also be enrolled as a voter of some ward in the Municipal election roll.

Disqualifications for being a Commissioner.

- (i) Female sex
- (ii) convicted for certain specified offences
- (iii) Chairman, Vice-Chairman or other Municipal officer

- (iv) Judge of Small Cause Court or Municipal Magistrate.
- (v) Any share or interest in any contract or employment of the Corporation.

Disqualification after being Commissioner

- (a) any of the above disqualification
- (b) absence from Corporation meetings for successive months except from illness or other valid cause.

Question as to disqualifications are decided by the Chief Judge of the Small Cause Court.

For the purposes of the election of Ward Commissioners, Calcutta is divided into 25 wards. The electors of each ward elect one Commissioner. A voter may give all his votes to one candidate or he may divide them as he pleases amongst the various candidates. A person must vote in the ward in which he is owner, occupier or carries on business. A person may give as many votes as he is entitled to under the rules but not exceeding a maximum of 11 total votes in any one ward. No vote can be given by the Government.

The Corporation must meet at least once a month. Quorum consists of 12 numbers which must be maintained throughout the meeting.

Sub-Committees—The General Committee may, by specific resolutions, delegate any of their powers or duties to Sub-committees and may likewise refer to Sub-Committees for enquiry and report.

(2) In every case in which appeal lies to the General Committee from any proceeding of the Chairman such appeal must be heard by a Sub-Committee.

(3) Every Sub-Committee must consist of not less than 3 or more than 6 Commissioners. The Chairman

may be a member of a Sub-Committee except the Committee to hear appeals.

(4) The General Committee appoints members to Sub-Committee from amongst Commissioners, not necessarily members of the General Committee.

(5) The Local Government may frame rules determining the proportion of Ward Commissioners, nominated Commissioners and appointed Commissioners in any Sub Committee

(6) Sub-Committees are bound by instructions of the General Committee.

(7) Proceedings of Sub-Committees are subject to confirmation by the General Committee, special Committee may be appointed by the Corporation to inquire into and report upon any matter.

FINANCE

I. The Municipal funds consists of

- (a) The General Fund
- (b) The Water Supply Fund
- (c) The Lighting Fund, &
- (d) The Sewage Fund

(a) The General Fund —

(1) consists of

- (i) receipts of the general rate
- (ii) fines etc.
- (iii) all other monies except those assigned to water supply fund, lighting fund and sewage fund

(2) it incurs liability for

- (i) all expenditure except for water, light and sewage
- (ii) all expenditure especially attached to it by the Corporation

(b) Water Supply Fund —

(1) consists of

- (i) receipts of water rate
- (ii) receipts from sale of water.
- (iii) miscellaneous receipts from water supply.

(2) it incurs liability for

- (i) annual interest of loan contracted for water works.
- (ii) annual expenditure on sinking fund to repay this loan.
- (iii) cost of maintaining an efficient condition of supply of filtered and unfiltered water.
- (iv) cost of establishment.
- (v) The proportionate share of cost of collection.

general supervision and maintenance of
Municipal Office.

(c) The Lighting Fund :—

- (1) consists of
 - (i) receipts of the lighting rate
 - (ii) receipts, if any, of sale of gas or electricity
 - (iii) miscellaneous receipts
- (2) incurs liability for
 - (i) annual interest on sums borrowed for lighting purpose
 - (ii) annual expenditure for maintenance of the Lighting Fund to repay such loans
 - (iii) expenses for efficient lighting of Calcutta
 - (iv) costs of establishments
 - (v) any proportionate cost for general charge

(d) The Sewage Fund :—

- (1) consists of
 - (i) receipts of the sewage rate
 - (ii) receipts on account of licences granted
 - (iii) proceeds, if any, of sale of night soil.
 - (iv) miscellaneous receipts
- (2) incurs liability for
 - (i) cost of establishment
 - (ii) cost for public latrines and urinals
 - (iii) any proportionate in cost of general management.

If the water rate, lighting rate or the sewage rate is levied at its maximum and still falls short of necessary expenses, the Corporation may grant aid from the General Fund to each of the above funds.

