THE BOMBAY MUNICIPAL REFORM QUESTION, 1871.

A SPEECH DELIVERED AT A MEETING OF THE BENCH OF JUSTICES

held on Friday 21st June 1871

AND

A PAPER READ BEFORE A MEETING OF THE BOMBAY BRANCH OF THE EAST INDIA ASSOCIATION

held on the 29th November 1871

BY

Sir Pherozeshah M. Mehta, K. C. I. E., M. A.

(SECOND EDITION.)

CONSTITUTION OF THE BOMBAY MUNICIPALITY.

(The following speech was delivered by Sir Pherozeshah M. Mehta at a Meeting of the Bench of Justices held on Friday, 21st June, 1871, in the Durbar Room of the Town Hall with reference to the question of the Reform of the Constitution of the Bombay Municipality.)

Mr. Chairman,—It is not without considerable hesitation and diffidence that I rise to offer a few remarks on the propositions that are now before the meeting, unable as I am to agree with the essential features of any of the schemes of municipal reform that are submitted to us for our consideration. I am not unaware that the taking up of such a position is deprecated on all hands by members of the Bench and people outside for whose opinion I have the highest respect. It is urged by them, that in the present juncture of municipal affairs, it is incumbent on us to be practical and moderate, that we should give in our adhesion to one or other of the schemes before us as the only ones having any chance of being viewed or received favourably by Government, and that we must not lose the little we can obtain in the quest of something more desirable. Now I confess, Sir, that this argument would be most convincing and conclusive if any of the schemes of municipal reform advocated before us to-day offered us a modicum (however small it may be) of municipal reform, but which was at the same time substantial and *bona fide* and which advanced us perceptibly in the path of the improvement of our municipal institutions. Now I have been obliged, though most reluctantly, to come to the conclusion that I can agree with the advocates of either scheme only so far as they expose the utter hollowness and inadequacy of the proposals of their adversaries. Both sides are perfectly successful in demolishing the arguments of their opponents but are totally unable to maintain their own and to show satisfactorily that their proposals, if adopted, would secure even a moderate settlement of the municipal question.

For let us examine these resolutions calmly and carefully, and I venture to say that we shall not have far to go to point out that actual experience has already shown that they are impotent for any real purpose of municipal reform. I think that the criticism of the essential point of Mr. Forbes's proposals contained in the first part of the amendment proposed by Captain Hancock, hits accurately a very great defect in Mr. Forbes's plan. I agree with Captain Hancock in thinking that to vest the executive authority in a Town Council assisted by a Secretary, is the resuscitation of a plan already tried and condemned by experience as wrong in principle and inefficient in practice. I must say with all due deference, that Mr. Nowrojee Furdoonjee's indignant disclaimer against instituting any comparison between the old Board of Conservancy and the proposed Town Council was characterized more by assertion than by argument. He did not even attempt to show what essential difference there was between the old Board and the present proposed Town Council that could justify the hope that the latter would succeed where the former had failed. Nor was his comparison with the Town Council of Liverpool more conclusive. I have no doubt that Mr. Nowrojee Furdoonjee took very great pains to make himself intimately acquainted with the constitution and working of that *beau-ideal* of his, of the Town Council of Liverpool, but when he proceeded to predict a promising future for the Town Council of Mr. Forbes's scheme from the proved excellence of the Liverpool Town Council, on the ground that they were similar, the only difference being that the latter was founded upon the elective principle, I also had no doubt that Mr. Nowrojee had familiarized himself with another English institution, the practice so well known to English shopkeepers of urging the irresistible argument of *only* a guinea. On that principle you could easily prove that a dead body was as good as a living body, the *only* difference being that the latter had what the former had not, a life, a vital principle. If he thought so little of this difference, what he ought to have compared his Town Council with, were the Town Councils of the English boroughs before the elective principle was universally introduced in them by the Municipal Corporation Act of 1835, characterized by the Commissioners appointed to enquire into them as at once inefficient,

mischievous and corrupt. I do not concur with those who pass a wholesale condemnation upon the system of municipal government in the English towns, not even after they press into their service the authority of the *Quarterly Review*—a review which, after all, is only the exponent of the views of the same party who struggled frantically against the passing of the Corporation Act of 1835; but I do believe that in recommending an executive Town Council, Mr. Forbes is copying by far the greatest blunder of the English Act, to which alone is attributable whatever inefficiency, mismanagement and corruption still lingers in English municipal government. It is the want of a responsible executive officer that has marred to a very great extent the utility of the English Municipal reform of 1835. The only effect of the establishment of Mr. Forbes's Town Council would be to substitute in the place of one responsible executive officer a heterogeneous body of men equally powerful, men incapable and difficult of being controlled and with their responsibility so attenuated by division and sub-division as to render them practically and really entirely irresponsible. I am afraid that the framers of Mr. Forbes's plan have failed to see that what they should have aimed at was not so much to destroy the executive authority, so far as it was necessary for good and energetic administration but that they should have devised some means sufficient and capable to keep that authority within its proper and defined limits. As I understand it, the complaint against the Municipal Commissioner, true or false, is not that his powers are inordinately large but that he exceeds them and defies the limits placed on them. I must say that the true remedy for such a complaint does not lie in substituting in the place of one responsible Municipal Commissioner, a whole host of practically irresponsible Commissioners.

