

Fund, and subject further to the approval of the Governor in Council.

The Board began its operations with an income of 2.88 lakhs. The expenditure was 2.79 lakhs, the principal items being Police, markets, road repairs and scavenging. The diverse functions of the engineering departments were performed by an official known as the Superintendent of Repairs, who was appointed by the Bench of Justices subject to the approval of Government. This officer continued in his appointment only on condition of being allowed to discharge gratuitously the duties of Surveyor to the Court of Petty Sessions. As the Surveyor's appointment was in the gift of Government, the charges in respect of his establishment under that head were defrayed from the Government treasury and not from the Municipal Fund. The dual control to which the officer was thus subjected was, however, likely to give rise to inconvenience and friction. This difficulty was foreseen by the authorities and with a view to obviating trouble one and the same individual was selected to be the Chairman of the Court of Petty Sessions and of the Board of Conservancy.

The average annual expenditure of the Board of Conservancy from 1845-46 to 1852-53 was 2.37 lakhs per annum. The Municipal Fund, however, proved unequal to the numerous calls upon it. On one occasion the Board found itself on the verge of insolvency, but a timely loan of Rs. 1,00,000 from a few Indian citizens enabled it to tide over the difficulties. The relief was, however, temporary. Financial stringency hampered the work of sanitation. There were loud complaints of inefficiency and a powerful agitation was set on foot for putting the municipal administration on a more satisfactory basis.

CHAPTER XV

A TRIUMVIRATE OF MUNICIPAL SATRAPS

THE Board of Conservancy was the first to ask for an amendment of the Act of 1845. One of the oldest files available in the Municipal Secretariat contains a letter addressed by G. Hancock, Clerk of the Peace, to the Secretary to Government, dated 3rd August 1847, suggesting amendments in the Act so as to facilitate the assessment and collection of the shop and stall tax and to provide for the realization of additional income from that source. A draft amended Act was accordingly forwarded by Government in the year 1850 to the Bench of Justices for consideration and suggestions.

There were European stalwarts in those days to fight the Government on behalf of the inarticulate populace. The minute made by W. Graham, when the draft Act was circulated to members, is an instance in point. 'I consider this Act as it at present stands,' he observed, 'an infamous attempt to interfere with the civil rights of the inhabitants of Bombay, quite as objectionable in principle as the lately much-talked-of Black Act, and that it should be met by the most decided and vigorous opposition.' The reasons for inditing this scathing minute are not mentioned, but it seems, from a scrutiny of the draft Act and the correspondence that ensued, that the opposition to the proposed enactment centred round two most obnoxious provisions. One of these contemplated the levy of a tax, in lieu of the shop and stall tax, on all trades and occupations where the business of buying and selling for profit was carried on, by a percentage on the gross annual value thereof, and the other for excluding the jurisdiction of the Supreme

Court and making the Revenue Judge the sole arbiter in all matters of dispute concerning the levy and collection of this tax.

The draft Act was referred by the Bench of Justices to a Sub-Committee consisting of Messrs. Warden, Spens, Dickenson, Cormack and Bomonji Hormusji.¹ The Committee's report is a document of absorbing interest. In the opinion of the Committee the proposed income tax on trades was objectionable. The shop and stall tax was unequal in its incidence and unfair, but it had already been legalized and yielded to the Bench of Justices an annual income of about Rs. 70,000 paid by 8,664 persons. The Committee was, therefore, opposed to its abolition. The Municipal revenue was then derived from four sources: assessment of land and houses, tax on carriages and horses, shop and stall tax and liquor license fees. Excepting owners of landed property and horses and carriages the wealthy inhabitants of the city were exempt from taxation.

'We think,' observed the signatories to the report of the Committee, 'that without prying too inquisitorially into the incomes of the inhabitants rates may be levied upon them which may be fairer in their operation than those existing. The facility of taxing landed property has probably aided in establishing a system throwing a very large proportion of the municipal taxation on land-owners while persons possessed of personal property to a large amount, and who require the protection of the Police more than the land-owners, and residents of wealth who are just as much interested in the cleanliness of the island, are almost exempted from taxation and it seems especially unjust that the small traders should pay a personal tax and the large traders none. We are disposed to think that the principle of the shop

¹ History is silent concerning the achievements of these prominent Justices of the time, except the last named whose memory has been perpetuated by the Bomonji Wadia fountain and clock-tower at Bazar Gate Street. Warden is probably identical with the J. Warden who was Senior Magistrate from 1835 to 1840; Spens held the same post in 1850-51. J. Warden was Member of Council for a year (1853-54) and retired from India in September 1854.

and stall tax should be extended to all classes of residents excepting in every case the poorer classes, and as the tax to be levied is not a large one in return for the advantage of having good roads, cleanliness and an efficient Police, we think that a personal tax might be levied on all residents having some reference to their wealth and station but not exactly proportionate thereto, nor would we in this make any distinction as to the source from which their income is derived, not even exempting land-owners on the ground that they are already taxed in respect of their land and houses nor professional incomes. We think that by dividing the community into somewhat widely distinct classes a tax might be levied bearing hardly on none.'

As regards the question of making the Revenue Judge the sole court of appeal, the Committee recommended that there should be a tribunal to decide all cases of assessment with power to submit a case to the Supreme Court for decision. It pointed out that the Revenue Judge scarcely existed more than in name. The Senior Magistrate of Police was the Revenue Judge. The Committee considered it inexpedient to exclude the jurisdiction of the Supreme Court so completely as was proposed. It recognized that officers acting in the collection should be protected, but it suggested that beyond the usual protection the Supreme Court and the Court of Small Causes, respectively, should retain their jurisdiction.

The Bench of Justices addressed Government in terms of the Committee's report. This representation, dated 19th August 1852, appears to have given the death-blow to the draft Act of 1850. The Justices were, however, anxious to have the law of local taxation amended without delay. The most enthusiastic of them, Henry Conybeare, therefore, brought forward a proposal before the Bench of Justices for substituting an Occupation Tax for the pre-existing shop and stall tax. This suggestion was adopted by Her Majesty's Justices and

in his zeal to hustle Government Conybeare compiled and placed before the Bench a rough draft of an Act giving effect to the proposal. In a letter to the Bench he made it clear that his intention merely was 'to convey, without loss of time, to the Advocate-General, an idea of the various matters it was thought desirable to provide for by means of the proposed Act, and not by any means to lay down the exact technical phraseology.' The learned counsel was, however, not in a mood to tolerate such an impudent encroachment on his functions. When the draft was submitted by the Bench to the Right Honourable the Governor in Council, it was referred to the Advocate-General in the first instance. He pointed out that the proposed Act was drawn up in an 'untechnical' manner, 'evidently not by a professional man,' and was obscure in many of its provisions. The draft was, therefore, returned to the Bench of Justices with the gentle advice that the Bench should in future have such drafts settled by their legal adviser before they were transmitted to Government.

With the same communication in which this advice was given, another amended draft Act was sent to the Bench for the Justices' opinion. Again a Committee of the Bench¹ was appointed to consider the draft and a report was made, but nothing came out of it. Meanwhile, the sanitary condition of the city was going from bad to worse. Radical reforms in the system of conservancy and fresh sources of revenue for financing the measures were necessary.

Henry Conybeare's enthusiasm and earnestness for reform were once more conspicuous. He issued on 18th August 1852, an exhaustive report on the sanitary state

¹The Committee consisted of Erskine, Conybeare, Jenkins, Lowndes, Narayan, Dipanathji, Bomanji Hormusji and Cursetji Jamsetjee.

and sanitary requirements of Bombay. He compared the methods of the removal and disposal of nightsoil adopted in London, Paris and Bombay, and made suggestions for obviating the nuisance arising from the defective state of the arrangements made for the purpose by the Board of Conservancy.

At that date Back Bay was, so to say, a mere nightsoil depot, as the sweepers emptied their baskets on the sea-shore instead of sinking the contents in deep water. The first receiving station was at Khara Tank in the centre of the New Town district. Plans and estimates for the construction of a cesspool by the side of the town drain and for three nightsoil carts were submitted by Captain Crawford, Acting Superintendent of Repairs, on the 17th October 1846. After the introduction of the night-carts efforts were made to induce the sweepers to remove the filth by night. They were, however, impervious to all persuasion and refused to work at night. Even in those early days strikes were not unknown. In September 1846, the Superintendent of Police determined to put a stop to the practice of sweepers carrying baskets of nightsoil on their heads during the day. The consequence was a general strike of Halalkhores. Nothing, therefore, could be done in the matter except to forbid that nightsoil carts be taken through the public thoroughfares during the day-time from 9 a.m. to 11 a.m. and from 4 p.m. to 8 p.m.

Five different modes of disposal of nightsoil were proposed from time to time :—

1. Throwing it out into deep water.
2. Conveying it to sea by sewers.
3. Shipping it on board boats and then conveying it out to sea.
4. Burning it.
5. Conveying it out of Bombay by rail.

Of these proposals only two, the first and the last, appeared to Conybeare to be practicable and he considered that the first was the more economical. His recommendation, therefore, was that the nightsoil should be sent out to sea at Chinch Bunder.

