

less, he appropriated all the votes; and this highly anomalous state of affairs continued for a number of years. Even after the impetus given by Lord Ripon to local self-government in the country, the rate-payer tolerated without a murmur this flagrant piece of injustice. The Act of 1888, which was believed to be a pattern of local legislation, did not cure the constitution of this fundamental defect.

That enactment, no doubt, somewhat broadened the basis of representation by enfranchising the graduates of the Universities in British India or in the United Kingdom. But while this new constituency was useful as a leaven, it represented merely a fraction of the total number of rate-payers. The fact remained that the foremost self-governing body in India, charged with the good government of a city that claimed to be the second in the Empire, was elected on a franchise which could hardly be called popular. The property qualification was a survival of feudalism, a state of society in which almost all public rights were inextricably interwoven with the tenure of land and in which the whole governmental system—financial, military, judicial—was part of the law of private property. 'It is utterly impossible,' says Maitland,¹ 'to speak of our mediæval constitution except in terms of our mediæval land law.' The feudal system was extinct in England, but in India the 'mediæval constitution' lingered on. What, however, strikes the student of local legislation of the twentieth century as most astonishing is not so much the narrow basis of the constitution, as the absence of popular criticism or denunciation of such a type of constitution. The Municipal reformer of 1872 had fought valiantly for the recognition of the 'elective principle'

¹ *The Constitutional History of England.*

and secured the franchise for the rate-payers. Within a very short time, however, for administrative reasons the true rate-payers were deprived of their votes; the reformers of the time acquiesced and so did the rate-payers.

This supine attitude on the part of the people throws a lurid sidelight on their conception of the duties and prerogatives of citizenship. Loud as were the lamentations often poured into the public ear by the critics of municipal administration concerning the inefficiency of the machinery of government or the ineptitude of councillors, not a whisper was heard that notwithstanding the loud talk of municipal reformers the municipal government of the City could scarcely be called a government of the people by the people. It was obvious that while public spirit was not altogether dead, while a section of the people was intelligent enough to demand a high standard of Municipal efficiency, the bulk of the population had not yet developed a civic conscience. It was all very well for casual observers to admire the growth of civic government in Bombay, it was all very well for Governors and Viceroys receiving addresses from the Corporation, in the name and on behalf of the citizens of Bombay, to compliment the city on the distinction, earned by the achievements of her citizens, of being *urbs prima in Indis*; a student of comparative systems of local government would have seen in the fabric of the civic government of Bombay a good deal to provoke adverse comment and condemnation.

The populace was not yet stirred by civic impulses. Lack of interest, if not positive indifference, marked the attitude not only of the illiterate masses, but of a large section of the educated classes in matters municipal, particularly in the election of members of the Corporation. No effort was made to evoke a corporate personality in

which each resident should feel conscious of his share in the municipal government of the city. Election after election was held at which the contest for seats was not even as keen as in mofussil municipalities. At every ward election the number of candidates offering themselves for election was barely in excess of the number of seats allotted to each ward. Even those few rivals were often spirited away by the sitting members before the day of the contest. The withdrawal of their candidature invariably gave rise to scandals, and at times one heard disagreeable stories of the consideration paid or offered by the old stagers as well as the neophytes for a 'walk-over.'

More depressing still was the apathy of the voters as a class. On an occasion of such supreme importance to the municipal government of the city hardly ten per cent of the electorate took an intelligent interest in the elections or were keen on registering their votes. The rest had to be coaxed and cajoled to drive to the polling booth in conveyances provided by the candidates. It was an open secret that in certain wards, particularly in the B ward, a vote had to be paid for, not merely in the form of refreshments and free rides in hack victorias and motor cars, but also in hard cash. But despite all coaxing and allurements, nearly half the number of the voters did not care to exercise the franchise. The vote had no value in their eyes and they were entirely oblivious of the elementary obligations attaching to the franchise. No wonder the Corporation continued for years to be a close borough of landlords and capitalists. No wonder that even to the most friendly observer of the municipal life of Bombay, the citizens appeared woefully deficient in the essential qualities which mark the growth of a nation and its advancement along the path of self-government. The deliberative and

executive parts of the Municipal machinery worked well enough, but the constitutional part was absolutely antiquated and out-of-date, though not altogether obsolete, and stood in urgent need of overhauling. Yet the rate-payer slumbered on.

Under the Act of 1888 only house-owners and owners of carriages and horses assessed to the qualifying tax at the rate of not less than Rs. 30 per annum and graduates of Universities in British India or in the United Kingdom were entitled to vote at ward elections. Until the franchise was broadened, there was no hope of the population being trained in citizenship. It was thus a vicious circle. The cramped constitution was the cause of the apathy of the people and their apathy perpetuated the oligarchical system of election under which no more than one per cent of the population of the City enjoyed the municipal franchise. The credit of being the first to demand a reform in that direction belongs to Mr. Joseph Baptista, who was first returned to the Corporation in the year 1901. During the first four years of his membership many a debate had taken place, proving that there was some justification at least for the charge not infrequently laid at the door of the Corporation that it was a 'landlord Corporation.' Nearly half Bombay was owned by a handful of landlords, and as they could influence the municipal elections very materially, it was but natural that they should preponderate in that body in alliance with the owners of small properties.

In August 1905, Mr. Baptista gave a notice of motion for asking Government to move the legislature to amend the Municipal Act, so as to give a vote to every person who paid a rent of Rs. 25 per month. He probably thought the announcement of the proposed reform would make the house-holders dance with joy from Colaba to Mahim. It met, however, with so cold a reception that the

motion was withdrawn by him at a meeting of the Corporation held on 25th September 1905. Other motions to give the vote to rate-payers, subsequently brought forward by some Councillors, also failed to evoke popular interest or enlist the support of their colleagues on the Corporation. Mr. Baptista was, in the meanwhile, preparing for a flank attack on the all too powerful constituency of the propertied class who exercised such a dominating influence in and outside the Council Chamber. On 18th February 1907, he deftly tabled a resolution calling for a statement showing the number of persons primarily liable for the payment of property taxes leviable on land and building according to the scale of rateable valuations prepared by him. The statement furnished by the Commissioner revealed the fact that about 500 persons practically owned half Bombay. The rest owned properties assessed at less than Rs. 10,000 per annum. The total number of persons assessed to the property tax in 1907 was 12,000. This small section practically monopolized the franchise; the bulk of the population was voiceless.

After this strategic move followed a notice of motion given jointly by Messrs. Kazi Kabiruddin and Baptista for the appointment of a committee to suggest changes in the Municipal Election Law, especially in the constitution of the Corporation, in the qualifications of voters and in the extension of the franchise to occupiers and tenants, barristers, solicitors, physicians and surgeons and engineers not already qualified.

It was one of those Committees on whose portfolio was inscribed in letters of gold the time-honoured apothegm *Festina Lente*. Electoral reform in Bombay was overdue; the election of sixteen members by the Justices was an anachronism; so also was the nomination of another batch of sixteen councillors by Government an

archaic survival of the days of bureaucracy, altogether repugnant to the ideals of local autonomy. The Committee should rightly have proceeded post-haste to report that the time had come for a complete transformation of the constitution. Without elaborate enquiries and discussions it could have easily made out a case for immediate reform. In the dim old days the Justices represented a fair proportion of the intelligentsia of Bombay and had, therefore, enjoyed the sole privilege of managing the municipal affairs of the city. Even after the introduction of the elective principle in the constitution of the Municipality, they were allowed, together with Government, to return to the Corporation 50 per cent of the members, as the rate-payers then were, or at any rate appeared to be, still in their teens. The rate-payers had, however, since attained twice the statutory age of majority and were by no means so humble as to exclaim in the manner of Sâdi, the Persian poet, that even at that age they had not emerged from the stage of infancy. Rather, they claimed that they had learnt enough in the school of local self-government to be able to manage their estate. There were some members of the Corporation, however, who doubted whether with age, and even with knowledge, full wisdom had come. The difficult question that the Committee had, therefore, to decide was how to redistribute the seats so as to emancipate the Corporation from the tutelage of Government, exercised directly through their nominees and the Chief Executive Officer, whom they had reserved the right to appoint, and indirectly through the representatives of the Justices, who were their nominees, and at the same time protect that body from being swamped by the masses, if the suffrage was extended indiscriminately.