But, while I concur with Captain Hancock in his estimate and criticism of the proposals brought forward by Mr. Forbes, I must say that he fails in making out a case for his own substantive plans. The Town Council proposed by him, and the same may be said of that of Mr. Narayen Vassudevji, would be nothing more than a consolidation of the already existing Standing Finance and other committees of the Bench, and if that is all that is considered necessary for municipal reform, there is no

need for all this agitation or for an Act of the Indian Legislature, to carry out such a consolidation. But the general public feeling on this subject indicates a deeper sense of dissatisfaction and points to a greater failure than is suggested or encountered by Captain Hancock's remedies. Indeed it seems to me that all the schemes of municipal reform presented to us fail in their object because their authors have not succeeded in probing the real causes of the failure admitted on all hands, of our present municipal system. I cannot help saying that it is a very superficial observation, that on the one hand ascribes this failure to the existence of a municipal dictatorship and on the other to the unwieldy and bulky character of the Bench of Justices. This may be so, but the radical causes of this failure lie deeper, and they lie in the nature of the very constitution of the Bench Justices itself, elected by Government and elected for life. What is the popular meaning at present of a Justiceship of the Peace? Some sort of honor most people will say, at least in the main. The idea that it involves municipal duties and municipal responsibilities, is at least in the generality of cases, very vague, shrouded much in the background and withal of a very passive character. What can be expected from a conglomeration of men with such ideas? Mr. Forbes tried to excuse and justify the Bench at the expense of Act II of 1865. But when he was speaking on that point, it seemed to me that every instance that he produced proved exactly the contrary. If the expenditure was extravagant, why did not the Bench exercise the powers given to it by Sec. 35 of the Act? Mr. Forbes stated that Dr. Dallas once attempted to do so in a summary manner but was told that that could not be done. Very true; why did he not then attempt to do so in the manner indicated by the Act item by item? Mr. Forbes then drew a very dramatic picture of the terrible things that would have happened if they had reduced the budget estimates and the necessity they would have soon been under to prostrate themselves before the Commissioner seeking and begging for pardon. I must say, however, that with more respect for the dignity of the Bench he might have remembered that there was another alternative open to them. He might have remembered that not more than two-thirds of the Bench could have obliged Government to dismiss such a contumacious Commis-

sioner under Sec. 11. I must say that so far as Mr. Forbes's grievances are concerned, it is not Act II of 1865 that is to blame, but it is the Bench of Justices themselves. The only efficient radical remedy would be to change the constitution of the Bench of Justices in a manner to bring before them clearly, forcibly and vividly, a sense of municipal obligation and municipal responsibility, disregard of which would entail exclusion from it. And here it is that the English Corporation Act deserves to be followed in the large popular and responsible basis on which it has founded its system of Municipal Government. There never will be efficient Municipal administration in Bombay till there is a popular and responsible Bench of Justices elected at regular intervals by the rate-payers themselves, a consultative Town Council elected out of it, with a responsible executive officer at its head appointed by Government, and a controller of accounts appointed by the Bench to control the Commissioner. I am aware that most people scout this idea as chimerical and visionary, and even if desirable, impossible to get accepted by Government. One gentleman at our last meeting tossed it over to the next generation—a generation of Nowrojee Furdoonjees—though, with remarkable logical ingenuity, he immediately after proceeded to meet that very idea half-way. However, I say that, if desirable, it is our duty to present it firmly before Government, and I venture to say that the time is now past when strong popular opinion on any subject can be successfully resisted by Government for any length of time. But, say people, it is dangerous and absurd to bestow an elective municipal franchise upon people incapable of appreciating or exercising it properly. It is said that there is a radical incapacity in Indians for representative institutions, municipal or political. A more untrue proposition was never put forward, or one more opposed to the opinion of people most qualified to speak on the subject. I will not detain the Bench by quoting authorities, but I cannot resist the temptation of reading a short opinion of a gentleman well-known to us all, Mr. Anstey. It was given at a meeting of the East India Association in London :—

"We are apt to forget in this country when we talk of preparing people in the East by education and all that

sort of thing for Municipal government and Parliamentary government (if I may use such a term) that the East is the parent of Municipalities. Local self-government in the widest acceptation of the term is as old as the East itself. No matter what may be the religion of the people who inhabit what we call the East, there is not a portion of that country, there is not a portion of Asia from west to east, from north to south, which is not swarming with municipalities and not only so but like to our municipalities of old, they are all bound together as in a species of net-work so that you have ready-made to your hand the frame-work of a great system of representation and all you have to do is to adopt what you have there and invite the municipalities to send you their delegates."