Another Bill was brought on to the legislative anvil in the year 1855, styled a Bill for the Conservancy and Improvement of the Towns of Calcutta, Madras and Bombay, and the several stations of the settlement of Prince of Wales Island, Singapore and Malacca. The Bill contemplated the appointment of Commissioners for the administration of municipal funds. It did not, however, divest the Bench of Justices and the Government of Bombay of the powers conferred on them by Act XI of 1845, so far as the control of the Municipal Fund and the appointment of the members of the Board of Conservancy were concerned. It was a very comprehensive measure dealing with all the branches of local government. The Committee of the Bench of Justices to whom the Bill was referred for consideration made its report on 18th January 1856. As regards the contemplated change in the administrative machinery, the following observations of the Committee may be noted:—

‘ Since then it would seem that by the Act now under consideration as long as the Municipal Funds are administered under the provisions of Act XI of 1845, the functions of the Municipal Commissioners would have to be discharged by the Board of Conservancy, and as under Act XI of 1845 the Board of Conservancy are controlled in the expenditure of the Municipal Funds by Her Majesty’s Justices as well as by Government, the Committee think it advisable that the existing power of supervision and control vested in the Bench of Justices should be continued. The Committee, would, therefore, recommend that a clause be added to the new Act to the effect that nothing in this Act shall deprive the Governor in Council of Bombay or Her Majesty’s Justices of the Town and Island of Bombay of those powers of controlling the expenditure of the Municipal Fund and of

appointing the members of the Board of Conservancy who are henceforth to be designated as Municipal Commissioners.'

A representation was accordingly sent to Government, but the hopes expressed therein were foredoomed to failure. Government were determined to snuff out of existence the civic heptarchy set up in 1845. By Act XXV of 1858 the Board of Conservancy was supplanted by a triumvirate of Commissioners. One of these Commissioners was to be appointed by the Governor in Council and the other two by the Justices in Sessions assembled. The Commissioners who held no other appointment were to receive Rs. 10,000 per annum and those who held any other appointment, or were engaged in any other occupation, were to receive Rs. 4,000 per annum.

The Act provided for 'raising a fund for municipal purposes, which fund, with a few exceptions, was placed entirely under the direction and management of the Commissioners who were not subject to any check or control on the part of the Justices, except in respect of any work for the execution of which the consent or sanction of the local government was necessary under any previous enactments. Appointments of officers drawing salaries exceeding Rs. 200 per mensem, when newly proposed, were to be submitted to the Justices for approval before the sanction of Government was applied for; but when the proposals made by the Commissioners were disapproved by the Justices, the Commissioners might, if they thought fit, refer the matter for the decision of the Governor in Council.

It was a novel experiment in the domain of local government. The three Commissioners with equal powers, but divided responsibility, almost unavoidably obstructed and counteracted one another. The public, therefore, complained that the new enactment had

merely substituted King Log for King Stork. So far as the citizens were concerned, the new system was, in fact, only a prolongation of the régime of the Board of Conservancy. The defects which Government sought to remedy by the abolition of the Board still continued and the only difference between the two systems was that the new one drained the municipal exchequer annually to the extent of Rs. 24,000 more than the old one.

We must not, however, overlook the fact that the failure of the new régime was due not to want of will, energy or capacity on the part of those who held the office of Commissioner, but to the system. They had to work not only under a faulty system, but also without adequate means. Bombay was then in a notoriously insanitary condition. Though clad in gold and washed by the silver sea, the beautiful island city was in those days 'one foul cesspool, and sewers discharging on the sand.' To ride home to Malabar Hill along the sands of Back Bay was to encounter 'sights and odours too horrible to describe.' Squalid filth within doors and without, deficient arrangements for conservancy, imperfect drainage, lofty houses situated in narrow and crooked lanes without any means of ventilation, all those dreadful features brought the administration of the municipal satraps into disrepute.

Not until 1863, however, was any decisive step taken to improve the executive machinery or to take remedial measures for the unhealthiness of the town.¹ That year witnessed an unprecedented influx of the labouring classes owing to the increased commercial activities of

¹ Two enactments passed during the interval, however, may be noted—Act IV of 1862 for the better regulation of markets in the city requiring that no new market or fair should be established in a district without the permission of the magistrate of the district and Act VIII of 1862, an Act to abate the nuisance arising from the smoke of furnaces in the town and suburbs of Bombay, requiring that furnaces should consume their own smoke.

the period. Swarms of labourers of all castes poured into the city in the hope of earning a livelihood. The mortality for the year was the largest that had been recorded in Bombay. The deaths from cholera were 5 per cent in excess of the average and the toll taken by small-pox and measles was nearly twice the average. Towards the end of the year, therefore, Government appointed a Special Commissioner to report on the sanitary condition of Bombay. The report submitted by the Special Commissioner, Dr. Leith, on 29th February 1864, threw a lurid light on the condition of the city. It laid open in most startling terms the imperfect measures taken to cleanse the town, the abominable state of surface drainage, the absence of any other system, the horrible condition of the public latrines and the necessity for the provision of additional ones, the prevalence all over the town of foul matter festering in the immediate vicinity of human habitations and the presence of unwholesome trades in the very centres of the crowded portions of the town. In short 'filth' was the word writ large on this report. The condition of the town was as bad as could be imagined and the density of population and the insufficient and impure supply of water aggravated the horrors of insanitation. How very overcrowded the city was in those days may be inferred from the fact that during his inspection of the town at the time of the Census Dr. Leith observed that in a lane 9 feet wide the houses on each side were of two or three floors all the rooms of which were densely peopled and the floors of the verandahs fully occupied, 'while to eke out the accommodation in some of the verandahs there were *charpoys* or cots slung up and screened with old matting to form a second tier of sleeping places for labourers that were employed in the day time at the railway terminus or elsewhere.'

On 2nd May 1864, Government issued a resolution on Dr. Leith's report in which it outlined a scheme for reform in the municipal administration of the city and invited the opinion of the Bench of Justices in the matter. The proposal did not come upon the Justices as a surprise. In fact they had been themselves discussing the question of reform since February 1864 when a committee of seven members was appointed 'to enquire into the organization of the Municipal Commission and its relation to the Bench of Justices.' On 1st April of the same year they had unanimously adopted a resolution to the effect that in the opinion of the Bench 'the present municipal system' was inefficient, and had demanded 'speedy reform.' When, therefore, the scheme for improving the constitution came before them, they were prepared for a reply. It was proposed by the Hon'ble Mr. Cassels and seconded by Sir Jamsetjee Jejeebhoy, that the entire management of municipal affairs should be entrusted to one Commissioner. To this an amendment was proposed by J. P. Green, seconded by W. Cooper, affirming the original proposition but adding that the sole Commissioner should devote his whole time and attention to the duties of his office. This amendment was carried and Government were informed accordingly. Cassels was the most towering personality of the day. A partner of a leading European merchant firm and a pillar of the Bombay Chamber of Commerce, he was an ardent supporter of the Justices in their efforts for the improvement of the city and the advancement of local self-government.¹ As he then happened to be a member of the Legislative Council of Bombay, the work of drafting a new Bill for remodelling the municipal constitution was entrusted to him. The

¹ Wacha, *Municipal Government of Bombay*.

Bill was introduced in the Council of the Governor of Bombay on 20th August and passed after careful consideration in the Council.

The statement of Objects and Reasons emphasized the fact that the system of municipal administration then in force was found defective and condemned by all concerned. The Bench of Justices had appointed a Committee to inquire into its organization and its relation to the Bench. This Committee's report as well as the Resolution of the Worshipful Bench concerning it had urgently called the attention of Government to the necessity for immediate reform. Not only had the system been condemned by the Bench of Justices, by the press and generally by the community, but also the Municipal Commissioners themselves, from their own experience, had pronounced the constitution of the body to be radically defective. The able report of Dr. Leith, the powerful representations of other eminent medical men and the doleful mortality returns had established the necessity for some effectual measure to improve the sanitary state of the town.

In introducing the Bill into the Council Cassels urged that it was felt that the Bench did not exercise that control over the Municipal Fund to which they were fairly entitled, and appealed for a position of greater dignity and usefulness for the Bench. The report on the working of the system by the Commissioners themselves had revealed a state of mismanagement and lack of responsibility discreditable to the officers and the Justices alike. The member in charge of the Bill thought he could do nothing better than quote the Commissioners themselves on this subject and the following extract from his speech shows succinctly and strikingly what gross irregularities had been allowed to be perpetrated for a number of years.