The Justices were at one time regarded as the cream of Bombay society. Their constituency returned to the

Corporation from time to time men like Pherozechah Mehta and no one had raised his voice against the electorate until the election of 1907 when the whole of Bombay was shocked and convulsed by a caucus formed by a few Justices, prominent amongst them being a few Government officials, to deal a crushing blow to Pherozechah at the poll. Opinions will differ as to whether the abuses heaped indiscriminately on all those who participated in the movement were justified, but the conduct of those who abused their official powers and patronage in the obnoxious campaign against the popular hero cannot be too strongly condemned. Such a misuse of authority demoralizes the public life of a city and does incalculable harm to the cause of civic government and in this particular case the corrupter and the corrupted played a part which no casuistry can justify. This consideration should not, however, prejudice a critic of the cabal so completely as to make him ignore the simple moral to be drawn from that distressing episode in the history of the Corporation.

The position which Pherozechah occupied in the Corporation was without a parallel in the whole of India. What Gladstone was to the Liberal party, what Chamberlain was to the Corporation of Birmingham, Pherozechah was to a large extent to the Bombay Corporation, but with this difference that the ascendancy enjoyed by the first two over their colleagues paled into insignificance before the supremacy enjoyed by Pherozechah. Towering head and shoulders above his colleagues, he stood at the zenith of his power in those days. No one could hope to carry anything in face of his opposition, no one could aspire to any position of dignity or distinction in the Corporation without his support. This power was reflected in the titles by which he was known—'the uncrowned king of the Corporation,' 'the kingmaker,'

'the dictator.' To give some idea of the immense influence he thus wielded in the Corporation Hall and the homage he received, we may apply to him what Johnson said of Wolsey. In full-blown dignity he stood, 'law in his voice and fortune in his hand;' to him the councillors, elected and nominated, alike resigned their powers and through him shone the rays of the Corporation's bounty.

'Turn'd by his nod the stream of honours flows,
'His smile alone security bestows.'

Not only did he carry the day when present in the civic chamber, but even when absent from meetings his voice prevailed by means of messages sent from the heights of Matheran or Deolali, whither he repaired periodically for a change. Nay, to transact any important business during his absence was as inconceivable as to stage the play of Hamlet without the prince of Denmark. That man would be superhuman, indeed, whose ideals of liberty and democracy would not be affected by such hero-worship, and Pherozechah, with all his greatness, was but human. True it is that he often earnestly appealed to his admirers not to spoil him by their hero-worship. True it is he persistently nipped in the bud proposals periodically put forward to vote testimonials and statues to him during his lifetime. Nevertheless, power he prized and was extremely jealous of his kingship and it must be admitted in the interest of truth and the moral that it conveys that it seemed even to some of his sincere friends and admirers who had the opportunity to watch him at close quarters, and of those the writer may claim to have been one, that as the inevitable result of the willing homage paid by his followers he grew at times impatient of criticism and imperious in his leadership, unmindful of the fact that the yoke of his ascendancy was

day after day becoming very galling to the executive and to a small but powerful section of the Corporation to whom such supremacy appeared to be nothing short of dictatorship. Indeed the one-man rule in the Corporation was at times reminiscent of Cæsarism, and towards the end of the year 1906 it was felt by some people that the progress of such absolutism in Bombay must be checked, not so much for what the local Cæsar had been, not so much for what he was, but for what he might still be. It would, therefore, be unfair to assume that every one of the Justices who took part in the caucus had a personal grudge against him or was actuated by spite or jealousy. It is not true that even for the time being his great and glorious services to the city were forgotten or underrated by those citizens who had enjoyed the privilege of working with him for years together in the service of the city but who felt constrained to range themselves against him in the interests of the very principle of free government for which he stood. Had it not been for the fact that the one-man rule was becoming more and more unbearable, had it not been for the conviction that such domination of an individual, howsoever talented and public-spirited, struck at the root of local self-government in the city, some at least of the caucus party would certainly have shrunk from taking any step likely to undermine his position in an institution to which he had dedicated his life with a fervour and self-sacrifice unique in the history of the city.

The 22nd February 1907 was a fateful day in the history of the Bombay Corporation. The much-talked-of Justices' election was held on that day amidst scenes of wild excitement. On one side were arrayed some of the most prominent Government officials and their followers, the most notable amongst them being F. C. Harrison, the Accountant-General, who officiated

as Commander-in-Chief of the caucus, the Collector of Bombay and the Commissioner of Police. There was also the masterful Municipal Commissioner, who, it was believed, rightly or wrongly, was skilfully pulling the wires from behind. The appointment of the Justices was in the gift of the three last-named officers, and what potent influence those J. P. makers were in a position to exercise over the election can be easily imagined. On the other side stood Pherozechah Mehta and his party. All that he had given and could give to the electorate were his splendid talents and his magnificent services and passionate love for the city; he had no plums of office or titles to distribute as his opponents had. Thus unevenly matched, the combatants found themselves face to face at that critical juncture.

The Justices used to hold a formal meeting before proceeding to cast their votes. Gallant and guileless as he was, Pherozechah proposed that Mr. (now Sir) William Sheppard, the Municipal Commissioner, should take the chair. Although the odds were against him, he was determined to fight like a soldier and a sportsman. It was a life and death struggle, but it ended, as apprehended, in the complete triumph of the caucus 'independents.' The lion was laid low for the time being. He stood seventeenth on the list. Of the successful sixteen the cabal claimed fifteen, the only outsider, who retained his independence, fought a 'straight fight' and succeeded in spite of the machinations of the caucus, being Sir Dinsha Petit.

The curtain now rises on the Small Causes Court where the results were challenged. It was not difficult for Pherozechah's party to establish the fact that one of the caucus nominees who was declared elected, was a Municipal contractor and therefore disqualified. As he was the next candidate on the list, Pherozechah was

declared elected. Even before the decision of the Court was given in his favour, his loyal lieutenant, Hari Sitaram Dikshit, had made room for him in the Corporation by resigning his seat, to which he had been elected by the rate-payers of the Girgaon Ward.

This, however, was not a matter of discomfiture for the caucus. In fact, the promoters of the movement were aware that he was sure to return to the scene of his life-long labours through one of many avenues. Providence had linked his destiny with the Corporation till the last day of his life and no one could ever have ventured to hope, even if he had desired, to sever the bond. All that his opponents could have hoped to achieve by defeating him at the poll was to remind him that absolutism was incompatible with the principles of a deliberative assembly and that there was no place for a dictator, howsoever brilliant and adroit, in a self-governing institution such as the Corporation. Whatever differences of opinion might have existed and may still exist as to the means adopted by them to drive that lesson home to him, or as to the part played by certain individuals in the tussle, it must be recognized that the reminder was not quite uncalled for, and that it had a salutary effect on all concerned. Pheroze Shah himself was not slow to profit by the experience. It redounds not a little to the credit of the crippled general that even in the caucus Corporation he soon rehabilitated his position. Calm soon followed the storm and once more the Corporation looked up to him as the leader of the House.

After this episode, however, the Justices' constituency stank in the nostrils of the citizens of Bombay, whose consternation and indignation at the humiliation of their idol knew no bounds. The whole of Bombay flared up into a genuine little revolt against an electorate

which had thus insulted Bombay's foremost citizen. There was a popular outcry against the constituency and the Committee of the Corporation found it by no means easy to decide whether it should be ended or mended. There were many, however, who cried 'Hands off.' They apprehended disastrous consequences if that constituency was abolished or atrophied. They also strongly resisted the proposal to reduce the number of Government nominees on the Corporation. It would have been uncharitable to attribute interested motives to those who harboured such fears, but their objections were brushed aside on the ground that the acceptance of the proposed reforms meant for several of them the signing of their death warrant. The battle raged long and furiously; meanwhile the main issue became mixed up with the questions of improvement of the electoral law, the preparation of the election roll, and the conduct of elections, which were brought into prominence by certain malpractices which prevailed at the Municipal election of 1910.

Three more years rolled by; nothing was done. Another election was held. If we accept the assurance of the Municipal Commissioner of that date, Mr. P. R. Cadell, the greatest possible care was taken to avoid the abuses witnessed in the course of the previous elections. There could be no doubt that under the keen supervision and guidance of that argus-eyed Commissioner to whom no detail, however trivial, was unimportant or uninteresting, the Municipal authorities responsible for the conduct of elections took all possible precautions to detect and check the frauds which the Commissioner was anxious to prevent. But, observed the Commissioner in a letter to the Corporation, dated the 26th May 1913, 'although the circumstances of the election in most of the Wards were not such as to offer any great tempta-

tion for such abuses, which also the great majority of the candidates were most scrupulous in preventing, yet they were found to exist in the same Ward (the notorious B Ward) in which they were so prevalent in 1910. A suit in the Small Causes Court followed which resulted in one of the elected members being unseated after a revelation of practices which can be called discreditable to the manner in which it is possible to elect a member of the Municipality.'