For these reasons I feel convinced that the time has now come when the municipality of a town like Bombay ought to be founded on a larger popular basis, and that in such a bold and decisive measure alone is its real salvation and efficiency. I cannot therefore consent to vote in favour of measures which, without doing any perceptible good, nay, most probably proving mischievous, would only postpone real reform. I have given, Mr. Chairman, at some length my reasons for the position I have taken up, for as partisanship is supposed to be the order of the day, it may be misunderstood.

THE BOMBAY MUNICIPAL REFORM QUESTION OF 1871.

A PAPER READ BEFORE A MEETING OF THE BOMBAY BRANCH OF THE EAST INDIA ASSOCIATION, HELD ON THE 29th NOVEMBER 1871.

I venture to bring, what may appear at first sight to be a purely local question for discussion before this society, for two reasons which combine to prove it to be of *general* and *imperial* interest. The problem of introducing free municipalities in all the towns of India is fast becoming ripe for settlement, and the arguments and considerations concerning municipal government in Bombay would apply in almost all their integrity to, and furnish useful and instructive lessons for the inauguration of free municipal government in the other Indian towns. In the next place, the good, wise, and efficient administration of the municipal affairs of a town like Bombay,—the metropolis of Western India, the great emporium of Anglo-Indian commerce, and the connecting link between England and her great dependency,—is a question of imperial moment.

The history of municipal government in Bombay may be said to begin with a Board of Conservancy, which was superseded in the fulness of time by a constitution composed of a Bench of Justices and a Board of three Commissioners. Under Acts XXIV of 1856 and XXV of 1858, this composite body continued to manage the municipal affairs of Bombay, till the year 1865, when Government, Justices and the Commissioners themselves, with one acclaim, proclaimed the utter inefficiency and failure of the system. In the early part of that year, Mr. Cassels, then a member of the Bombay Legislative Council, brought in a bill to organize a new Municipal constitution. This bill, which ultimately passed into Act II of 1865, formed the Justices into a Corporation and abolished the Board of Commissioners in favour of one Municipal Commissioner with full executive powers, under the deliberative guidance and financial control of the Bench of Justices, though appointed by Government.

It is now little more than six years that Act II of 1865 has been in operation and a cry has again risen for further reform. It is complained that municipal taxation is

falling heavily, oppressively, and unequally, chiefly upon the lower strata of the middle classes. It is complained that municipal expenditure is carried on at too grand and extravagant a rate for a town like Bombay. It is complained that the substantial benefits resulting from this oppressive taxation and this grand and extravagant expenditure, are of a very disproportionate character. It seems that these complaints have been long ripening, and the notice given by Mr. Forbes, in the month of June, of motions concerning municipal reform, was only the spark that kindled into a common explosion the train of the isolated gunpowder grains of discontent, pervading the whole town in respect of municipal mismanagement and oppression.

It must be acknowledged that Mr. Forbes and his supporters deserve great credit for their opportune boldness in coming out to give expression to the popular feeling on the subject, and constituting themselves the leaders of a municipal reform agitation. They deserve great credit for the energy and earnestness with which they brought the whole subject of municipal affairs for review and discussion in a formal and public manner. They deserve great credit for the persistency with which they pressed for practical and effective remedies for the evils complained of. At the same time, it is a matter of grave regret, that, with their boldness, energy, and earnestness, they did not combine qualities equally necessary,—moderation, wisdom and farsightedness. The self-constituted leaders of popular movements have a two-fold duty to perform. It is not sufficient for them to stand forth boldly to give loud utterance to the confused and incoherent popular cries. It is not sufficient for them to reiterate and proclaim the popular indiscriminate wailings and inconclusive analyses of the public grievances. There is another and a higher duty cast upon them, the duty of guiding and rolling the movement in its proper path, of extricating it from the confusion of words and thoughts under which it usually labours, of analysing the genuine and substantial causes of it, of discovering and proposing measures well adapted to meet the end in view. It must be said that, with a good, urgent and substantial cause, the present leaders of municipal reform have completely failed to perform this higher and nobler duty, and, if the