'I really think, Sir, that a more ingenious solution of the problem "How not to do it" could scarcely have been given than by the invention of such a municipality. The conservancy of this large and populous city has been entrusted to three Commissioners with equal powers, whose salaries are scarcely sufficient to pay the house rent of to-day. Two of these Commissioners are at the same time allowed to hold other appointments and have only that amount of time to bestow on municipal affairs which is requisite to enable them thoroughly to paralyse the full-time Commissioner and each other. The state of inuddle and inextricable confusion into which this ridiculous system has thrown municipal affairs may be gathered from a few extracts from a letter addressed by the present Commissioners on the 9th December last to the Bench of Justices, in which, with the most naïve candour they describe the state of their department. "It is of course to be desired that a full and correct balance sheet should be laid before the Worshipful Bench, but this the Commissioners regret to say, it has been found impossible to draw up; the accounts of almost every department of the municipality are in such a state as to render it impracticable to give it with any degree of certainty and precision. In the Surveyor's department there are considerable unadjusted advances, dating as far back as December 1, 1863; among these are many large sums which were advanced, not only to the gentleman who has recently vacated the appointment, but also to his predecessor. Many Bills are still coming in for work performed and material purchased, for which there is no authority on record, and for which we are obliged to accept the word of the people presenting them, supported by that of subordinates, some of whom are not now in the department nor in any way under authority. Contracts to the amount of several lakhs of rupees have been found to have been made and though large advances have been made upon them there is not the scratch of a pen whereby to render the contractors liable at law for the time in which the work should be performed, or the rates to be paid for the work or for insuring good workmanship and materials. The Commissioners have been almost entirely at the mercy of the contractors and still may be so, as it has been found impossible hitherto to adjust their account" . . . "In the Vehar Water Works Department matters do not appear in a much more intelligible light" . . . "In the general account of all the establishments, they have found

items calculated to mislead anyone making only a casual inspection of them, for instance, in the balance sheet for the year ended December 31, 1863, there is the sum of Rs. 3,10,530 on account of payment to Drainage Works Fund, whereas in reality it only represents the sum which *should have been paid*, not one rupee of it having been so disposed of, and the greater portion of it remaining to this hour to be paid." . . . "From the above account it will not be surprising if a very large balance appears against the fund in the accompanying sheet." No sketch of mine could so graphically portray the gross features of the system as this letter in which the Commissioners are painted by themselves. I must confess, Sir, that after such a history of municipal management, however confused may be municipal accounts, however bankrupt the municipal fund, and however bad the conservancy of the town, I think we have good reason to congratulate the community that things are no worse. The Commissioners themselves say "These remarks have not been made to cast blame upon any particular individuals, for it would be difficult to know exactly where to attach it; they however, show a total absence of responsibility, which has prevailed probably for years past, and are brought forward simply to show from the general management of municipal affairs and the system of accounts, now hopeless it is for them to attempt to make a correct and satisfactory balance sheet." I ask you, Sir, whether the first great step towards improving conservancy in Bombay is not to begin by sweeping such a system as this from the face of the earth.'

Before dealing with the improved system prescribed in the new enactment, we may extend a hearing to the triumvirate itself. In an interesting report on the Municipality of Bombay published in the year 1865 by Surgeon Major Pelly, President of the Municipal Commissioners, much interesting light is thrown on the conditions in which the triumvirate had to work.

'In common justice,' observes Major Pelly, 'both to the present and past Commissioners, it is not fair to point out that the causes of failure in carrying out the provisions of the various Acts and Regulations intended for their guidance and support in the prosecution of their duties has not been simply that mutual

obstructiveness which succeeded co-operation, nor is it entirely attributable to any or all of the causes alluded to above. There were and are others at least as potent, over which the Municipal authorities have no control, such as want of sewage drainage; rapid increase of population, with an inadequate supply of house accommodation; the chief instruments for carrying out the details of the Acts, viz., the Police being in a separate department, and not in any way under their orders; and lastly, the very deficient supply of magisterial authority to take cognizance of breaches of Municipal laws. As long as these opposing influences are allowed to remain, no system which man can devise is likely to meet with success. The new Drainage Works, now in course of construction, will undoubtedly in the space of a few years render material assistance, and the various reclamations, and consequent extension of buildings, will, ere long, probably allow of the population being less restricted to the limited localities within which it is now confined. The Police or at any rate such portion of the force as is required for purely municipal superintendence are now rightly about to be placed under the orders of the Chief Municipal authority; but either the Municipal Commissioner should have magisterial power, or more magistrates, whose chief, if not sole, duty should be to correct Municipal offenders, should at once be appointed. When all the measures are carried out, it may reasonably be expected that the general appearance and healthiness of the town will be improved. But though much may be done with the aid of a municipal police and by an increased number of magistrates, nothing approaching to *perfection* can be hoped for until the drainage is complete and sufficient house accommodation is provided. As regards the drainage, no comment is required. As regards overcrowding, a good idea may be gathered from the Census Report made by Dr. Leith in 1864 . . . More might easily be said in defence of the Board of Conservancy and Commissioners, but enough has, I hope, been adduced to show that with all their faults, those who have endeavoured to do their duty (and there have been many) under all the disadvantages of the present and past systems, are not quite so black as they have been so often depicted in the public prints.'

One great disadvantage against which the régime of the triumvirate had to contend was the constant changes in its personnel.

'We should not like to say,' observed the *Bombay Builder* of July 1865, 'how many individuals consisting of private tutors, Lieutenants in the Navy, disappointed Quarter Masters, Assistant Dock Masters, etc., have held office as Commissioners during the last ten years. How such men, doubtless most able in their own departments, can be expected to understand and superintend the conservancy of a city such as Bombay, is to us a mystery. Therefore, we say that we heartily welcome anything which is likely to prove a change for the better, although at the same time it is by no means certain that the new Act will be found complete in every point.'

CHAPTER XVI

THE MAGNA CHARTA OF MUNICIPAL GOVERNMENT

THE Municipal Act of 1865 forms a very important landmark in the history of local government in Bombay. Although the machinery of the urban administration has since undergone a good many changes, the framework laid down by that Act for civic government has remained unaltered. It is, therefore, desirable that we examine in detail the principal provisions of this enactment.

Under the old régime the Justices of the Peace had a partial and nominal voice in the administration of local affairs. By the Act of 1865, which has been called the *Magna Charta* of local government in Bombay, the Justices were created a body corporate with powers to impose rates and taxes and with sole and undivided control of the Municipal Fund. A duly constituted corporation was thus formed for the first time to supersede the discredited dual government composed of the Bench of Justices and the Board of Commissioners. As yet there was no demand for popular government. Franchise rights were undreamt of. There was no local Hampden to raise the battle-cry 'no taxation without representation.' The Justices of the day were, no doubt, the most enlightened citizens of Bombay and they represented the wants and wishes of the people. A popular electorate could not have returned better representatives to the civic chamber. Nevertheless, they were the nominees of Government on the Corporation, not the chosen, accredited representatives of the people.

The Corporation then consisted of 190 Justices whose number within the next five years was increased to about 400. In spite of this formidable number only seven were to form the quorum for the ordinary meetings which the Corporation were enjoined to hold once a quarter. This ultra-cautious provision seems quite inexplicable when we take into consideration the zeal evinced by the Justices and the active interest taken by them in the transaction of civic business during the preceding years. In fact a very large number used to attend the meetings and the records of subsequent proceedings show that all classes of Justices, Christian, Hindu, Parsi, Muhammadan, worked hand in hand with exemplary keenness and self-sacrifice for the promotion of the welfare of the city.

The Act completely transformed the executive machinery of the municipality. Under previous enactments the Board of Conservancy and the Board of Commissioners were virtually the executive committees of the Bench of Justices. That experiment, as we have seen, had failed. The new Act, therefore, concentrated all executive power and responsibility for the administration of the municipality in a single, full-time officer appointed by the Governor in Council. This officer was designated the Municipal Commissioner for the City of Bombay. He was to be appointed for a renewable term of three years, subject to removal for misconduct or neglect, or incapacity to perform his duties, or at the recommendation of not less than two-thirds of the Justices assembled at a special general meeting. Since the year 1865 there has been no change in this principle of entrusting the entire administration of municipal affairs to a single responsible officer, nor has there been any material alteration in the provisions regulating the nomination of the Municipal Commissioner and his

removal from office. Government still exercise the right of appointing the chief executive officer of the Corporation. Only recently, with the so-called democratization of the Corporation has there arisen a demand for vesting in the Corporation the power to appoint the Municipal Commissioner. The demand seems rather belated and would, no doubt, have been made earlier had not Government exercised a very wise discrimination in selecting officers for the post. They have given to the Corporation the flower of the Indian Civil Service from time to time and the members of the Corporation have never been niggardly in the recognition of the good work done by those able officers. There is also another reason why the Corporation were content with the existing arrangements for so long a time. The Municipal Commissioner is one of the three co-ordinating municipal authorities. He is not merely a chief officer of the Corporation. While in certain matters he is required to obtain the sanction of the Corporation and the Standing Committee, he is charged individually with carrying out the provisions of the Act. His appointment by the Corporation would leave him very little independence as a co-ordinating authority under the existing constitution. Whether such an arrangement is compatible with the principles of self-government is a different question and will be discussed in a subsequent chapter.

The Commissioner was to receive such allowances out of the Municipal Fund as might from time to time be fixed by the Justices, provided, however, that the allowances were not less than Rs. 3,000 per month. It is curious that in spite of the general increase in the salaries of public appointments since the year 1865, the minimum salary then fixed for the Municipal Commissioner remained for half a century the maximum salary of the post. Only recently a proposal was submitted to

Government to raise it, after five years of approved service, to Rs. 4,000 per mensem. The maximum salary has, however, been limited to Rs. 3,500.