Important changes were proposed in the Electoral Law and they were referred to the same Committee. The Municipal executive, members of the Corporation, individual citizens and associations such as the Matunga Residents' Association and the Indian Chamber of Commerce, all submitted suggestions. These were duly considered by the Committee, but except a couple of reports on items of procedure requiring urgent attention, no communication of any importance touching the constitution of the Corporation emanated from it. Meanwhile, the recommendations of the Decentralization Commission, followed by the Government of India Resolution of 1915, and the still more emphatic reforms of 1919, introduced the policy of popularizing the constitution of local bodies and of broadening the franchise, with a view to enabling a much larger section of the public than before to take an active part in the administration of local affairs and to qualify themselves for self-government. Even before the proclamation of August 1917 a memorandum had been submitted by nineteen members of the Viceroy's Council on post-war reforms, in which they had asked that full measure of local self-government should be immediately granted and, probably following their lead, the Poona City Municipality had placed on record its deliberate opinion that members of all local self-governing bodies should be

elected by the people. The Committee of the Bombay Corporation could not, however, yet make up its mind as to the reforms best suited to the constitution of the premier self-governing institution in India, nor did the Corporation, constituted as it was, seem particularly anxious to move in the matter.

The rate-payers became restive. The debates of the Corporation and the agitation in the newspapers, led by Mr. Baptista, had at last awakened the public to a sense of the galling iniquity underlying a constitution under which out of a population of about 12,00,000 only 12,000 owners of houses enjoyed the Municipal franchise to the exclusion of the actual rate-payers. There were, at least, some individuals and associations that entered their protest against the system as being quite out of keeping with the educational and civic progress of the people. The spirit of the times demanded that the Municipal Corporation of Bombay should be a truly representative body elected by the suffrages of the rate-payers as a whole and not merely of a few influential sections and vested interests. But even this popular outcry failed to galvanize the Committee of the Corporation into action. It, however, touched a sympathetic chord in the heart of one of the members of the Executive Council of the Governor of Bombay, Sir Ibrahim Rahimtoola, who was then in charge of the Municipal portfolio. Acting on his advice, the Government of Bombay decided to take the initiative in the matter without waiting for a gesture from the Corporation. Before his elevation to the Executive Council Sir Ibrahim had, as a member of the Corporation, taken a prominent part in the proceedings of the Election Committee. He had seen how difficult it was to get the divergent elements in the Committee to agree to a working constitution in consonance with the requirements of the times. The best way of bringing matters to a head,

he thought, was to address a letter to the Corporation on behalf of Government and to put before them a definite scheme of extension of the municipal franchise and further development of local self-government in the city. In that letter, dated 3rd March 1919, the Corporation were asked whether they would agree to the number of councillors being increased from 72 to 100, 76 of whom were to be elected by the citizens, 20 to be nominated by Government, or at their discretion partly nominated and partly elected by such associations or public bodies as might be selected by them, and 4 co-opted by the selected members. They were also asked whether they would accept a monthly rental of at least Rs. 20 as the basis for the franchise proposed to be allowed to tenants.

Anxious as the Honourable Member was to introduce in the Legislative Council a Bill embodying the proposed reforms, the dilatory procedure of the Corporation rendered it impossible. That body would, however, have been false to its traditions, had it even at that late stage in the discussion of the question expressed an opinion without further sifting it in Committee. At one time the Committee had thought of suggesting a fifty-rupee franchise; then there was a proposal to extend it to tenants assessed upon a rental of not less than Rs. 30 per mensem, and now Government had proposed a still lower franchise. After a good deal of deliberation and discussion the Corporation at last communicated to Government, in October 1919, their acquiescence in the proposal to enfranchise tenants paying the minimum rent of Rs. 20 per mensem. Meanwhile, however, the Montagu-Chelmsford Reforms had come into operation and under the ill-starred dyarchy introduced by the new constitution, Sir Ibrahim had to make over the portfolio of self-government to one of the ministers appointed by

Government, Khan Bahadur Shaikh Gulam Hussain Hidayatullah.

From this minister came another communication to the Corporation, stating that Government proposed to introduce a ten-rupee franchise instead of the twenty-rupee franchise previously proposed. The question had been discussed threadbare by the local parliament, but after further consideration in Committee the Corporation informed Government that they could not accept a limit lower than that of Rs. 20. It seemed to many to be a singularly uncompromising and unprogressive attitude for the foremost self-governing assembly in India to adopt. Under the reforms a ten-rupee franchise was adopted for the election of the Legislative Council of the Governor of Bombay, and if the object aimed at, according to the report on Indian Constitutional Reforms, was complete popular control of the local bodies, it stood to reason that the Municipal franchise should have been equally, if not more, liberal. Further correspondence ensued, and as Government wanted the proposed electoral reforms to come into operation in the year 1923, and as it was necessary that the Municipal roll should be prepared in October, 1922, the minister made a desperate effort early in the year to rush through the Legislative Council a Bill further to amend the Municipal Act of 1888.

The main object of the Bill, it was announced with a flourish of trumpets, was to reconstitute the Municipal Corporation of Bombay on a more democratic basis than before. Was there any element of democracy in the previous constitution that was not vitiated by the system of different franchises and nominations incorporated in it? That was a conundrum which, had it been propounded by any member of the Legislative Council, would have probably compelled the Cædipus, whose business it was in the Council to solve such riddles, to commit suicide. How-

ever, his equanimity whilst introducing the Bill, was not marred by any such untoward proceedings. He explained that the number of Municipal Councillors was to be raised from 72 to 100, of whom 76 would be elected, 4 would be co-opted by the elected members, and the remainder in part nominated by Government and in part elected by bodies of associations determined by Government. The number of Councillors on the Standing Committee had been raised from 12 to 16, and the number of elected Councillors on the Committee from 8 to 12, thus raising the elective element on the Standing Committee from two-thirds to three-fourths. The various franchises that existed under the Act of 1888 had been replaced by a uniform franchise, under which occupancy of a building separately occupied of a monthly rental value of Rs. 10 was to be the qualification for a vote.

This was the sum and substance of the much-vaunted democratic measure with which the citizens of Bombay were to be blest. No greater travesty of democratic principles could have been indulged in before the senators of the second city in the Empire. What prodigious reforms were here outlined, what elysian heights of democracy scaled by the apostles of local self-government! It was, indeed, very distressing to hear the supporters of the measure talking jubilantly of democracy, despite the system of nominations by Government which clung to the constitution and despite the appropriation by the Governor in Council of the power to appoint the Chief Executive Officer, who was independent of the Corporation in many respects. It would not surely have detracted in any way from the value of the reforms and it would have been more in consonance with truth had the minister been content to claim for the Bill that it marked a great step in advance and sought to emancipate

the rate-payers of Bombay from the domination of the privileged classes who had usurped the franchise. Mere broadening of the franchise can by no stretch of imagination or language be described as democratizing the Corporation whose constitution still remains a hybrid one—a strong tincture of bureaucracy diluted with a mild mixture of democracy.

Another important change contemplated by the Bill was the removal of the disqualification of women from membership of the Corporation. 'This,' said the minister with pardonable pride, 'is a unique step in the whole history of local self-government in India, and thus affords just cause for gratification.' But while it might have been a source of pride and pleasure to the minister to introduce the change by legislation, it was an eloquent commentary on the backward condition of India and on the unprogressive civic records of the premier city of the country during the thirty years and four that had elapsed since the constitution was settled by the Act under amendment! But to proceed. The Bill comprised several other provisions, the most agreeable of which for the Municipal employees related to the establishment of a provident fund for them, and the most disagreeable for the members of the Corporation was that which reduced the term of office of the then newly elected councillors from three years to one year, in order to introduce the new constitution before the year 1923.

In vain did the majority of members of the Corporation in the Council plead for the postponement of the consideration of the Bill to the July session of the Council, and failing that for caution before lowering the franchise indiscriminately. Among the mofussil members the so-called democratic measure found most willing and gallant champions. Rao Saheb Desai pointed out

that in the mofussil the franchise was only eight annas and that it was practically a universal franchise. 'Why should not Bombay be placed on the same footing?' 'Is Bombay,' he asked, 'educationally backward? Does Bombay lack those civic qualifications required for Municipal Boards?' Mr. S. K. Bole had also some very refreshing strictures to pass on the attitude taken up by the Corporation in the matter of the franchise, 'It was the Municipal Corporation of Bombay,' he said, 'who had delayed the measure, as some of the aristocratic members of that body did not like to have with them on the Corporation Rama, Ganu and Janu, on the ground that they were too ignorant to understand Municipal business. But I think, Sir, it was the duty of those very corporators to try and remove the illiteracy of the masses. They have not made any earnest efforts in this direction, as they want Rama and Ganu to be always Rama and Ganu, and not Ramchandrapant and Ganeshpant.' This was a neat home-thrust and the advocates of a higher franchise reeled under it.