recent reform movement fails to attain its object, and succeeds only in retarding real reform, the responsibility of that failure will lie on their heads, the blame of it will lie at their doors. They have disdained to take the trouble of probing with care the real causes of the popular discontent, and of proposing, after mature deliberation, measures which might further, and not retard the progress of municipal reform. They seem, perhaps without consciously meaning to do so, to have rushed out in a blind spirit of partisanship, like some of the leaders of the late Commune of Paris, not caring to discriminate what they attacked, or what they proposed, so long as they overturned what they hastily considered the most obnoxious part of what existed. To them, the Municipal Commissioner was the head and front of the offence, and 'away with him' was the remedy they proposed, no matter if they substituted King Stork in the place of what might favourably compare as King Log. Unfortunately they are mistaken both in the evil they claim to have discovered and the remedy they indicate, and the double mistake fundamentally arises from a total inability to understand the real historical significance of the Municipal period between 1865 and 1871, what it was wanted to effect, what it did effect, and what it should lead to.

In proceeding to set this point in its proper light, it will be well to pause for a moment and look at the municipal state of Bombay just before Act II of 1865 came into operation. It is a common remark that those who see a sick person recover before their very eyes, are unable to realize the change so truly or so vividly as those who observe it at longer intervals. Such has been exactly the case with the majority of the reform leaders. The municipal improvement of Bombay has been going on before their eyes for several years, and they have got so accustomed to it that they are now unable to recall the fact that it was not always much the same. I happened to leave Bombay about the end of 1864, and only returned after an absence of four years. In my mind, the two pictures therefore preserve their general features in marked and broad contrast, without suffering them to be gradually effaced by the continued and minute observation of the progress of the change from the one into the other. I can recall forcibly and vividly a condition

of things when the uneven and broken state of the roads was not the exception but the rule. I can recall a state of things when a preparation of mud and filth was the normal macadam of the streets and gullies. I can recall a state of things when you were liable any moment of a walk through the town to be greeted with showers of dirty water or dirtier kutchra. I can recall a state of things when the roads, streets and gullies were moreover uneven and narrow, with sudden projections over here, and dangerous obstructions over there. I can recall a state of things when the town excretions putrified at the will of the tyrant halalcores in uncleaned privies in the most crowded localities, or went spattering and splashing in open baskets or rickety cars under your very noses at the best times of the day when you might hope to get a whiff of pure fresh air. I can recall a state of things when you were not unfrequently exposed to be garroted and plundered in dark thoroughfares and darker gullies. I can recall a state of things when the near prospect of water-famine blanched the faces of men, women and children, and hurried them to propitiate the rain deities with prayers, offerings and sacrifices of the most grotesque character. I can recall a state of things when markets and slaughter-houses were not so much places for supplying the town with its daily food, as centres for disseminating infection and disease. I can recall a state of things when burial-grounds and cemeteries nestled side by side with habitations for the living. I can recall a state of things when the periodical recurrence of epidemics of the most terrible and virulent type was waited for with sinking and despairing hearts with as much certainty as the decrees of fate. Not unaptly, and without exaggeration might the state of Bombay in those days have been compared to that of a dirty, filthy, ugly wight, sallow and pinched, with the wiry fingers of grim disease and death tightening their clasp over his throat and piercing their sharp nails in his flesh.

That this is no fancy picture drawn from imagination can be easily ascertained by reference to the records of the times. I suppose we have not yet quite forgotten Dr. Leith's Report of the 29th February 1864, on the sanitary condition of the town of Bombay, nor Dr. Haines's able Mortuary Report for the year ending 31st

January 1864, in which he stated that the mortality during that year had "been the largest that has been recorded in Bombay and nearly one-third in excess of the average of the previous ten years." After noticing these figures in moving the second reading of the Municipal Bill, Mr. Cassels went on to state, "I wish I could congratulate the community on their being the statistics of the official year which closed yesterday. These I am able by the kindness of Dr. Haines to state to you, and I regret to say that they are still more frightful to contemplate. Last year the total mortality was nearly 'one-third in excess of the average of the previous ten years', this year that mortality is exceeded by 27 per cent. and the average of the preceding ten years by 58 per cent."*

Such was the state, or rather chaos of things in Bombay, at the end of 1864, which instantly required to be grappled with; such were the Augean stables that urgently required to be cleansed. There is a crisis in human affairs when slow and ordinary means avail not, when men must consent to strong measures on the sole condition that they are efficient, when they must give up their freedom and lay aside their most cherished institutions, their most valued forms and guarantees of order and economy, and submit to the strong rule and the strong hand, absolute and arbitrary, on the sole condition that it fail not. Such crises are common in the history of the growth of minor institutions as of great states and commonwealths. The history of heroes and dictators is the history of such crises, and fotunate are the people who can get hold, in their hour of need, of one of such men at the nick of time. In their great Municipal crisis of 1865, were the people of Bombay fortunate enough to lay hold of such a man? We have looked at the Municipal picture of the town as it was in the early part of that year. Let us now look at the other picture of Bombay as it is now after a Municipal administration of six years, and we may perhaps be able to answer the question. The first thing that strikes a person now is, that the dirty, filthy, stinking, narrow streets and gullies have mostly disappeared, and in their place are to be seen roads and streets, scrupulously clean, generally kept in good condition, well-watered, and well-lighted, a good