No payment of any sum out of the Municipal Funds can be authorized by the Chairman unless that particular expenditure is covered by the current budget-grant and a sufficient balance of such budget-grant is still available

II. Budget Estimate—The Chairman prepares and lays before the General Committee an estimate of expenditure and an estimate of receipts, an estimate of balances and a statement of proposals. The General Committee then frames the Budget Estimate. It is then put before the Corporation

The General Committee, with the sanction of the Corporation, may

- (i) increase any budget-grant
- (ii) make additional budget-grant to meet any special or unforeseen requirement
- (iii) transfer and add one budget-grant to another
- (v) reduce any grant.

III. Loans—The Corporation may borrow with sanction of the Local Government or the Government of India the latter in case where the amount of the loan exceeds the limits :—

The loan to be raised by the issue of Debentures, on the security of all or any of the rates 'taxes' fees and dues.

The Corporation shall establish a separate Sinking Fund for each loan and shall pay into it every half-year, until the loan is repaid, a sum so calculated that, if regularly paid, it would with the accumulation in the way of compound interest be sufficient to pay off the loan at the approved time or on due date.*

* 1.6. (1) Whenever the repayment from a Sinking Fund of a loan referred to in section 135 has been approved under proviso (ii) to section 128, sub-section (1) the Corporation shall establish such a Fund and shall pay into it on the first day of every half-year (commencing from the half-year next after that in which the loan is taken), until the loan is repaid, a sum so calculated that, if regularly paid, it would, with accumulations in the way of compound interest, be sufficient, after payment of all expenses, to pay off the loan at the time approved.

(2) The rate of interest, on the basis of which the sum referred to in sub-section (1) shall be calculated, shall be such as may be prescribed by the Government of India.

(3) A separate Sinking Fund shall be established in respect of each loan referred to in section 135.

The purposes for which a loan may be raised are

(1) To repay any loan raised.

(2) To pay any debt due to Government

The Corporation may likewise borrow

(3) To construct works which the Corporation is legally entitled to undertake

(2) To acquire lands for the same purpose.

The limit to its power of borrowing is fixed by the rule that the sum payable annually for interest and maintenance of Sinking Funds must not exceed 10 per cent of the annual reasonable value of buildings and lands.

The Corporation must maintain separate Sinking Funds, *viz.*—

(a) One for the payment of loans raised between 1st April, and 16th March 1914.

(b) A separate Sinking Fund for each loan raised since 1914.

(c) Special provision for half-yearly payments into the sinking is made in respect of all loans raised before 1914 as above referred to.

All money payable into a Sinking Fund must be invested as soon as possible in—

(1) Government securities.

(2) Securities guaranteed by the Government.

(3) Calcutta Municipal Debentures.

(4) Debentures issued by Commissioners for the Port of Calcutta.

(5) Debentures issued by the Trustees for the improvement of Calcutta.

The Corporation may invite tenders for a new loan to consolidate its previous loans.

Provision for payment of interest and repayment of is must be given preference to all other payments.

The Local Government may attach the Municipal Funds if any money borrowed by the Corporation from the Government is not repaid according to the conditions of the loan.

IV. Accounts of receipts and expenditures must be kept according to the rules framed by the General Committee, Auditors appointed by the Government shall examine and audit the accounts.

Taxation.

Rates—The following rates may be imposed upon all buildings and lands —

- (1) A general rate not exceeding 13 per cent., on the annual valuation.
- (2) A water rate not exceeding 1 per cent. on the same.
- (3) A lighting rate not exceeding 2 per cent. on the same.
- (4) A sewage rate not exceeding 2 per cent. on the same.

All these rates are levied as one consolidated rate

Exemption from rates —

- (1) Buildings used exclusively for purposes of public worship, public burial or burning grounds duly registered.
- (2) Used for public charity (at option of the Corporation).

Besides the rates the Corporation levies taxes on

- (1) Carriages
- (2) Animals
- (3) Professions, Trades callings
- (4) Scavenging
- (5) Petroleum (this is not levied)
- (6) Carts

The General Committee has a very large power to make bye-laws subject to the sanction of the Corporation and the Local Government,