A very good case might have been made out for the proposal to defer the measure to the following session, as in the hurry to have the elections on the reformed basis early in 1923 many practical difficulties had been overlooked. The question of redistribution of seats under the new constitution had not been examined. Then, there was the question whether, even if the Bill had been finally passed at the July session, it would have been possible for the Municipal Executive to prepare the roll by the first week of October. All these questions required consultation with, and the coöperation of, the Corporation, who might have refused to sanction funds for the preparation of the roll in anticipation of the Bill becoming law before October. If Government were so very anxious to see the Corporation reconstituted on the

proposed lines within a year, they should have foreseen those difficulties and met them betimes. But these real objections to the proposal to rush the Bill through the Council were obscured by the imaginary difficulties conjured up by the opponents of the ten-rupee franchise and by the class prejudices underlying the arguments on which they took their stand. These arguments recalled to one's mind the case of the Merionethshire County Magistrates who, in 1833, actually went on strike for a time, by way of protest against the appointment of a wealthy local land-owner, who had, within their recollection, kept a retail shop and who belonged to 'the Methodists.' Irrespective of religious differences they objected to that individual because 'his origin, his education, his connection, his early habits, occupation and station were not such as could entitle him to be the familiar associate of gentlemen.' A somewhat similar line of argument was taken up by some members of the Council and this, coupled with the sectional prejudices stirred up by the demand for the protection of minorities, vitiated the arguments for the postponement of the Bill. Its first reading was, therefore, agreed to and the first democratic measure before the first democratic Council was committed to a Select Committee.

The principal contentious point before the Select Committee was whether the franchise should be allowed to persons assessed upon a rental of Rs. 10. The majority were in favour of the ten-rupee franchise. The dissentients based their case on two grounds—the first that the Corporation had twice recommended the twenty-rupee franchise, and, the second that the interests of minorities would be jeopardized, should the lower and wider franchise be adopted. The majority of the Committee, however, endorsed the original proposal.

In the Council the minister in charge of the Bill laid much stress on the fact that although the Corporation as previously constituted had been averse to the franchise proposed, the Corporation as constituted in the year of grace 1922 were in favour of it. Were it not so, they would not have asked the Commissioner to take in hand the work of preparation of the electoral rolls on the basis of the ten-rupee franchise, at a considerable cost, in anticipation of the sanction of the Council. It showed, moreover, that they wanted to have the election early in the following year. Further, Government had received a number of memorials from various associations in support of the measure. As regards minorities, the minister urged that the voting strength of the various communities would be the same in the case of the ten as in that of the twenty-rupee franchise. Moreover, if any of the communities were not returned by election, their claims would be considered by Government who had retained a certain number of seats for nomination. The Bill had originally provided for the nomination of twenty members by Government; the Select Committee had reduced the number to 15 and provided for 5 members being returned by the Bombay Chamber of Commerce, the Indian Merchants' Chamber and Bureau, the Mill-owners' Association and two other bodies that Government might choose. The European and Parsi members of the Council, however, were not in a mood to lay such flattering unction to their soul. They scented disaster to minorities and pressed for the recommittal of the Bill to the Select Committee with a view to proper provision being made to give adequate representation to important minorities.

Thus was the axiomatic principle of civic franchise discussed on parochial lines in those days of democratic fervour. The bogey of mass domination and the spectre

of sectarian strife stalked the Council Chamber from one end to the other, scattering the patricians and plebeians in opposite directions. Reason appeared to have abdicated in favour of emotion, statesmanship in favour of clannishness, and it seemed as if the long-deferred measure would once more be tossed about between the Council and the Select Committee. At that critical stage rose to his feet that clear-headed councillor, Sir Ibrahim Rahimtoola, whose sound common sense and simple logic have often stemmed the engulfing tides of rhetoric and given a practical turn to many a debate in the Council Chamber and the Corporation Hall. He made it clear that he did not desire to take any definite line in regard to the debate, having himself suggested in the light of his long and intimate experience of municipal affairs, a twenty-rupee franchise only four years ago. He, however, placed in a nut-shell before the House the question at issue at that particular stage of the debate. 'Is it or is it not a fact,' he asked, 'that the consideration of this measure of advancing the city of Bombay in the direction of local self-government has been under consideration for a sufficiently long time, and, if it is, whether there are any points in the Select Committee's report which cannot be dealt with by the Council as a whole by means of amendments, and whether, if such points exist, they should refer the matter back to the Select Committee?' After this lucid exposition of the question at issue, the amendment for recommitting the Bill to the Select Committee was negatived. It is not necessary for us to follow the debate in the Council in greater detail. The basis of franchise proposed was adopted, but at the instance of Mr. (now Sir) Cowasji Jehangir, who fought pluckily for it, the proposed constitution of the Corporation was modified so as to admit of ten members being co-opted

by the ninety-six members elected and nominated, as follows :—

- 76 councillors elected by ward elections ;
- 16 appointed by Government ;
- 4 elected—
 - 1 by the Bombay Chamber of Commerce ;
 - 1 by the Indian Merchants' Chamber and Bureau ;
 - 1 by the Bombay Millowners' Association, and
 - 1 by the Fellows of the Bombay University.

Some members of the Council thought co-option was another move to secure a representation for minorities, but Mr. Cowasji Jehangir assured the House that there was no attempt to get minorities represented on the Corporation by that device. The main object was 'to enable a few really good men to find seats on the Corporation regardless of their political views.' Why that reference to politics? Had the honourable member a premonition that mass suffrage spelt disaster to all except those holding extreme political views? No one, however, raised any such question. The problem that then engrossed the attention of the Council was the complicated mode of selection which was proposed. The amendment asked that the additional ten members should be co-opted by a single transferable vote.* It was by no means a novel method of election for the Council. It had been tried by it in regard to certain elections, but scarcely any one seemed to have grasped the mathematical mysteries of it. It was a method which aimed at proportional representation, but many members doubted whether it was suitable for an election under the Municipal franchise. This gave the senior wrangler in the Council an opportunity for an excursion into the realms of the science of numbers. 'This method of transferable vote,' said Dr. Paranjpye, 'is the fairest method of electing people and stopping of abuses of a caucus or

anything else,' and he reminded the Council of the caucuses that had taken place before in the history of the Bombay Corporation. The mathematician, however, failed to carry conviction until Mr. B. C. Phalajani lucidly illustrated, by a concrete example, the advantages of the system.

Here we must conclude the account of the last phase of development of the constitution. The ministerial torch of democracy has, no doubt, illumined it considerably, but a more powerful illumination is needed to make it truly democratic. Meanwhile, the presence of women in the Council Chamber sheds fresh light on old questions. With the removal of the sex disqualification four gifted women entered the Corporation and gave abundant evidence of the fitness of their sex to assist in the deliberations of that body. No occasion has yet arisen to stir the emotions of a councillor husband or friend to warlike activity owing to personalities flung across the floor of the House at his councillor consort or friend. But the ladies themselves are not wanting in martial spirit. When a councillor once indited a minute reflecting on their sex, they were not slow to retaliate with winged arrows of censure, which must almost have convinced their rash opponent that the age of the Amazons had returned.

CHAPTER XXXIII

PROJECTED REFORMS

AN oriental story goes that a king had a magnificent palace built for him. He invited all his courtiers and asked them whether any one of them could discover any defect in the mansion. They were profuse in their felicitations and declared that no human eye had ever fallen on such a stately and flawless edifice. A discordant note was, however, struck by a holy man who was present. 'Allow me to say, Your Majesty,' said he, 'that there is an aperture in this palace, which is a serious defect.' 'What balderdash is this!' exclaimed the monarch in a rage, 'I have not seen the tiniest hole anywhere.' 'Yes, Your Majesty,' replied the sage, 'there is a cavity through which *Azrael* (the Angel of Death) will find his way to this mansion. If you can manage to fill it in, do so. If not, of what use your mansion and your crown and your throne? This palace now appears to be as charming as paradise itself, but when the dark angel shows his face, it will be as dreadful and loathsome as hell.'

One is vividly reminded of this story when one regards the stately edifice of municipal government in Bombay. When the foundations of the structure were first laid in 1865, the Bench of Justices, the élite of Bombay, numbering over 500, were constituted a Municipal Corporation. The system broke down, as we have already seen. People were not satisfied with a nominated Corporation. There was not a trace in it of the representative element. The slogan of the reformers of the day was, no taxation without representation. The

foundations were, therefore, broadened in 1872 and the superstructure thoroughly overhauled. The new edifice looked more compact, though less ornate, and better suited to the requirements of the times than the original one. When the Governor of the day, Sir Philip Wodehouse, invited the courtiers of Bombay, the members of the Legislative Council, to the inaugural ceremony of the new edifice—the third reading of the Bill of 1872—was there no seer amongst them with a vision clearer than that of the rest to point his finger at the cavity through which the demon of discord, if not the angel of death, was likely to find his way to the mansion? There was one, the same J. K. Bythell, who had waged a crusade against the cotton duties on behalf of the Bombay Chamber of Commerce.