*Proceedings of the Bom. Leg. Coun. p. 7. Ditto, 8.

many of which indeed would do honor to some of the best towns even of the Western world. The tyrant halalcores no longer hold sway, and the open baskets are no longer allowed to offend your nostrils and infect your lungs, but are obliged to give way to light and compact carts emitting no noxious smells whatsoever, and trudging only at the late hours of the night. The night soil and rubbish no longer poison the atmosphere near your very doors, but are carried off to long distances to be burnt and destroyed. The burial places, festering in the very heart of the town, are closed and removed to distant localities. The markets and slaughter-houses are transformed from centres of disease and infection into things of beauty and cleanliness, that might move the envy of towns like Paris and London. Water-famine is become a thing of the past, and good, wholesome water is now brought within easy reach of the poorest. Epidemics are no longer the constant and dreaded visitors of old, virulent and all-powerful; their stray visits are few and far between, and their ravages are easily withstood and repelled. The frightful rate of mortality which prevailed in 1864-65 has been reduced to such an extent that, in the Registrar-General's Report of this year, the town of Bombay knows its old place no more. And not only has it become so healthy itself, but it has ceased any more to spread disease and death far and wide, a circumstance of incalculable importance for the outlet of all Indian trade. Nor have improvements for adorning and beautifying the town, not the less necessary even from a sanitary point of view, been neglected. Public promenades, boulevards, roads, foot-paths, and shady walks planted with large trees, and interspersed with cool and shady squares and triangles, splendid fountains, an Elphinstone Circle, and a Rotten Row, all combine to add at once to the health and beauty of the town. Indeed, the ugly, decrepit, diseased old wight of 1865, tottering almost on the brink of the grave, has drunk, it would seem, the Medean potion, and has undergone a magical transformation, from which he has arisen recovered and invigorated, glowing with health, strength and beauty, and giving promise of a continued development.

How then are we to answer the question, whether in her great Municipal crisis, our town was fortunate enough to secure a man able to cope with the emergency?

I think there can be no doubt, in spite of the assertions of anonymous correspondents that there is nothing in all this beyond performing one's duty, in spite of their modest belief, now that the ideas are created and the works accomplished, that they could have easily done the same, in spite of the innate assurance of copyists that if they are able to copy, say a Raphael, they could be Raphaels themselves, that the man who effected in six years the wonderful transformation of the Bombay of 1865 into the Bombay of 1871, deserves in the main to be emphatically proclaimed its great saviour and benefactor. He may have been guilty of great faults, committed great errors, and defied all restraints, forms and formulas whatsoever. But on these conditions only could the work have been accomplished, and their memory must in justice be lost in the general successful result. It is exactly like the case of the general, who, in the desperate hour of the battle, defies his strict orders, relies upon his own judgment, and gains the victory. Death, the just punishment of his insubordination, if he had failed; a grateful act of indemnity, the reward of his successful intrepidity.

This, as I understand it, is the only just appreciation of the Municipal administration of ARTHUR CRAWFORD from 1865 to 1871. He was placed at the head of Municipal affairs at a moment of great emergency. He found that he had a task before him to perform, which urgently demanded intrepidity and despatch, while a Legislative Act hampered him with checks which, if strictly observed, could not but in the very nature of things be ultimately productive of great delay. He found that he must spend liberally to ensure quickness and efficiency, while the state of the Municipal exchequer was in the greatest confusion and disorder. A weaker, and perhaps a more conscientious man, with the narrow conscience of a French official who could never look beyond the strict letter of his orders, or a great financier would have succumbed before these difficulties, and we would have been at the present moment discussing the frightful penalty of delay instead of criticising, as we are now vehemently doing, the cost of the victory. Arthur Crawford rose to the height of the occasion. He did his work, looked at his rules and orders afterwards. And that a great portion

of the Bench understood his position and acquiesced in his way of dealing with it, is apparent. A gallant major, a warm supporter of Mr. Forbes, expressed this idea very characteristically at the reform debates. "The fact is, I really believed most conscientiously, that Mr. Crawford was all right; and that is my defence for having held up my hand in the way I did; I threw up my hand for every budget, because I thought, there is Mr. Crawford, the Commissioner, a high-minded man; he said it was necessary; and I had a gallant and honorable man, as my good friend Mr. Taylor has just told you, Captain Hancock, and his Committee; and they said to me it was all right, and I saw their hands up, and up went mine."* It may be true that he may have committed some excesses in carrying out such a policy. But the duty of keeping scrupulously from going beyond certain bounds, and refraining strictly from committing unnecessary excesses in such an emergency, is a lesson more easily preached than practised.