The other principal functionaries whose appointment Government reserved in their own hands were (1) the Controller of Municipal Accounts, (2) the Executive Engineer and (3) the Consulting Officer of Health. The Act provided for the appointment of a Controller of Municipal Accounts for a renewable term of three years to supervise the receipts and disbursements of the Municipal Fund and to have charge of all Municipal Accounts. He was to be independent of the Commissioner, his countersignature was necessary upon all cheques drawn against the Municipal Funds, and he had the power to correspond direct with the Bench of Justices and with the Governor in Council. This arrangement, ideal in theory, was, however, found to be unworkable and even unprofitable in practice. Even though the legislature had thus provided an agency for controlling the Commissioner's powers to spend municipal money, it was quite possible that a flexible controller might fail ignominiously to act as a brake on the extravagance of the Commissioner or his defiance of constitutional limitations. This is, in fact, what happened. After the first controller appointed under the Act, Colonel Thacker, had resigned his post owing to constant friction with the Commissioner, Arthur Crawford, his successor was absolutely unable to stem the extravagance of that brilliant but prodigal administrator. The result was the collapse of the Crawford régime and the reduction of the Controller's office to that of an accountant subordinate to the Commissioner. The functions of control and audit were transferred to the Finance Committee of the Corporation, called the Town Council, assisted by the Municipal Secretary and the Municipal Auditors.

These changes will be dealt with when we review the reform movement of 1872.

The Executive Engineer was also to be appointed for a renewable term of three years. His minimum salary was fixed at Rs. 2,000 per mensem, whereas the minimum monthly salary prescribed for the Consulting Officer of Health, who was also to be appointed for a renewable term of three years, was only Rs. 500. The reason for this disparity was that unlike the Engineer, the Health Officer was not required to devote his whole time to the duties of his office. His duty was to 'afford such advice to the Commissioner for the sanitary improvement of the City of Bombay as his experience and observation may indicate,' and he was not precluded from holding any other appointment or office which might not interfere with the performance of this duty. It appears very strange indeed that despite the fact that the city was then notorious for its insanitation and abominations, despite the magnitude of the work that lay before the Corporation for the sanitary regeneration of the city, it was not considered essential to appoint a whole-time officer.

The Bill as originally drafted made no distinction between the appointments of the Consulting Engineer and the Health Officer. Both were to be appointed by Government for a renewable term of five years and both were required to devote the whole of their time and attention to the duties of their respective offices. The Select Committee, however, modified the clause pertaining to the appointment of the Officer of Health on the lines of the English Health Act so as to render it permissive and occasional, not obligatory and permanent.

A very animated debate took place on this question. The member in charge of the Bill himself was strongly

opposed to the arrangement proposed by the Select Committee.

'I consider,' said Cassels in moving the second reading of the Bill, 'that it is absolutely necessary at present that a medical man should be attached to the Municipality. The medical officer, like the engineer, would really be merely a Deputy Commissioner and if it be conceded, as I suppose it must, that it is desirable to provide assistants for the Commissioner, who have special knowledge, it cannot be denied that a practical knowledge of sanitary science must be invaluable in aiding the Commissioner to clear out this Augean stable of Bombay. I consider that the system of half-time service has been fully tried and found wanting, and I must submit that to retain it in this Bill is a contradiction of its leading principle. It is unreasonable in the abstract, and particularly objectionable when applied to so important an appointment as that of the sanitary officer.'

He himself moved an amendment for the appointment of a full-time Officer of Health. The reasons which rendered such an appointment in many cases unnecessary in England did not appear to him to apply to Bombay. In England there was, in general, a complete system of sewerage and drainage in towns, which they had not in Bombay, and all the skill and energy which could be obtained would not be too great to enable them to combat the filthy habits of their crowded city and to prevent disease. A medical man as a half-time officer would have been a mere snare and a delusion. There would have been a certain amount of responsibility taken off the Commissioner without being laid on the shoulders of any other man. The outcome of the debate was that the section regarding the appointment was amended so as to make it obligatory on Government to make the appointment of a Consulting Officer of Health on a renewable term of three years. He was, however, allowed to hold any other appointment which might not interfere with the performance of his duties.

Defective as the legislation was in this respect, the phenomenal energy, zeal and vigilance of the ubiquitous Dr. Hewlett, the first incumbent of the office, made even the part-time office a great success. With consummate tact and ability, combined with admirable assiduity and devotion to duty, unsurpassed in the annals of the Municipality, he set about cleansing and did thoroughly cleanse the Augean stable. One hesitates to imagine what might have happened to the foul and filthy town of those days, had an officer of less ability and activity been placed in charge of the health department at that critical juncture.

The most interesting feature of the new Act was the subordination of the Police executive to the Municipal *Ædile*. We have referred in the preceding pages to the creation of the office of Lieutenant of Police in the year 1793 and its abolition and the subsequent creation of the office of Deputy of Police. The Deputy of Police had also a very short life. Under the Commission of the Peace issued under Act XXXIII of 1793 the office of Deputy of Police and High Constable was annulled and in its place the office of Superintendent of Police was created. This office remained in force until 1865. In addition to his duties as head of 'the executive police' the Superintendent of Police was a member of the Board of Conservancy from 1845 to 1858. He was, thereafter, one of the triumvirate of Municipal Commissioners established for the conservancy and improvement of the town. In the year 1864 Colonel Bruce Inspector-General of Police with the Government of India, was deputed to Bombay to investigate local conditions and to make recommendations for the re-organization of the Police Force. One of his proposals was that the appointments of Police Commissioner and Municipal Commissioner should be amalgamated. This

proposal was, however, wisely turned down by Government. The senior officer of the police force was made responsible solely for the police administration of the city with the title of Police Commissioner and was, for the purpose of the new Municipal Act and for the maintenance of the peace, placed under the authority of the Municipal Commissioner. The Fire Brigade was still under the Commissioner of Police, but barring these duties and the membership of the Corporation, the head of the police administration ceased to exercise any official powers in regard to the municipal administration of the city.

The Act also provided that the annual expenses of the police of the city should be paid out of the Municipal Fund. To provide for these expenses and for the 'prevention of mischief from fires,' it was enjoined that 'an annual rate of two per centum of their value shall be imposed by the Justices upon the occupiers of all houses, buildings and lands in the city . . . provided that the Justices may increase this rate to three per centum, if it should be found necessary, for the prescribed purposes.'

The following other taxes were legalized :—

An annual rate of five per centum of the value of buildings and lands in the city payable by the owners thereof in quarterly instalments. It was lawful for the Governor in Council, on a resolution passed by the Justices at a special general meeting, to raise the tax to a rate not exceeding ten per centum.

An annual lighting rate upon the occupiers of all houses, buildings and lands in the city not exceeding two per centum of the annual value of buildings and lands in the city.

Such annual or periodical water rates for the supply of water from the Vehar Water Works as may be suffi-

ent for the charges connected with the water works payable by occupiers of houses, wharves and other structures and of all works and places supplied with water.

A license tax on professions, trades and callings varying from Rs. 12 to Rs. 350 per annum according to the nature of the business.

A tax on carriages and animals according to the following scale :—

		Per quarter		
		RS.	A.	P.
On every four-wheeled carriage on springs	...	6	0	0
On every two-wheeled carriage on springs, except native hackeries	...	4	0	0
On every native hackery used for riding in, and drawn by bullocks	...	7	8	0
On every labour-cart and labour hackery	...	3	0	0
On every horse, pony, or mule, of the height of 12 hands or upwards	...	7	8	0

The other sources of revenue were receipts from markets, liquor license fees, duty on tobacco and snuff, and fines and penalties levied under the Act. The town duties on grain and other commodities were abolished, but we shall see, as we proceed, that they had to be re-imposed under the authority of Act IV of 1869 with a view to reinforcing the crippled exchequer of the Municipality. Since that date these duties have come to stay, notwithstanding the periodical crusades of the Cobdenites. The license tax on trades and occupations, which is still a source of local revenue in Calcutta and Madras, was, however, abolished by Act IV of 186 and has never since been re-imposed.