The most fatal, though veiled, defect in the hybrid measure before the Council did not escape his penetrating vision. Groaning under the burdens that had been imposed on them by the mismanagement of an autocratic Commissioner, the citizens of Bombay had asked that they should be allowed to manage their own affairs in future. The Bill proposed to give them what they sought; but was the proposal anything more than a pretence? Did not the Bill embody the seeds of fresh contention rather than provide a remedy for the defects of the old administration? To a casual observer it appeared that the Legislature had given the representatives of the city on the Corporation a form of government which ensured that the administration of the City should be carried out in the manner they considered most expedient and least likely to cause annoyance to the people. But what would one say, asked Bythell, when he saw that 'this elaborately elected Corporation was merely to vote supplies, and that its satellite, the Town Council, was merely to see that the money voted was

expended in the manner specified? And would not he be inclined to laugh and say the whole thing was incongruous, disjointed, and an absurdity, when he found that in place of the elected body of citizens being empowered by the Act to set to work and effectively organize all the municipal business, Government were to step in and appoint one of their officials with sole power to carry out all the provisions of the Act? Why in the name of goodness, he might well exclaim, was such a great fuss made about electing the Corporation and Town Council, if this was to be the end of it all? Why did not Government simply at once appoint their official and tell him to do the work, without going to all this trouble and expense? He was told that several provisions so bound the Commissioner down that he virtually could not move hand or foot without the sanction of the Corporation, but he did not believe in the theory that all the real power would rest with the Corporation and the Town Council. He gave a long statement of the powers that the Commissioner was allowed to exercise without any one having the right of appeal against him either to the Town Council or to the Corporation or to any other tribunal. Several of these powers have since been taken away from the Commissioner, but the absolute powers of granting, withholding and revoking licenses for various trades have remained intact till to-day. Bythell failed to realize how such powers could be granted to any man. The Commissioner was not bound to take evidence, as a magistrate would have been, before deciding the case. He might proceed *ex parte* or in any way he might deem most convenient, and he was to be the sole judge in the matter. There was to be a Corporation and there was to be a Town Council, but neither body was to have any power over the Commissioner in regard to

such an important matter as that. 'Government may appoint a man,' said the far-sighted critic, 'who has spent most of his Indian life in the mofussil, and such a man coming to Bombay is to be allowed to fix the localities in which certain trades should be conducted without even consulting the elected and nominated body, who are by a great stretch of imagination said to be his masters and controllers. It is indeed difficult to understand on what principle this wonderful bill has been constructed.'

The Council, however, turned a deaf ear to the gloomy forebodings of that prophet of ill. The 'cavity' remained. When the Act was revised in 1887, attempts were made to fill it in, and Lord Reay, who then presided over the inaugural ceremony, asked the wise men of the Council whether the measure they had evolved was not worthy of comparison with any advanced piece of legislation in Europe, and worthy of being laid at the feet of that great authority on local government legislation, Professor Gneist. Again there was a chorus of approval and thanksgiving. But on that occasion also there was one man—again a European, Forbes Adam—who struck a discordant note and pointed his finger at the original defect which lay hidden in the very keystone of the Act—the great central principle that the Corporation was the governing body. The idea of coördinate jurisdiction seemed to him to be fraught with chances of friction and irritation. It was an attempt to reconcile what was irreconcilable. 'It possesses,' he pointed out, 'the elements of unsettlement and feud. I firmly believe the Bill might throughout all its sections have emphasized and accentuated its central principle without running the slightest danger of fettering or interfering unduly with the Commissioner in carrying out the details of the executive work of the Municipality.'



LORD REAY

The Governor of Bombay, whose most notable piece of legislation was the City of Bombay Municipal Act of 1888.

The Council fought shy of this prophet also. Telang was the first to recoil from the suggestion to 'improve' the Commissioner out of the Municipal constitution altogether. Believing that that officer was 'under proper checks and safeguards,' he was opposed to any such scheme. If it was adopted, they would have to resort, he feared, to Executive Committees to which he had always objected. 'I am in favour of the preservation of the Municipal Commissioner,' he said, 'though I can quite see that the time may come when we shall take a further step in the direction of local self-government, and the Municipal Corporation will have to ask the Council of that day to concede the power of appointing him.'

Pherozechah Mehta, who followed Telang, could see no flaw in the constitution. His eyes delighted to dwell on the charming landscape it presented. He had no hesitation in declaring that the Act was 'an eminently workable and practical measure,' and West too had no doubt about its success. In justification of the rôle of prophet which he had assumed, he quoted the following verses:

'There is a history in all men's lives,
Figuring the nature of the times deceas'd ;
The which observed, a man may prophesy
With a near aim, of the main chance of things.'

When even the ardent champions of reform like Mehta were thus captivated by the new constitution and desired nothing more, he was not prepared to go beyond the line of absolute safety. 'For, the Government at any rate, which ought to see clearly where it is going,' he observed, 'it is better to be just in the rear of public opinion rather than just in advance of it.'

Do we not hear the same argument urged, whenever there is an outcry for legislation for pressing social reforms? Have not some of the most barbaric customs

been thus perpetuated in India under the enlightened regime of the British? No wonder, the mid-Victorian constitution of the Bombay Municipality has dragged out its existence to the present day, despite the organic changes that have since taken place in the fabric of government all over the world. Even at the opening of the twentieth century when, as we have seen, there was an active movement in and outside the Corporation for the broadening of the franchise, no one appeared to realize the fundamental defects of the cumbrous official machinery established and maintained since the year 1865. What is stranger still, after the bitter experience of the caucus, when the incongruity and absurdity of a system under which a servant of the Corporation could be practically its master were brought home to the members of the Corporation, when for the time being it seemed quite possible for the Commissioner to have his own nominees elected to the Corporation and the Standing Committee, and to have civic honours, such as the office of President of the Corporation, distributed amongst them according to his sweet will and pleasure, no one raised an outcry against the system. Personal recriminations there were in plenty, but the vital defect in the system still escaped the public eye. So bewitched was Pherozeshah Mehta by the constitution, which he clasped to his bosom as his own offspring, that although he was the chief victim of the cabal, it never occurred to him that the root of the whole trouble lay in that peculiar constitution for which there was no parallel in the history of local legislation.

This will, perhaps, appear an over-bold statement. Let us, therefore, try to clarify the situation. What is this organ of local government, which has fascinated the legislators and members of the Corporation for half a century? Has it been tested and found successful in any

progressive city in the world? The Municipal Act has been based on the Municipal Corporation Act of England. Are its constitutional provisions modelled on the lines of the London constitution? Is there any Municipality in Great Britain that has adopted this constitution? Not one. The concentration of authority in the hands of one man, rather than of a whole body, is now greatly favoured in America. It fastens responsibility on that individual and does not admit of the blame for negligence being shifted. A single officer, alone answerable, and independent within the sphere of his own competence, is more likely to prove efficient than a committee whose members can transfer from one shoulder to another the burden of their responsibility and the blame for their joint misdeeds. But such an officer must be either elected, as in many parts of America, by the people themselves, or appointed by the central government responsible to the people, as in France. The Bombay system, however, stands by itself. Here the evils of centralization are accentuated by the fact that the central authority appointing the Commissioner is not responsible to the people. The appointment is still in the gift of the Governor in Council, although under the Reforms the portfolio of Local Self-Government has been transferred to a minister. Such an arrangement for the appointment of the chief executive officer, the peculiar constitution of the Government, the system of nomination of members by Government, which clings to the Municipal constitution, and the arrangements under which the chief executive officer can defy the local authority without the slightest fear of imperilling his prospects or pension in the service to which he belongs, differentiate the Bombay constitution from that of cities in countries like France, distinguished for their highly centralized form of local government and the great degree of dependence in which

local institutions are placed in regard to the central authority, namely the national government. Even such cities attuned to the most drastic forms of centralization would never agree to accept the Bombay constitution. Nowhere would a Municipal Commissioner appointed under provisions similar to those of the Municipal Act of Bombay be tolerated, whereas in countries like Great Britain and America such a constitution would be repudiated as being altogether irreconcilable with the elementary principles of local autonomy.