In urging this view, I am not unaware that many of the improvements I have described above, are claimed one by one person and another by another,—the Circle was projected by one and the Esplanade was adorned by another,—and that between them, the credit of very few ideas and very few works would be left to the Commissioner. Such claims are by no means uncommon, and greater men have had their titles to glory questioned in this manner. Francis Bacon was not the apostle of Experimental Philosophy, because forsooth long before him, the Inductive Method had been explained by Aristotle, and even just a little before him it had been practised and proclaimed here and there. And Mirabeau was not original, that is, to explain it in the quaint but forcible language of Carlyle, "The firepan, the kindling, the bitumen were his own; but the lumber of rags, old wood, and nameless combustible rubbish (for all is fuel to him) was gathered from hucksters and ass-paniers, of every description under heaven. Whereby indeed hucksters enough have been heard to exclaim : out upon it, the fire is *mine*." Perhaps just as similarly some of the ideas were suggested to the Municipal Commissioner and some

*The *Municipal Reporter*, I. p. 32.

of the works partially carried out by other men; his merit and his genius lies in having, by a strong intellect and a strong will, by untiring energy and by a noble enthusiasm, furnished unity and organization, and moulded a complete Municipal system out of isolated, scattered elements.

Nor do I forget that another objection is taken to the view I have advanced of Mr. Crawford's Municipal administration *viz* :—that the success was achieved by a ruinous outlay, and that the extravagance of the expenditure was entirely disproportioned to the result. In determining this point, it is hardly fair, as some people are at present doing, to single out works here and there, and to point out that a little economy might have been practised here, and a little saving effected there. But it is one thing, even in ordinary times, to ascertain the cost of works before they are finished, and another to criticise it by the light of past experience. And this is especially so, when the works are to be undertaken urgently, and to be finished without loss of time. At such times, freehandedness to a certain extent becomes even a virtue and a necessity, as it inspires enthusiasm and thus ensures efficiency and despatch. The only fair and proper mode of settling the point is to take the total expenditure and the total results for the whole period in their general characters, and see if the one can be reasonably set off against the other. Now the total expenditure for the seven years from 1865 to 1871, both years inclusive, may be put in round numbers at something under three crores of rupees. One-fourth of that sum is represented at the present moment by property in the possession and ownership of the Municipality. The remainder represents the cost of two important functions. In the first place, the sick man was to be cured and healed, and in the second place, he was to be supplied with the means of maintaining his established health and of satisfying his daily wants. If we strike an average for the seven years, it will appear that these two important functions were performed at a cost of something like thirty-two lacs a year. Now, remembering the annual expenditure incurred by municipalities of far less importance and of far less resources, established for centuries, and which have only to keep up and add to, without having verily to create from the very beginning, the most essential municipal works, re-

membering that the municipal expenditure of London is 4 crores of Rupees, and of Paris and New York something like 8 crores, remembering these things by which alone we can form a comparatively fair and proper judgment, can we say that thirty-two lacs a year is on the whole too extravagant a municipal expenditure for a town like Bombay? Whatever faults can be found with respect to particular transactions and isolated items, an unbiassed and dispassionate judgment can only come to one decision, *viz* : that under all the circumstances of the case, our municipal expenditure has been generally speaking far from being very wasteful or extravagant.

Unfortunately a just, calm, and impartial consideration of this point is rendered difficult at the present moment by the sudden declaration of a deficit in the Municipal exchequer. Under cover of this one discovery, a thousand vague rumours about what are proclaimed to be new revelations of gross financial mismanagement and confusion, brought to light by Mr. Hope's Committee, are spread all over the town, diverting men's minds from the real questions at issue, and prejudicing their better judgments. Let us look steadily at these supposed revelations of Mr. Hope's Committee and see what they really are. A careful perusal of the Report of this Committee indicates the charges brought by it to be principally two, the first being, that Mr. Crawford incurred expenditure in excess of or independently of the Budget grants during the last five years to the extent of Rs. 34,33,945-10-0, and, second, that he illegally manipulated funds set apart for special purposes to provide for this excess. Now in the first place, from the view which we have taken of the character of the municipal administration of Mr. Crawford, it may be urged that the want of authority in exceeding the limits on his power of expenditure, as also the diversion of funds from their special object without sanction, must be held to be condoned in the generally successful result. But secondly, so far from this charge being a new revelation which could now be brought against the Commissioner, the fact is, that the greater portion of this unauthorized excess, being no less a sum than Rs. 33,84,975-9-0 out of a total of Rs. 34,33,945-10-0 was incurred in the three years 1866-7-8, and retrospectively sanctioned by the Bench of