CHAPTER XVII

A BRILLIANT EPOCH OF CIVIC ACTIVITIES

NO horoscope of the baby Corporation can be traced in the archives of the Municipal Secretariat. It is pleasant to speculate upon what the forecast of an Indian Zadkiel might have been had he been consulted. He would have found the position of the stars most perplexing. Here had sprung up a novel joint-stock concern in which every citizen was a shareholder. It was launched into existence on a day which is known in the history of Bombay as the Black July Day, a day which witnessed the collapse of many a flourishing merchant-prince and joint-stock company of repute, as well as the scandalous insolvency of the so-called banking corporations, associations, and company-promoters brought about by the frantic share mania which had seized the rich and the poor, the old and the young, the circumspect as well as the uncircumspect, in those giddy days. The supply of American cotton having been cut off owing to the clash of arms in America and the consequent blockade of the southern ports, between the years 1861 and 1865 Bombay had a windfall of eighty millions sterling over and above her normal receipts from cotton. 'Allowing a liberal margin for errors of valuation at the Custom House,' observes Maclean, 'we may compute the clear addition to the wealth of Bombay at 70 to 75 millions sterling—a tolerably substantial foundation for speculators to build upon.' A gambling saturnalia set in. Financial Associations and Land Reclamation Companies sprang up like mushrooms. Locust-like, swarms of

adventurers from all parts of the country flocked to the city. Every one thought the purse of Fortunatus was within his reach. A graphic description of this wave of speculation which swept over Bombay has been given by Sir Dinsha Wacha in his history of the constitutional struggles of the Corporation from the year 1865 to 1888 and it seems best to reproduce here the picture drawn by that gifted eye-witness :—

‘The merchant cotton princes of the day, European and Indian, were, of course, intensely engaged in the pursuit of purchasing the raw fibre at any price and made their two and three hundred per cent profit per candy by exporting it six thousand miles away, where there was such a dearth of it, and where thousands of operatives famished or were thrown out of employ for want of the necessary cotton in their factories. Then, the financiers of the day were engaged in floating companies, with gigantic capital, of all sorts and degrees. The South Sea Bubble of the previous century in England had its counterpart in 1864-5 in Bombay. Apart from colossal reclamation companies, like the Back Bay, the Colaba, the Frere Land and the Mazagon, there were daily uprising in her midst, thanks to the crores poured in by Lancashire during the American War (1861-5), banks and financial institutions and divers other ephemeral concerns for promoting all manner of things. These used to come into existence with the real rapidity of the prophet’s gourd. The staid merchant of wealth and credit stood cheek by jowl with the latest *parvenu* whom the frenzied Stock Exchange of the day used to set up as a rival to float or promote some mushroom concern. In the Bombay of 1864-5 every tenth man was either a promoter, embryo promoter or director. And as to the number of bankers and managers, it was legion, each and all absorbed in pocketing the largest premium on share allotments made by hundreds every day. Aye, night was joint labourer with the day in the busy pastime of making gold out of nothing in particular. It is impossible to describe the paper alchemy of designing promoters of bubble companies—men who merrily plucked the feather of the fat geese who flocked in their thousands on the Change to grow fatter, but only to find themselves, at last shorn clean of their

original plumage. Men and women, young and old, Christian or non-Christian, banker and merchant, the greengrocer and the grass-cutter, the penniless and the *lakputti*—all were to be seen sailing in one direction. Their embarkation on this Argonautic expedition of the mid-nineteenth century might indeed require the pen of some picturesque historian with the genius of a Macaulay to portray.'

There could only be one result of such insane speculation. The bubble was bound to burst; and it did burst in 1865 involving the whole of Bombay in dire distress such as the city had never before witnessed. What an inauspicious moment for the birth of the new Corporation! If, however, one proceeds to cast its nativity in the light of subsequent events, as the Zadkiels not infrequently do, one may safely depict the position of the heavenly bodies at that moment as extremely favourable, a *vasi* eminently auspicious for the redemption of the city's health and wealth alike. Despite the surrounding filth and disease, the atmosphere that the baby Corporation breathed was redolent of public spirit and civic patriotism of a very high order. That was, indeed, an era when from the sagacious head of the Government downwards every citizen was animated by high ideals of citizenship. Although the bulk of the population found itself in the vortex of wild speculation, those who had made large fortunes during the period were ready and eager to utilize their wealth towards the promotion of schemes for the permanent advantage of the city. At the head of the Bombay Government was Sir Bartle Frere, a born statesman, endowed with singular prescience and the power to visualize a new Bombay retaining all its natural beauties and provided with all the attractions that modern science and art can devise. As a Bombay civilian he had had unique opportunities of acquiring in various spheres of public service an intimate knowledge

and experience of the Government of the Western Presidency such as no previous Governor of Bombay had ever possessed ; and his outlook was widened by the experience which he had gained in Bengal as the trusted friend and councillor of Lord Canning and, after his retirement, of Lord Elgin. Above all, in the words of Hovell-Thurlow, the author of *The Company and the Crown*, he was known to all in India as ' a pattern of vigorous, intelligent refinement.' His courtliness and chivalry and his high sense of duty and citizenship completely captured the imagination and stimulated the public spirit of the people of the Presidency.

Improvement of land formed the most important part of Sir Bartle's programme of public improvements. He realized that the old Fort ramparts and fortifications which had once watched the merchant vessels plying in the harbour and frowned on the Malabar pirates were no longer necessary for the defence of the city, and that their demolition would improve the ventilation of the buildings within the Fort and render a large area of land available for housing the rapidly growing population of the town. In fact, the Fort had become a nuisance and long before Sir Bartle's régime proposals for its demolition had been mooted. As early as 1841 the *Times* correspondent wrote : ' The maintenance of the Fort of Bombay is not only useless, but has become a downright and most serious nuisance to the inhabitants at large. It is the source of a ridiculous waste of money to Government itself : witness the erection, not yet complete, of a gate at the cost of Rs. 30,000 to block up the way to the Church. ' The Fort is a costly and filthy nuisance.' The advantages of demolition were recognized by the predecessors of Sir Bartle, particularly by Elphinstone, and some old portions of the ramparts had already been cleared away. Owing, however, to the opposition of the

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inhabitants and of the supreme Government as well, only the ravelins and outworks could be touched; the Fort continued to be a filthy nuisance and a source of danger to the health of the community. Sir Bartle Frere, however, was determined to remove the nuisance once and for all. Soon after he assumed office, he prevailed upon the Secretary of State to sanction the work of demolition and he had the satisfaction of having it carried out. The areas rendered available for residential purposes were carefully laid out. A portion was reserved for public buildings and the rest of the land was sold by public auction. Great reclamation schemes were also undertaken, new roads were laid out, and old thoroughfares improved.

There was apparently ample need for increasing the housing accommodation and facilities for transit. Malabar Hill, Breach Candy and Mahaluxmi were then monopolized by the European and wealthy Indian population, while the poorer classes herded in the ancient oarts and alleys. Between the years 1858 and 1860 there was an unprecedented activity in building operations in the whole of the district between the sea and Girgaum Back Road, on which a large number of buildings had already sprung up. 'Houses are rising in all directions,' wrote the *Times* correspondent, 'and what was some few years ago merely a cocoanut plantation will, within the next half century, be as thoroughly urban as Mandvi and Khara Talao. Cavel and Sonapur are utterly destitute of cross thoroughfares and illustrate what will be the future condition of the whole district if systematic proceedings are not at once adopted.'

In 1838 the population was estimated at 236,000. By the year 1860 this figure had greatly increased. Certain events which helped to swell the stream of immigration may be briefly noted. At the close of the year 1860 the



GENERAL SIR ARTHUR WELLESLEY (DUKE OF WELLINGTON)

Who improved the means of communication between Bombay and Deccan.

Great Indian Peninsula Company had opened its line as far as the headquarters of the Thana Collectorate. Three years later, the Bhore Ghat incline was opened. The inaugural ceremony took place on 21st April 1863, when, at the request of the Directors of the Company, Sir Bartle Frere declared the monumental works open to traffic. In the interesting speech which he made on that occasion he recalled the early days of the nineteenth century, when the Duke of Wellington, then in command of the Forces in the Dekkan, had foreseen the importance of improved communication between Bombay and the Dekkan, and had caused the old Bhore Ghat to be made practicable for artillery and a good military road to be constructed from the head of the Ghat to Poona. 'You may yet, I believe,' said he, 'find traces of this road the whole distance a little to the south of the line which is now the old Post Road, and be told that the massive stone ramps which mark the nullah-crossing were the work of Wellesley Saheb.' He recalled the ceremony of opening the Ghat performed by Sir John Malcolm on 10th November 1830, and said: 'When I first saw the Ghat some years later, we were very proud in Bombay of our mail cart to Poona, the first and at that time, I believe, the only one running in India, but it was some years later before the road was generally used for wheeled carriages. I remember that we met hardly a single cart between Khandalla and Poona; long droves of pack bullocks had still exclusive possession of the road, and probably more carts now pass up and down the Ghat in a week than were then to be seen on it in a whole year. But the days of mail cart and bullock cart, as well as the Brinjaree pack bullocks, are now drawing to a close.'

The first section of the Bombay, Baroda and Central India Railway was opened in 1860; the Broach and Baroda section in 1861, the Ahmedabad section in 1863,

and finally 'the line which the company had been forced by the Government to commence at a distance from its base of operations,' was completed southwards as far as Bombay in 1864.

What a great impetus to trade must have been given by these railway communications ! The cotton producing districts were brought closely in touch with the market, which took the fullest advantage of the opportunities offered.* About the same time the outbreak of hostilities in America and the consequent blockade of the South American ports cut off the supply of American staples and greatly enhanced, as we have seen, the normal receipts from cotton. There was a great demand for labour in connection with the multifarious business associations and companies that sprang up, and workmen flocked in large numbers from the mofussil. 'The city,' says Dr. Hewlett, in his report of 1872, 'was crammed with men, women and children, for whom there was not sufficient house-accommodation and the consequent overcrowding of a great part of the people was excessive.' Sanitary improvement was the crying necessity of the hour, but before passing orders in the matter, Sir Bartle considered it necessary to have a census taken in the year 1864. The task was entrusted to Dr. Leith, the then Health Officer. The figure recorded was 8,16,562. The total number of occupied houses in the island was estimated at 25,994, the number of persons to each house ranging from 39 to 83. However, the financial crash brought about by the share mania abruptly cut short the demand for labour, and the labourers engaged in reclamation and other works returned to their villages. The census of 1872, therefore, recorded a population of 6,44,405. Even so it shows what a large increase in numbers had taken place in the normal population of the city between the years 1858 and 1872.