In 1872 this constitution might have been regarded as being the most convenient and workable in the conditions then prevailing in Bombay, but soon after the experiment was tried, the executive officers, if not the members of the Corporation, realized its defects. When Sir Charles Ollivant was placed on special duty to suggest amendments, he advocated a system of Executive Committees, so as to assimilate the English models with the constitution. His proposals were however, tainted by an admixture of executive with bureaucratic bias. He knew he would have to work the new system himself and could not resist the temptation to make his labours lighter and his status higher by making the Commissioner the Chairman of such Committees. Thus, the new constitution offered was even less acceptable than the original, and in the struggle that ensued to resist the new-fangled scheme, the legislators of the day lost sight of the inherent defect in the old constitution.

What was the result? Those who have had the opportunity of watching the inner working of the Municipality will affirm that there never has been that mutual understanding and coöperation between the executive and the governing body, which is essential for the efficient administration of the affairs of the city. The floor

of the civic chamber served until recently as the arena of continuous conflicts between the popular party and the Government party, or between Pherozeshah's party and the caucus party, or between the independents and the Commissioner's party, as the belligerents from time to time were styled. With the entry of the Nationalists into the Corporation, we have now the Independents, or the Progressive Party, under whose wings the Commissioner is supposed to take shelter, pitted against the Nationalists. These party duels in the Bombay Corporation have to be distinguished from the conflict of parties in European municipalities. There, each party places before it the principles for which it stands and a programme of local activities to which it is committed. The executive stand scrupulously aloof. Here, parties have come to be formed primarily because of want of confidence in the Chief Executive officer. As the functions of local and central government shade and blend into one another, there were many occasions when the interests of Government clashed with those of the Corporation. The House often divided itself into two parties, the Government party and the popular party, but what was most surprising was that hostile parties were formed of the critics of the executive and their supporters. The Commissioner was regarded by some as a traitor in the camp. As he was a Government servant, his reports and recommendations were not free from the suspicion of a bias in favour of Government. That, however, was intelligible; but what was worse for him was that not being the Corporation's nominee and at the same time being the head of the executive, he found that he was, so to say, a barrier keeping the executive apart from the governing body. As the Commissioner looked upon himself as a coördinate authority with the Corporation, whether the Act contemplated such an arrangement or not, and often

carried out his wishes in the teeth of opposition of the Corporation, and as the executive officers were subordinate to him and were expected to owe allegiance to him, a highly anomalous situation was created. It seemed as if the interests of the executive were hostile to those of the Corporation. 'Instead of mutual understanding there was mutual distrust.

When the writer joined the Corporation in 1899 and applied himself to the study of the Municipal Act, the first question he asked himself was: 'What is this constitution under which the officers of the Corporation are distrusted as if they were the natural enemies of their masters? Why should they not be regarded as part and parcel of the governing body?' There was nothing in that constitution to link the legislative sphere of the municipal state with the executive sphere. If it was intended that the Commissioner should form such a link, the experience of the past had belied such expectations. Even that great Commissioner, W. L. Harvey, who commanded the esteem and affection of the Corporation of the day, failed to serve as a buckle uniting the executive part of the municipal machinery with the deliberative. Subsequent events to which we have referred widened the breach, and the same unsatisfactory state of affairs has continued down to the present day, the periods of warfare alternating with periods of peace according to the temperament of the leaders of the House and of the incumbents of the office of Commissioner for the time being.

After the last war, the greatest liberator of nations, ideals of liberty and democracy stirred the soul of the Indian community as much as that of other nations. The famous proclamation of 1917 pointed unmistakably to the goal of progressive realization of responsible government. The Bombay Corporation then seemed to

have awakened to the axiomatic principle of local self-government that the supreme governing body should control the executive. But so long as the head of the executive was the nominee of Government and enjoyed independent powers, freedom in local government was not possible. On 21st July 1919, the Corporation referred to the Election Committee the question of obtaining for the Corporation the power to appoint the Municipal Commissioner and other officers whose salaries amounted to Rs. 500 or over. The Committee's report favoured the proposal to vest in the Corporation the power to appoint the other officers, but as regards the appointment of the Commissioner its laconic verdict was: 'the Act need not be amended at present.' The Corporation, however, adopted a resolution asking Government to undertake legislation for vesting the power in the Corporation.

The President accordingly addressed a letter to Government, on 23rd August 1920. To this a very tactful reply was sent by Government. They first informed the Corporation that they had decided to postpone the consideration of the question till the introduction of the Reforms and subsequently requested that they might be informed of the reasons for demanding such a change in the constitution. Probably, knowing the procedure of the Corporation, they hoped that by that further reference they were putting off the evil day for some years at least. If so, they were not mistaken. The Corporation appointed a Committee to submit a draft reply to Government setting forth the reasons why they should be given powers to appoint their chief officer. The Committee took three years to submit its report and the Corporation sent a reply to Government in terms of the report on 15th May 1924. In this reply they submitted that the continuance in the hands of

Government of the power to appoint the Commissioner was not in consonance with the spirit of the times, that the arrangement led to friction between the governing body and the chief executive officer and that by obtaining the power to appoint that officer the Corporation would have effective control, not only over him but over the whole executive. The proposal was, however, rejected by the Legislative Council.

A curious feature of the debate that took place in the Corporation was that some members, who were at one time anxious to secure for the Corporation the power to appoint their chief executive officer, voted against the proposal. They made no secret of the fact that they had changed their opinion in the light of the experience gained during the interval of the sectarian spirit which had influenced the decisions of the Corporation in regard to the selection of officers whom that body had the right to appoint. It was a deplorable confession of the tendency of certain sections of the Corporation to succumb to communal or party considerations, but whether such lapses on the part of some members of a growing self-governing institution constituted a valid reason for depriving the whole body of much-coveted powers of responsible government is a question which needs to be considered dispassionately, irrespective of the failings of individual members. The remedy for misuse of authority lies not in retrogression and the ruin of the constitution, but in the reform of the personnel of the governing body. No self-governing institution in the world was immune from the danger of jobbery and nepotism in the early stages of its evolution. Even now, not even advanced institutions can claim immunity from this danger, but the reason why such institutions have attained the existing state of perfection is that instead of committing suicide

they manfully faced the danger and shouldered the responsibility.

Another important reform in the constitution which the Corporation have urged upon Government is the institution of Special Committees for administrative and executive work. We have already noticed incidentally the dilatory methods of Committees of the Corporation. For years it was the practice to refer individual cases to separate committees. In consequence there was always on the outstanding list a multiplicity of cognate cases referred to separate committees, whereas if they had been committed, according to subject-matter, to special committees appointed to deal with such cases, they would have been disposed of with greater facility and promptitude. For instance, there were more than a hundred committees on the list in the year 1907-08. In all 169 meetings were held by some of these Committees and their sub-committees. This involved a considerable sacrifice of time and labour on the part of the members, yet the results were unsatisfactory, inasmuch as the work of the Committees under such a system could not be systematized and coördinated. A Committee was, therefore, appointed on the 8th February 1909, to consider the desirability of appointing permanent Committees 'to deal with questions which had to be referred to Committees.'

It would not have been legal to appoint 'Permanent Committees.' The intention, however, was to have Special Committees for the consideration of specific subjects to whom specific cases falling under the different groups of subjects could be referred as occasion arose. The legality of such a procedure was questioned, but the Municipal Solicitors advised that it was competent to the Corporation to appoint Committees for considering special subjects at the commencement of every year

or triennium and that there was no necessity for the Corporation to wait, as suggested by some members, until specific cases arose. A report was thereupon drafted, suggesting the amalgamation of the Committees that then existed under certain groups, but Pherozechah Mehta was not in favour of the innovation. He had heard during his youth of reports of scandalous mismanagement of local affairs by the vestries and other executive bodies in England during the early years of the nineteenth century. 'Select vestries are Select Companies of rogues,' said one critic—a verdict which is, say Sydney and Beatrice Webb, after a dispassionate enquiry after a lapse of more than a hundred years, 'undoubtedly true of the majority of these close bodies.'¹ They were made up of venal, corrupt and incompetent men and were a 'focus of jobbing.' They were recruited by co-option, and as like attracts like they came to be composed more and more of the less scrupulous. 'As the old ones drop off,' remarked Defoe in 1714, 'they are sure to choose none in their room but those whom they have marked for their purpose beforehand; so rogue succeeds rogue, and the same scene of villany is still carried on, to the terror of the poor parishioners.'² Another eminent author, Edmund Burke, whose works were read with great avidity by the leaders of political thought in India during the latter half of the nineteenth century, said in his *Parliamentary History* in 1780, that 'the Justices of Middlesex were generally the scum of the earth—carpenters, brick-makers, and shoe-makers; some of whom were notoriously men of such infamous characters that they were unworthy of any employ whatever, and others so ignorant that they could scarcely write their

¹ *English Local Government*.