Justices. Nay, for the two years in which this excess is the largest, amounting altogether to Rs. 31,66,410-3-8, a special vote of thanks was accorded to the Commissioner and his colleagues by the Bench, with all the facts before them, and with their eyes fully open. The only excesses for which the Commissioner is indictable, are those of 1869-70, which are however very trifling in amount, being Rs. 47,114-14-10 for 1869, and only Rs. 1,852-2-8 for 1870, fully warranting the Committee's admission that there has been a great improvement since 1868. And just as unfair is it now to show up as a new revelation of gross mismanagement and breach of faith this unauthorized excess, the greater portion of which was known and sanctioned so far back as 1869, equally so is also the proclamation of the other revelation of the illegal manipulation of special funds. That circumstance was also principally thoroughly well-known, and it is idle now to cry out that there was never any formal notice given of it. Indeed, both these charges would never have any weight at all, if they had not been brought under cover of the discovery of the large deficit of nearly twelve lacs and a half. In this respect of the deficit, it is true that the Commissioner is seriously to blame for having allowed matters to drift so far, and not apprising the Bench in time for them to take measures to meet it as best they could. All that can be urged in extenuation of this grave dereliction of duty is, that the deficit is mainly due to causes over which the Commissioner had no control. About 5 lacs and a half of the deficit, as Mr. Hope's Committee says, or 7½ as the Commissioner estimates it, are attributable to the faulty arrangements of 1869 induced pursuant to the calculations of Colonel Marriot's Committee, and a considerable portion of the remainder arose from the withdrawal of the Government Police grant, the sudden fall in the yield of the town duties, and the emergent expenditure necessitated by the discovery of serious defects in the Vehar Water Works. But, after all this has been said, the fact remains that Mr. Crawford committed a grave error of judgment and incurred a heavy responsibility in keeping the embarrassed state of the Municipal finances concealed from the Bench, in struggling vainly and hopelessly by illegal shifts to stave off the evil day, and allowing the discovery of it to fall like a thunderbolt on the Bench as well as the whole town. This, I believe, is the sum

and total of all the faults and shortcomings which can be charged to the Commissioner from a careful consideration of the results of the enquiry prosecuted by Mr. Hope's Committee, and indeed that can be deduced from all our present authentic knowledge of Municipal affairs.

But for such faults and such errors of judgment, I ask you, gentlemen, to consider temperately and impartially, grave enough for the time though they may be, are we to forget that he steered us safely through a supreme Municipal crisis threatening the very life and existence of the town? But for such faults and errors of judgment, are we totally to wipe off the memory of all that he had the daring intellect to conceive, untiring energy to execute, and tender zeal and enthusiasm to direct, in so short a period as six years, in a time of supreme danger and anxiety? But for such faults and errors of judgment, are we to cancel all obligations for not only having saved our town from immediate danger, but for having set it on a career of increasing development and improvement? Are we to forget, in our day of safety and prosperity, that he has in so short a time driven disease and death from our doors where they were such constant visitors before? Are we to forget that if he has touched our pockets too closely, he has put us in a position to enjoy in comfort and safety the remainder a thousand times more, nay, that in the case of the poorer classes, by improving their chances of health and vigour he has removed the continual drain which sickness and want of health cast indirectly upon their pockets, and actually supplied them with the means of fighting more vigorously for their livelihood? And not only so, but are we to heap disgrace and obloquy upon his name and fame for having preferred to work out our salvation in defiance of legal forms and authorized sanctions than tardily drag it out or ingloriously incur utter failure by line and rule, like Monsieur Tomes who would prefer to kill his patient according to rule than cure him against it, or the German officer who preferred to lose a battle according to correct tactics than gain it in spite of them? Are we to hurl foul calumnies and slanderous invectives, because in times of great peril and urgent necessity, he sacrificed close haggling and rigid economy to efficiency and despatch? Are we to follow him with curses, because, after achieving triumph