Such an increase in population was sufficient justification for the improvement and reclamation schemes inaugurated during the administration of Sir Bartle Frere. We may here tarry a little to have a glimpse of the achievements of those days.

‘Of the wealth which found its way into Bombay subsequent to the year 1860, some six million pounds sterling was utilised in regulating and advancing into the sea below low water mark the whole of the island’s foreshore. Handsome works were effected on either side of the Apollo Bunder, extending south-westward almost to Colaba Church, and stretching from the Custom House to Sewri along the Mody Bay, Elphinstone, Mazagon, Tank Bunder and Frere Reclamations, a distance of at least five miles. On the other side of the island was the great Back Bay reclamation, from Colaba to the foot of Malabar Hill, whereon was constructed a good road and bridle path. Considering what the effect of these works has been upon the sanitary condition of the city, and the great convenience and comfort which they have afforded to the masses, the speculation mania of the years 1861–65 appears rightly to have been a blessing in disguise. According to Dr. Hewlett’s report of 1872, the area reclaimed measured 4,348,918 square yards, which is equivalent to 898·5 acres; and by the year 1872 the area of the whole island had risen from 18·62 square miles to 22 square miles, 149 acres and 1,397 square yards.’¹

Among the new roads commenced or completed during the period may be mentioned the Colaba Causeway which was widened and rebuilt in 1861–63; Cruickshank Road and the Esplanade which were widened in 1865 and 1866; the Nowroji Hill Road from Dongri Street constructed in 1865; the Carnac, Masjid and Elphinstone overbridges completed in 1867 at the joint expense of the Municipality and the G.I.P. Railway; Rampart Row East from the Mint to Fort George Gate constructed by Government on the site of the Rampart; part of the Mody Bay reclamation and Bellasis,

¹ Edwardes, *The Rise of Bombay*.

Clare, Falkland, Kamathipura and Foras Roads which were constructed between 1866 and 1868.

A special fund for the construction of public offices and buildings for Bombay was also formed at this time from the proceeds of the sale of the ground rendered available for building by the demolition of the ramparts of the Fort and from grants sanctioned by Government.

'Previously,' wrote Sir Richard Temple in connection with this project, 'these buildings had been found unsuitable for the growing needs of a capital city, being cramped in space, badly situated and imperfectly ventilated; they were erected at a time when civilization was but little advanced in the settlements of the East India Company, and when architectural taste was almost unknown in British India. The opportunity was to be taken of giving Bombay a series of structures worthy of her wealth, her populousness, and her geographical situation. The designs were to be of the highest character architecturally: therefore architects due were obtained from England to frame them elaborately; and thought was given to artistic effect. The operations were planned deliberately and were begun while Frere was still in Bombay. Their completion was arranged by his successors very much on the lines which he had laid down. They comprise the Government Secretariat, the University Library, the Convocation Hall, the High Court, the Telegraph Department, the Post Office, all in one grand line facing the sea. Other buildings in a similar style were built in other parts of the city, such as the Elphinstone College, the Victoria Museum, the Elphinstone High School, the School of Art, the Gokuldas Hospital, the Sailors' Home and others. Few cities in the world can show a finer series of structures; and those who admire the buildings after the lapse of fifteen years from the beginning of the work, may well be reminded that it is to Sir Bartle Frere that Bombay owes the origination and inception of this comprehensive project. It would be a mistake to attribute too much to individual Governors; for when work is demanded by the spirit of the age it will be done in some shape or other, whoever may be in power. But in justice it must be said, that Frere deserves the lion's share in the credit of this undertaking, and that without him the work would never have reached that magnitude which is now

beheld by all English spectators with a feeling of national pride.'

'In addition to the great buildings mentioned by Sir Richard Temple,' remarks Edwardes with his characteristic thoroughness, 'we read of improvements to the Cathedral, new Police Courts in Byculla and the Fort, the expenditure necessary for which was sanctioned by Government in 1866; of new light-houses on Kennerly and the Prongs; of Harbour defences, batteries at Oyster Rock, Cross Island and middle ground; of a Wellington Memorial Fountain; and of an European General Hospital; and many other works of utility and adornment.'¹

'Upwards of a million sterling,' says the *Bombay Builder* of 1866-67, 'has already been expended upon the various works which have been undertaken by this Government in Bombay; and about a million and a quarter is the estimated cost of completing works already in progress. Two millions more will be required for projected works including the military cantonment at Colaba. More has been done for the advancement of important works during the present than during any previous administration. The works of progress that remain are blessings to Bombay; those that have miscarried are landmarks to guide the coming administration; and those that are retarded belong more to the financial policy of the Government of India than to the policy of Sir Bartle Frere.'

Private citizens were not slow to follow the lead given by the enlightened Governor in improving and embellishing the city. 'It should never be forgotten,' says Maclean, 'that the splendour of the public buildings and useful and benevolent institutions of new Bombay is due to the magnificence of the speculators of 1861-65.' Premchand Roychand, the uncrowned King of Bombay in those days, gave four lakhs of rupees for a University Library Building and a tower on condition that the tower should be named after his mother, 'The

¹ *The Rise of Bombay*, p. 284.

Rajabai Tower.' The foundation-stone of the building of the Victoria and Albert Museum towards which the Bombay public had subscribed more than a lakh of rupees was laid by Sir Bartle Frere on 19th November 1862. In 1863 David Sassoon presented Rs. 60,000 for the construction of a permanent building for the Sassoon Mechanics' Institute. The first Sir Cowasji Jehangir announced his intention of providing Bombay with no less than forty drinking fountains, to be placed in various parts of the island. The Sir Jamsetjee Jejeebhoy School of Art commenced its beneficent work about this period, and Rustomji Jamsetjee Jejeebhoy erected the Foras Road Dharamshala in 1867, which was placed in charge of the Municipality in 1890. The Sir Cowasji Jehangir Ophthalmic Hospital, adjoining the Jamsetjee Jejeebhoy Hospital, was built in 1866 at a cost of nearly a lakh of rupees. Another Parsi Hospital was opened at Colaba and a Hospital for incurables at Byculla. In 1865 Rustomji Jamsetjee Jejeebhoy offered a donation of Rs. 1,50,000 towards the cost of a second hospital for Indians in the city. Owing, however, to the financial crisis following upon the share mania, Rustomji could not fulfil his promise, and the scheme was held in abeyance until 1869 when Goculdas Tejpal gave Rs. 1,50,000 towards the cost of the building.

Public companies vied with individuals in the work of improving and expanding the city. The G. I. P. and the B. B. & C. I. Railway Companies were, as we have already seen, busy opening new lines. The steamship companies were no less active. The Peninsular and Oriental Company obtained from Government in 1860, for a very low sum, the old Mazagon Dock, with permission to reclaim the foreshore to low water mark, and was at work in 1863 upon its great Dockyard. The Bombay Coast and River Steam Navigation Company

was engaged in formulating a project for running steam-ferries between Bombay and Mandwa, Karanja, Rewas, Dharamtar, Uran and Ulwa. The Bombay Gas Company commenced its work in October 1865.

The Elphinstone Circle is another monument of the public spirit of the times. The erection of the Circle was sanctioned by Sir George Clark and completed during his successor's tenure of office. The site of this imposing collection of buildings—the old Bombay Green—was bought by the Municipality and resold by it at a large profit in building plots to English mercantile firms, 'who gradually transformed the dusty open space, inhabited for the most part by crowds of pigeons, into an imposing example of street architecture.'

A portion of the town was for the first time lighted on 7th October 1866. As the lamp-lighters went from lamp to lamp, they were followed 'by crowds of inquisitive natives who gazed in mute astonishment at the new western wonder that had appeared in their midst.'

The lighting of the town constituted a landmark in the municipal government of the city and the public-spirited citizens of the day came forward to mark their appreciation of the experiment by the presentation to the Municipality of large ornamental lamps for prominent central positions on the public roads. Munguldas Nathoobhoy gave one five-light lamp to be erected opposite the Money School; Ardeshir Hormusji Wadia gave five three-light lamps; Keshowji Naik gave three three-light lamps; Kallianji Shinji gave two three-light lamps; A. D. Sasoon, Nusserwanji Manockji Patel and Goculdas Tejpal each gave one three-light lamp. Gifts such as these, rare in these days, were not uncommon during the period of which we write. Another interesting present given to the local authorities was a steam fire engine, the donor being Rustomji Jamsetjee.

Such was the public spirit of the time ; such the decorations and illuminations, such the offerings with which the new-born Corporation was greeted, on its natal day, by the Government and public bodies and by private firms and individual citizens. Thanks to the enlightened outlook and co-operation of all concerned, the foundations of a new Bombay were well and truly laid in those epoch-making days, and the task of the new Corporation in improving, extending and embellishing the city was rendered much lighter than it might otherwise have been.