² *Parochial tyranny, or the House-keeper's complaint against the Insupportable Exaction and Partial Assessment of Select Vestries, etc.*, by Andrew Moreton (i.e., Daniel Defoe).

own names.' The prejudices thus imbibed by Pheroze-shah Mehta in his youth against the system of committee management stood in the way of reform of the committee system of the Bombay Corporation until the last day of his life. He declined to encourage any innovations which might expose the administration of the Corporation to similar imputations of jobbery and corruption.

Mainly owing to Pheroze-shah's opposition, the Committee appointed in 1908 could make no report until the year 1917. Even then the views of the majority of the members were influenced by the pronounced views he had held, so that the Committee reported that they were of opinion that it was not necessary to make radical changes in the committee system of the Corporation. The principle of referring cognate cases to one and the same Committee had already been followed and had resulted in the reduction in the number of Committees from more than a hundred to about thirty-five, and the Committee recommended the extension of the principle. A large number of members were not, however, satisfied with this report, and the Hon'ble Mr. (now Sir) Phiroze C. Sethna gave a notice of motion recommending the appointment of special Committees for special subjects and the abolition of the prevailing system. The adoption of this proposal was likely to have a directly wholesome effect on the executive work of the Municipality. The Municipal Commissioner, Mr. Monie, therefore considered it advisable to place his views before the Corporation before they dealt with the proposition. He pointed out that the scheme proposed had already been tried in Calcutta and was found to work satisfactorily. Special Committees gradually became trained and expert in the disposal of the particular class of business with which they dealt, whereas Committees appointed *ad hoc* were necessarily deprived of that advantage. He strongly advocated

the association of the members of the Corporation more closely with the executive work of the Municipality than was the case. This report had the desired effect and the Committee that considered the question *de novo* drew up a report in October 1920, recommending a radical revision of the committee system on the lines suggested. A few members, however, who had from the beginning set their face against the innovation, were not yet convinced of the advantages of the proposed scheme.

As the Deputy Commissioner, Mr. R. P. Masani, had then applied for leave to go to England, the Committee asked him to make enquiries while in England, and report what system of committee-work obtained in the London County Council and other important Municipalities in England, with special reference to their constitution. In a report which he submitted in December 1921, he pointed out that the practice of appointing Special Committees was universal in England and Scotland, and that in many places executive functions were delegated to such Committees. Until the year 1913 even the London County Council had been very jealous of its authority and delegated its powers to Committees to a very limited extent only. The result was that a good deal of the time of the Council was taken up by details of administration which might well have been delegated to Committees. It was recognized that a resolute but circumspect measure of delegation of executive powers to Committees was the soundest and most effective remedy for that defect, and the Council's procedure was reformed on the line of further delegation of powers to Committees and the reservation to the Council of the decision of all matters of principle including any system of delegation of powers to sub-committees, maintenance of financial control, and adequate provision for enabling minorities to bring questions before

the Council for decision. The report further showed that the new system appeared to work well and that special enquiries made of Heads of Departments in London and other places had elicited the fact that the Municipal executive in no way felt hampered or embarrassed in the discharge of their duties owing to the delegation of powers to Committees.

Thus fortified with the experience of English Municipalities the Committee of the Corporation at last recommended, in October 1922, that Special Committees should be appointed and that all ordinary business should be considered by the appropriate Committees before it was placed before the Corporation. The report was adopted and Government were asked to undertake legislation for the amendment of the Municipal Act so as to admit of the new system being introduced. A Bill to amend the Act accordingly is now before the Council, and if passed it will enable the Corporation to identify themselves more closely than before with the Municipal administration of the City.¹ Heretofore they have remained content with the power of criticism and direction. The Special Committees will, if they are imbued with the spirit of genuine civic service, inaugurate an era of real administrative and constructive work. They will be the cabinets of the Corporation, so to speak, hyphens that will join, links that will connect the executive with the deliberate branches of the Municipal organization of the City.

Other administrative changes have been suggested by the Retrenchment Adviser appointed by the Corporation in the year 1924. He has advocated the adoption of the English system of Executive Committees 'in its entirety' and has suggested the division of the superior staff into

¹ Sections 38A and 38B providing for the appointment of Special Committees have since been inserted in the Act by Bom. I of 1925.

two grades (1) administrative, and (2) executive. In the administrative grade he places four officers besides the Commissioner, namely the Deputy Municipal Commissioner, the Chief Engineer, the Health Officer and the Controller of Accounts. He would relieve these officers of purely executive duties and entrust them with the supervision of the Departments assigned to them and he would have all of them designated Deputy Municipal Commissioners so as to admit of the duties of the Commissioner being delegated to them. In a report which Mr. Masani was asked by the Retrenchment Committee to make showing how the Reforms proposed by the Rentrenchment Adviser might be brought into operation, he points out that if the proposal for the adoption of the system of Executive Committees according to the English model is accepted, the statutory office of the Municipal Commissioner would be incongruous and superfluous. That office would have to be abolished or converted into that of a Town Clerk, as in Great Britain, or a City Manager, as in America, as might be considered desirable in the light of the experience gained during the period of transition suggested. It would be still more illogical to appoint four Deputies when, as the natural corollary to the proposed reforms, the heads of departments would have to work directly under the control of the Executive Committees. They would all be like the additional and solely ornamental wheels introduced into the clocks of the middle ages, which prevented the time being marked accurately, each additional wheel being a source of friction and imperfection. These are the problems which the Corporation and the Legislature will have to solve at an early date to bring the Municipal organization of Bombay into line with the progressive Municipalities of the world.

CHAPTER XXXIV

EXPANSION OF THE SPHERE OF INFLUENCE

MORE important than the question of the constitution of a self-governing institution is the question of the scope of its operations and the sphere of its influence. It is, however, a peculiar feature of the history of Local Self-Government in Bombay that the attention of the reformers has been confined for the last fifty years, mainly, if not solely, to the mechanism of Government. Many a battle has been fought for every inch of advance on the constitutional soil, but scarcely any expedition has been launched for the extension of dominion or for the expansion of the sphere of influence of the Corporation. We have noticed in the foregoing chapter the programme of constitutional advance outlined for the near future, but we have heard little of schemes for opening up fresh avenues of municipal activities. It yet remains to be realized that the Corporation of to-day, although a live and virile body, is still but an imperfectly developed organism and that its domain of action and usefulness has been unduly circumscribed.

To realize how backward the city is in this respect one has only to compare her conception of city government with that of European and American towns. Besides the usual functions taken upon themselves by the Indian Municipalities, such as salitation, means of communication, water supply, drainage, the Continental Municipalities hold themselves responsible for the education of the population, juvenile as well as adult, for the adaptation of the training of the young to the necessities of gaining a livelihood, for the provision of libraries, museums,

art galleries, parks, playing grounds and other means of instruction, amusement and recreation, for the health of families, for the care of infants and mothers, for poor relief and for the moral interests of all, for the protection of poor children, not forgetting the unfortunate children of illegitimate birth, for the promotion of industrial and commercial well-being and for the supply of communal services and facilities, such as house registries, labour registries, legal advice and information agencies, house building, unemployment insurance schemes, fire insurance and the management of local public utilities. All or most of these activities fall within the sphere of the normal work of those municipalities.

What a wide scope there is in Bombay for the extension of municipal activities in these directions! But since the passing of the Act of 1888, little attention has been paid to the possibilities of thus increasing the usefulness of the Corporation. While the scope of municipal work is being widened every year in progressive cities, the Bombay Municipality has practically remained stationary; nay, even within the limited sphere of its assumed obligations and operations a good deal remains to be accomplished. It is the pride of the city that for more than half a century she has been acclaimed with one voice as the standard-bearer of civic progress in India and that her municipal constitution as well as her administration is held up as a model. From time to time expert critics and Government authorities, from the head of the Government downwards, have expressed their unstinted admiration for the manner in which the representatives of the citizens of Bombay have endeavoured to insure the success and progress of the Municipality.

There is no doubt that within the narrow sphere of usefulness opened up for them, the citizens of Bombay have accomplished much beneficial work. They have

thereby enhanced the reputation of the city and of the Corporation and striven to justify the motto which emblazens the city's standard—*urbs prima in Indis*. Such a distinction has not been attained without sterling self-sacrifice and devotion on the part of an illustrious roll of stalwarts aided by able executive officers. For years the beneficent forces of civic patriotism have centred in the Corporation, gathered strength from year to year and yielded a splendid harvest. Defects and drawbacks there were and there are; friction and trouble also arose and arise, mainly, as we have seen, because of the constitutional antithesis between the governing body and the executive, accentuated by the appointment of a Government officer as the chief executive officer of the Municipality; but such troubles and drawbacks must be regarded as matters of natural evolution and of slight concern as compared with the marked progress made in urban government and substantial gains realized. Thanks to the concentrated ability and energy of the foremost citizens of Bombay who were attracted to the civic parliament and also to the ability and integrity of the Government officers, deputed to the municipal service, on whom devolved the real work, the hard, dry, administrative and executive functions of the Municipality, local self-government in Bombay, in spite of its defects, has been a success.