ARTHUR CRAWFORD
First Municipal Commissioner for the City of Bombay

CHAPTER XVIII

HIS MAJESTY THE COMMISSIONER

ARTHUR CRAWFORD

THE first Municipal Commissioner under the new Act was Arthur Travers Crawford. Endowed as he was with great personality and brilliant administrative genius, his achievements in the domain of civic government were so remarkable that his name soon became a household word in Bombay. Inheriting an empty exchequer, he found himself faced by enormous liabilities contracted by his predecessors in office. With no cash in hand to meet them, with nothing to fall back upon and with an ill-organized and ill-equipped establishment, he was called upon to cleanse the Augean stables of the city. Nothing daunted, however, this masterful official, with his able lieutenant, Dr. Hewlett, entered the arena to combat death and disease. To start him on his labours the Corporation voted an advance of two lakhs of rupees from the available balances of the Drainage Fund.

In his early reports we find no word of complaint concerning these initial difficulties. He was simply content to relate what had been achieved and to point to what remained to be accomplished for the welfare of the City, of the future of which, as the second city in the British dominions, he spoke in most optimistic terms. The days that followed were, however, full of trouble, anxiety and annoyance to the leader and his staff. Within two years of his assuming office were heard the rumblings of the storm that was to break above his head. In his zeal to accelerate schemes for improvement he did not pause to consider the paucity of funds.

Early in his administration there were whispers of alarm at the improvidence and extravagance of the Commissioner. These soon culminated in open opposition and accusation, which obliged him to recall in stirring terms, in his report for the year 1867, the difficult conditions in which he had to commence work, and to vindicate the progressive policy on which he had embarked—a policy which, on a dispassionate survey of the situation at this distant date, seems largely, if not wholly, justified.

‘On taking charge,’ he observed, ‘I found that while I was called upon to carry out radical and extensive reforms in every direction, I had no funds! The cash in my treasury had been borrowed, two days before I took charge, from another fund! The rates and taxes in some cases for years had not been assessed, much less collected. There were three contracts just commenced which absorbed three-fourths of the Municipal revenue! There was an estimated deficit of nearly 20 lakhs for the year! The accounts for the previous year had not even been made up, and those for years under the heading of unadjusted advances to contractors were incomplete. There were no statistics! With the introduction of the Municipal Act on 1st July 1865, the Town Duties Act was rescinded, and thus during the first six months of my administration I was deprived of the chief source of Municipal revenue, for the legislature had not made the License Tax the substitute for Town Duties leviable until January 1866. I had further to face the unpopularity of this License Tax, and to incur the further odium of the Lighting and Police Rates then also for the first time made leviable. At the first Bench Meeting I placed the necessary facts before the Bench, and asking for funds was told to borrow again from the Drainage! I saw at that meeting and several others (at one of which I plainly said the Budget could not be adhered to in the first few years) that I must act boldly and alone. However strongly convinced myself of the necessity for immediate expenditure in certain directions, I could not hope to convince the Bench, for I had no accounts and no statistics to support my bare assertions. In this dilemma I had two courses open to me—the one to swim with the tide, indifferent to the death and disease and the many crying wants around me; the other to act

boldly and for the best, trusting to time, if need be, to prove me right. I adopted the latter—the only course open as I think to any man of ordinary energy and courage—and I do not regret my decision.'

Nor does the city, whatever might have been said by the critics of the day.

It would be beyond the scope of a work on the constitutional history of the Municipality to describe *in extenso* the important works and administrative reforms, which distinguished the régime of Arthur Crawford. His administration, however, constitutes so important a landmark in the annals of the Municipality, its record of work accomplished and the reforms introduced is so unique and contributed so greatly to the birth of the modern city and hence to the introduction of the later constitutional reforms, that it seems meet to review at some length the administration of the first and by far the most masterful Municipal Commissioner of Bombay.

Not one of the principal Municipal problems—sanitation, drainage, water-supply, markets, slaughter-houses, and burial grounds—was neglected. Each was tackled with vigour and foresight. During the first year some of these questions were settled, and the rest were in a fair way towards solution. The most difficult of all problems was the improvement of sanitation. Sanitary science had then made little impression even on the civilized population of the world. To oriental towns it was practically a sealed book and Bombay, despite the maintenance of a sanitary department, was no more enlightened than the rest. Its conception of the scope of an urban health department can be gauged by the strength of the actual establishment, which consisted of a sanitary officer on Rs. 350, two clerks on Rs. 90 and 50 respectively, a peon on Rs. 9-8-0 and two coolies on Rs. 4 each.

Little more than conservancy was attempted, and the work was distributed between the scavenging contractor, the department of the surveyor or Executive Engineer, whose duty it was to supervise the work of the contractor, and the so-called Sanitary Department. There was no executive head of this important branch of the Municipality. The work of the Engineering Department, which was expected to superintend the scavenging of roads, was grossly mismanaged. Contracts were made in an unbusinesslike manner; there was nothing whatever in the shape of a bond to insure efficiency of workmanship or punctuality in the completion of contracts, and the supervision of the municipal staff was careless and inadequate. Never was the need of a full-time Health Officer greater than at that date, when the condition of the streets was revolting to the senses, when in the absence of a proper system of drainage the citizens lived in an atmosphere of fever-breeding miasmata, and when the seeds of cholera had infected the human warrens in the heart of the town. The Act of 1865, however, provided for the appointment of only a half-time health officer, and the incumbent of the office, who commenced his duties in July 1865, could do little more than advise and remonstrate, while the scavenging contractor, secure in his monopoly of municipal contracts, disregarded his requirements.

During the months of August, September, October and November the mortality from fever had attained an unprecedented height and justified the belief that the inadequate service rendered by the contractor was one of the main obstacles to the proper cleansing of the urban area. Being paid a fixed sum for his services, he naturally endeavoured, in the time-honoured manner of contractors, to augment his personal profits by removing as little filth as possible and by confining his operations to

the immediate vicinity of the place of deposit. Consequently areas which most required cleansing, namely, the slums separated from the chief public thoroughfares, were totally neglected. Filth was allowed to accumulate in by-lanes to such an extent that in Pattuckwady, for instance, 'the heaps of rubbish had been consolidated until a height of two feet above the original road was obtained.'¹ The Commissioner had, therefore, ample justification for cancelling the contract and he lost no time in getting rid of the all-powerful defaulting contractor.

It was accepted as the first axiom of the science of sanitation that the duties of the Health Department should be executive as well as inspectorial, and the Department was accordingly charged, from 1st November 1865, with the whole work of cleansing the town. The Public Health Department, as we now know it, was thus the first fruit of the new régime. The Bench of Justices voted a grant of Rs. 6,26,646 for its maintenance, and the following executive establishments were incorporated in it:—

1. The Scavengering Establishment.
2. The Drain-Cleaning Establishment.
3. The Road-Scraping Establishment.
4. The Town-Sweeping Bunder Establishment.
5. The Foreman Carpenter and Store-keeper's Establishment.

¹ By way of illustration we may reproduce the following scraps from the chapter on Bombay Street Notes in Douglas's delightful '*Glimpses of Old Bombay and Western India*':—

1852, June 18—'the Fort is ~~so~~ cleaner nor more savoury than it was in your time' (say 1832).

1854, 'Hornby Road is one of the filthiest streets in Bombay'—many letters in the papers on the Main Drain Nuisance.

1858, May 15—'The sanitary condition of Bombay is a disgrace to us all.'

1859, May 17—'Ditch fearfully foul.'

1860, February 29—'From Colaba Church to the light house *the stink might be cut with a knife.*'

6. The Market and Slaughter-House Establishment.

7. The Night-Soil and Halalkhores' Establishment.

The secret of successful sanitary work is minute subdivision. The island, was, therefore, portioned off into eleven wards, which were subsequently reduced to ten by combining Parel and Mahim. Each ward was divided into a number of sections, each section into sub-sections and to each sub-section a Muccadam with carts and coolies was allotted. In charge of each ward was a European inspector, whose business it was to visit each sub-section in the course of his daily rounds and the Health Officer personally went round to see that down to the smallest sub-section there was an adequate and efficient establishment and equipment with supervision to ensure its cleanliness. With such an organization the roads were cleansed more thoroughly than they ever had been and cart loads of garbage and filth, to an extent undreamt of before, were removed from amid the habitations of the people. Several miles of covered drains were opened and cleaned, the number of public latrines and urinals was increased, and all offensive trades were removed from the inhabited parts of the town to distant localities, where they were under constant supervision. Owners of private properties were relentlessly compelled to remedy sanitary defects. Unwholesome food was promptly destroyed, and persons endeavouring to sell food unfit for human consumption were vigorously prosecuted and punished.

The result of these activities was clearly reflected in the general contentment of the populace and in the rate of mortality, which fell from 30·62 per mille in 1864 and 35·04 in 1865 to 25·50 in 1866, 18·95 in 1867 and 19·20 in 1868. These statistics, however, can convey no idea



THE HALALKHORE.

A pillar of the Conservancy Department

of the unremitting labour of all concerned and of the great difficulties and obstacles that the new department had to overcome. Two typical incidents may be recalled—the strike of the Halalkhores and the revolt of the butchers.

In caste-ridden India the lowest of the down-trodden castes is that of the Halalkhore. That the heaven-born Brahmin should stand in mortal fear of being defiled by his shadow is intelligible; but that even the Mahar, the hereditary village-scavenger of the Dekkan, should shun him, as he does, as loathsome, and disdain to associate or take food with him, passes comprehension. No human being was regarded as more execrable, and apparently reports of his degradation had reached the ears of Western people at a comparatively early date, for we find Burns, the poet, referring, in a letter of 1786, to the ‘hallalcores of the human race.’ In his administration report for the year 1866 Dr. Hewlett gives the following pen-and-ink portrait of the Halalkhore :

‘Distinct and degraded from birth as the Halalkhore is, he is yet, generally speaking, when young, well-grown and possessing pleasing and symmetrical features. The generality, however, of the full-grown men are addicted to every kind of debauchery. Without the restraining effect of any kind of religion, they indulge in every vice, and become prematurely old and worn out. Their great pleasure appears to be to drink the most ardent spirits they can procure until they fall down in a perfectly lethargic state. Whilst in this state you may roll them over, you may pour buckets of water upon them, without eliciting any greater sign of vitality than a feeble grunt, and nothing will rouse them until they have slept for some hours, when they get up without any headache or other apparent ill effects. Yet they are not altogether bad. It will be within your (the Municipal Commissioner’s) recollection that I found a European lad, 17 or 18 years of age, living amongst them, and entirely supported, fed and clothed at their expense. This wretched boy was the son of a

soldier who took his discharge 'from a regiment in the Punjab, and who came down to Bombay with his wife and this boy in search of employment. The wife died ; the father applied for and obtained a passage to England at the expense of Government, leaving this boy to take care of himself as best he might. He sank from bad to worse and at last, as he said, was nearly dying of actual starvation, when these men, the outcasts of society, took pity on their brother-outcast, and supplied him with the necessities of life, which he could not obtain from his fellow-countrymen.'

In those days, a gang of about 500 Halalkhores resident in Bombay enjoyed a monopoly. The head men amongst them received sums varying from Rs. 100 to Rs. 500 a month for the cleansing of certain streets, which, says Dr. Hewlett, 'was recognized by the rest of the caste as family property, the consequence being that the privies throughout the town were often left untouched for days.' To break this monopoly it was decided to augment the Halalkhore force. By the end of the year 1865, fresh Halalkhores imported from up-country numbered 255, and they were placed at the disposal of the public in certain sections of the town. The local sweepers who believed that they had the divine right to the monopoly of the business protested against the action of the authorities and went on strike. Alarmed at the introduction of these new men, they decided to compel their masters by all possible means to adhere to the old system. The population served by these recusants amounted to upwards of 6,94,000 souls, herded together in thickly-populated localities. 'It is fearful to imagine,' observes the Commissioner in his report, 'what might have been the result, if the strike had continued in an undrained town like this. We felt that at any cost and by the most resolute measures we must save the town from even the risk of such an occurrence in future.' Agents were despatched to Central India, Karachi and the

Dekkan and even as far as the North West Provinces, to enlist new men. The inconvenience suffered by the citizens can be more easily imagined than described, but after the tenth day of the strike the head men were brought to terms, and the Health Officer enrolled the whole number. Drafts from up-country, however, continued to arrive so that within two or three months the staff was more than doubled, and the soil removed was treble the quantity formerly carried away from the town.

The butchers were another turbulent class with whom the Commissioner had to deal. Early in the year 1866 he obtained sanction to the removal of the slaughter-houses to Bandra and to the running thence of a daily meat-train. The whole butcher fraternity, however, strenuously opposed to the last the proposal for mechanical transport. On the 14th September 1865, a butcher was sentenced to two months' imprisonment with hard labour in Her Majesty's country gaol for having brought for slaughter a diseased bullock, unfit for human food. On the 15th October another butcher received the same punishment for exposing for sale the carcase of a diseased goat. Under the previous Act a fine only could have been inflicted for this class of offence. As the butchers maintained a common fund to meet such contingencies, no amount of fines inflicted by the magistracy made any impression on these men. When, however, they discovered that the new Act empowered the magistrate to send an offender to prison for six months, and to inflict a heavy fine also, they were indignant and obtained a writ of *certiorari* praying that the decision of the magistrate, Dossabhoy Framjee, might be quashed on certain technical grounds. Mr. Justice Couch, however, upheld the decision of the magistrate.

The condition of the markets at this date was, in Crawford's opinion, 'certainly disgraceful to Bombay.' Measures were taken to effect improvements and to provide additional temporary markets where they were needed. Towards the end of the year 1865 Government presented the Municipality with a valuable site on the Esplanade in the immediate neighbourhood of the old markets on condition that general markets should be forthwith erected. Plans for a General Market were accordingly prepared and the work of construction was commenced without delay and pushed forward with vigour. These General Markets, named after the Commissioner, are a worthy memorial of the foresight and energy which made Arthur Crawford's administration perhaps the most eventful in the whole history of the Municipality.

The slaughter-houses were removed to Bandra. For the transport of meat a daily meat-train service was arranged—a measure long needed but strenuously opposed to the end by the whole guild of butchers. Every possible precaution was taken to guard against offending the prejudices of the people,¹ but, observed the Commissioner, 'neither in this nor in any other matter, when we have right and reason on our side, will we make the smallest concession to idle clamour. I am and have been from the first prepared for any combination on the part

¹ The prejudices showed themselves at every step and in the most trivial detail. For instance, not only was it necessary that the mutton and beef should be slaughtered under separate roofs and in distinct buildings, but also the blood and drainage from the Beef slaughter-house could not be allowed to pass even in an underground sewer past the Mutton slaughter-house. Again, besides a wall dividing the two yards, it was imperative that it should not be possible to see from the Mutton yard and building into the Beef slaughter-house; and the mutton and beef must go in separate vans, the buffers of which must not even touch each other (a separate train was even demanded) and on arrival in Bombay the mutton and beef must not 'see each other' but must be carried away to market by different routes and a separate gang of coolies must be employed to cleanse each slaughter-house. (Administration Report for the year 1867.)

of those interested in the maintenance of the old nuisances.'

The time for putting this forcible decision to the test soon arrived. Averse to any departure from traditional methods, the butchers set their faces against all reform, and in the hope of intimidating the municipal authorities, they endeavoured to play upon the prejudices and excite the fears of Hindus by disseminating false reports about the arrangements for the conveyance of meat. According to official documents, many ignorant persons actually abstained from meat, believing that it had been defiled. The butchers then engineered a strike, but discovering that the Commissioner had provided himself with butchers and cattle they resumed work. Once more during the year they organized a general strike, but it likewise resulted in their complete discomfiture and humiliation. 'The fact is,' observed the Commissioner, 'these people have been treated with excessive consideration; their profits are enormous; and the trade being in the hands of a few men, they have, or rather had, a mistaken idea of their power. I do not think they will be foolish again, but if they repeat the offence it will be a very easy matter to ruin them entirely, and it shall be done.'

This ultimatum, however, did not bring the butchers to their knees. They hazarded one more strike. On 1st January 1868, without notice they refused to work, as a protest against an increase in the slaughter-house fees sanctioned on the recommendation of a Committee appointed in the preceding year. Only 12 butchers stood by the Municipality. The Commissioner countered their action by securing men from up-country, whereupon the strikers immediately expressed their willingness to resume work. The Commissioner, however, was bent upon teaching them a lesson and on

securing the public against similar occurrences in future. He barred them from the markets for five days and obtained from them a written apology and guarantee for their good behaviour. The following extracts from their petition show how ignominious their defeat was :

' We, the Beef Butchers of Bombay, now humbly beg forgiveness of the Committee at large, and of the Municipal Authorities, for the recent and former strikes. We, hereby, one and all, promise that nothing of the kind shall occur again, and as a material guarantee we hereby deposit with the Municipal Commissioner the sum of Rupees five thousand which we are willing to have forfeited for the benefit of the Municipal Fund, should there ever again be a strike or any attempt to oppose the decision of the Worshipful Bench of Justices or to break through the condition hereinafter agreed to.'

Various improvements in medical relief were suggested by the Health Officer and the Commissioner. At this distant date it is necessary to call attention to only one of those suggestions concerning increased hospital accommodation in the city which after sixty years of progressive administration is still singularly deficient. 'Sixty years ago' makes all the difference in the towns of civilized countries in Europe and America; unfortunately, this is not the case in India. Computing the rate of sickness to the total number of deaths the Health Officer raised the question: 'What accommodation has been made in this city for so large a sick list and are we as well provided in this respect as other commercial and maritime towns in Europe?' From the reports of the Registrar General and of Drs. Bristowe and Holmes, published in the sixth annual Report of the Medical Officer of the Privy Council, he compiled a list of civil hospitals in Great Britain and other places, showing the population of each town, the number of hospitals