It now remains for the present generation to play its part. The first question that arrests the thought of all lovers of civic reform is: Will the cosmopolitan character and historic unity of the city be preserved, the wealth of traditions of the Corporation be retained and the administrative efficiency maintained under the amended constitution of 1922? The governing authority elected under the enlarged franchise is a body more diverse in composition, in experience, in aspirations and in outlook

than the previous body constituted on the old select and oligarchic basis of franchise. When the semi-democratic franchise was substituted for a privileged franchise, there were not a few pessimists who predicted that the system of government set up by the latest enactment would not work well. They apprehended that members of an inferior status in life would storm the civic chamber and turn it into a cock-pit of personal rivalries and communal feuds and that the undisciplined hot-heads amongst the non-co-operators and expert gladiators among the co-operators would vie with one another in making the life of the executive miserable and preclude all possibility of solid work being accomplished. Those, however, who were conversant with the inner life of the Corporation had no misgivings on the subject. They knew that a change in the constitution was long overdue and that an infusion of new blood was necessary to re-vivify the old body if it was to be saved from the peril of atrophy insidiously brought on by self-complacency. We may now, after a little experience of the new regime, attempt to estimate the influence of the new constitution on the general administration and procedure of the governing body. It has now recruited new and vigorous democratic elements from every ward of the city and to that extent it has unquestionably been democratized. Although we may refuse to accept the new constitution as truly democratic, there is no doubt that it represents a very great step forward towards that goal. So much for the composition of the governing body ; what about its business capacity and the dividends for the citizen shareholders in the great joint-stock concern ?

After the election it seemed for a while that the gloomy forebodings of the pessimists were not far wrong. A very formidable section of the new recruits belonged

to the National Party in politics, and the first disconcerting step taken by it was to form the National Municipal Party. Heretofore, a sharp distinction had been drawn between civics and politics by leaders of the Corporation such as Pherozechah Mehta. Had that departed hero of the Corporation cared to attempt it, he might have in those days of hero-worship turned that body into an organ of the Indian National Congress with which he had identified himself throughout his life. But although he was the leading exponent of the political views and aspirations of the people, in the council chamber he studiously eschewed politics and never allowed political partisanship to split the Corporation into factions. The National Municipal Party, however, declined to respect such traditions of the House as sacrosanct. Civics, they maintained, could not be dissociated altogether from politics and the municipal executive and the public wondered whither the municipal bark would be steered under the direction of the new pilots. The ship is still on the high seas and it is not necessary for our present purpose to speculate what its course will be and whither it will be wafted. One thing, however, is certain. The steering may have been somewhat erratic during the past two years, but the experience gained during this brief period gives hopes of skilful pilotage. At any rate, it affords no ground for portents of shipwreck. The new element in the Corporation has shown during this short period that its conception of civic duty is not clouded, though somewhat coloured, by politics and that it is as keen as were the elements it has displaced on maintaining and enhancing the reputation for civic sanity which has been bequeathed to Bombay.

It is true that the composition of the Corporation does not now represent the cream of Bombay society, but good government is not the monopoly of landlords

and capitalists. While it is true that the wealthy and cultured classes which constituted the bulk of the electorate in the past gave to the Corporation a large number of members of sterling worth imbued with a high sense of public duty, we cannot ignore the fact that they were not so intimately in touch with the people as the representatives returned by the new electorate are, councillors who live or who have their friends and relations living in poor localities and who, therefore, realize the needs of the backward classes better and strive with greater persistency and vigour for improvements in various directions. At times their party politics have befogged their vision of municipal problems, but there is no doubt that as a general rule the party distinction tends to disappear in the every-day work of the Corporation, that the administration has benefited and that the Corporation's grip over the executive has been strengthened by the association of a large number of representatives of the humbler classes in the work of civic government.

The most valued and lasting service rendered by the new recruits is the new impulse they have given to civic life. It seems a paradox, but it is none the less true, that the Bombay Presidency, the home of some of the most brilliant politicians of India, was until recently the least politically-minded province in the country. In civics, however, it achieved, and Bombay City in particular, a reputation which provoked the envy of sister Presidencies. The enlightened sense of civic obligations on the part of the citizens of Bombay, European and Indian, made the city a stronghold of local self-government in India. But after the strenuous struggles of 1872 and 1887 for reform, the interest taken by the public of Bombay in local government gradually and imperceptibly waned. The presence of several stalwarts in the Corpo-

ration lulled them into a sense of security. There were occasional outbursts against the inefficiency and corruption of the executive, spasmodic groans, at budget times, of excessive burden of taxation, and ephemeral spurts of activity at election times; but there was nothing like sustained intelligent interest in local politics, nothing like vigilant and watchful criticism of the municipal government of the city. People do not endure misgovernment if they realize it. They do not realize it, if they are long accustomed to it and are left to themselves and so long as they remain inert there is no hope for real reform; the best of Charters are mere scraps of paper. The propelling power must come from below, but there was no sign of it before the entry of the National party in the municipal arena. With its advent, however, public interest has been quickened wonderfully. This revival of interest is reflected in the mass of letters and petitions received every month by the Corporation, in the surging crowds of spectators in the visitors' gallery, in the comments in the public press and in the public meetings held to criticize the proceedings of the Corporation. But it is not enough that the citizens should be wakeful and watchful. It is not enough that they should come out in thousands and march under the standard of their leaders in imposing processions to the Municipal Hall to demonstrate their sentiments and wishes. To be a real force in Local Government public interest in civic affairs must be intelligent and public opinion fair and constructive.

The first essential of democratic government, whether local or national, the first requisite of effectual administration in civics as well as in politics, is intelligent citizenship. The masses to whom a democratic constitution extends the franchise cannot be expected to register their minds at the polls unless they have minds

to register. If they remain ignorant, a prey to prejudice, which is no better than apathy, if only a very small fraction of society takes an interest in the conduct of public affairs, if even a large majority of educated citizens remains entirely passive and cares not to whose hands the handling of the corporate affairs of the city is entrusted, a democratic constitution lacks *ab initio* the element of popular consent in government which is the first essential of democracy. The standing obstacle to the attainment of the ideals of democracy in India as elsewhere is mass ignorance, and the first most useful task to which the Municipal reformers of to-day have doggedly to apply themselves is mass education, not merely the opening of new schools, not merely the introduction of free and compulsory education, but also the widening of the outlook of the vast uncultured adult population of the city. Then only can the franchise be extended with reasonable prospects of success lower and lower down the social scale until it practically embraces the entire community. Then only may we hope to reclaim the public life of the people from those appalling and ruinous sectarian jealousies and hostilities which have disfigured the record of social and political progress of the country and which, it must be regretfully admitted, have been, under the democratized constitution and composition of the Corporation, more prominent than ever before in the Bombay Municipality as in other self-governing institutions and Legislative Councils of the country. Then only will the corporate life of the people pulsate with civic and patriotic ideals worthy of a nation claiming the privilege of unalloyed self-government.

At present the new wine of representative government passed into the old bottles produces strange ferments in small, though by no means insignificant,

sections. The bulk of the population remains unconcerned. That, however, is a feature by no means peculiar to the progress of the people of India along the path of self-government. At certain periods in their history the people of Europe have gone through the same stage of evolution and the most typical illustration is that of Germany, which Michelet used to describe as the India of Europe, implying thereby that the German people as a whole were like the Indians so absorbed in metaphysical musings and mystical speculations as to be only faintly interested in political aspirations or problems of government. A nation of dreamers sub-divided into a number of petty principalities, as India's population is divided in castes and creeds, hardly conscious of any common national feeling, the Germans towards the middle of the nineteenth century stood politically in much the same position as Indians did towards the closing years of that century and even later. But in the span of a single generation, a disjointed, dreamy and docile population was converted into a united, politically-minded and warlike nation glowing with the spirit of patriotism and attachment to the State as the source of all authority and tranquillity. This transformation was the result of consistent and catholic work for the promotion of education among the people, and herein lies a moral for those who deplore the low temperature of public emotions of the inert masses of the Indian population. If they want to stir them to their own spirit of national and patriotic fervour, the course which lies before them is obvious.

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