against ugliness, disease and death, he left us—the citizens of a town standing in the foremost ranks for population and commercial and metropolitan importance—with a final deficit of four lacs and a half of rupees? It is a matter of sorrow and regret that, without guidance from leaders, clear-sighted, just, and generous, the popular feeling appears to tend towards such unworthy conduct. There is a story told by Mr. Frederic Harrison in his recent able article in the *Fortnightly Review* on the Fall of the Commune, as having occurred during the massacres which followed the entrance of the Versailles troops into Paris :—" A woman, speechless and bleeding, was being dragged through the streets to be shot as a *petroleuse;* a furious mob were assailing her with imprecations and blows. She was on the point of being shot by the troops, when a bystander stepped forward to proclaim her innocence. The fury of the mob was at once turned upon him, and both he and the woman were in imminent danger of their lives. At length, almost by chance, it was recognised that the woman was the cook of a neighbour's family, who had crossed the street to buy a bottle of salad oil." The same sort of unreasoning unthinking public mood, that the Versailles Government succeeded in exciting against the Commune on the strength of such monstrous falsehoods as organized attempts to burn Paris by petroleum, is agitating the public mind here at present with respect to Municipal affairs, and every act and doing of the late Commissioner, though not less harmless than that of the woman of the anecdote, is either defiance and disrespect to the Bench, gross financial mismanagement and confusion, if not something more, or unpardonable dereliction of duty. But I have faith in the ultimate instinct of popular judgment, and I feel confident that when the present general financial depression will have passed away, when men's minds will have ceased to be unduly prejudiced by the sudden discovery of the deficit, when the incidence of Municipal taxation will have improved with time, with reflexion and with future experience, an impartial and a grateful verdict will honorably embalm the name of Arthur Crawford in the annals of the Municipal administration of Bombay as its founder and saviour. I only hope that, when driven from these shores, as some people at present fondly exult to exclaim, he has not, like Camillus, when forced to leave the city

which he had served so well, raised his hands to heaven in the bitterness of his heart, and prayed that it might soon have reason to feel his want, and that a responsive visitation like the Gallic invasion may not be destined to remind us of and to make us rue our crying injustice and our hasty ingratitude.

I have attempted, at perhaps tedious length, to indicate the proper appreciation of the Municipal period from 1865 to 1871. Had the leaders of our present reform agitation taken pains to realize this historical estimate of it, the narrative of their labours would have to be delineated in far other colors than those with which we are now obliged to characterize it. In that case, they would have easily and distinctly seen the true direction in which further reform ought to be pushed forward, and the only effective mode in which it could be accomplished. Dictatorial periods, dealing with crises of urgent emergency, are essentially of a temporary and exceptional character, and must be succeeded as soon as possible by periods of constitutional regime, when arbitrary discretion must give way before a systematic organization, when order and economy must be permanently ensured by strict forms and rules rigidly and unswervingly enforced, when a searching control and supervision must be maintained by a system of close checks and restraints, when the collection of the revenue must be conducted as thriftily and harmlessly as would be consistent with efficiency, when a just and equitable incidence of taxation, must be settled after careful consideration and mature thought, when new projects must be taken up with great circumspection and adopted after great deliberation, and when every penny of the outlay must be made to show its substantial return. And it would also have been abundantly manifest, by what measures such a reform could be really secured. In the reform debates of July, Mr. Forbes and his followers advocated with all their might the overhauling of Act II of 1865, as being found utterly inefficient for the purposes of enforcing a strict control and supervision. But every fact which they stated, every argument which they produced, only led to the logical conclusion that the provisions of Act II, with very few exceptions, were preeminently adapted for such a purpose, and that the fault lay only in the constitution of the body by whom they

were to be enforced. If there was one thing more than another conclusively established in the reform debates, it was this, that the Bench of Justices was a body utterly incompetent to carry on municipal government under a constitutional regime. And this is just what might be expected from a body constituted as the Bench is. The Justices are elected by Government. In the first place, there is nothing in the mode of election to rouse an active sense of municipal duties and municipal responsibilities. As I have said elsewhere 'What is the popular meaning at present of a Justice-ship of the Peace? Some sort of honor, most people will say, in the main.' The idea that it involves municipal duties and municipal obligations is, at least, in the generality of cases, very vague, shrouded much in the background, and withal of a very passive character. In the second place, there is no guarantee for a judicious and well proportioned choice in this mode of election. The Government are obliged to work second hand, and rely upon the judgment of people, themselves hardly alive to the responsibility of their task. Then the Justices are elected for life. Even if they started with some sense of responsibility, no better plan could have been easily devised to divest them of it as speedily as possible and to induce indifference, inactivity, and stagnation. Every motive is thus removed from the mind of the Justices which could instigate in them a desire to be active and useful, at some sacrifice of time and labour, and which could inspire them to persevere in such generous resolutions. Thus elected by Government and elected for life, the Bench of Justices is, by the very conditions of its existence, organized only for inefficiency and incompetency. I have not the least idea in making this observation of bringing a charge against the present Bench of Justices—that is to say, against any individual member of it. We may say of it as Mr. John Bright once said of the Board of Directors of the East India Company, that the Justices who constitute it would act just about as well as any other equal number of persons elected by the same process, standing under the same circumstances, and surrounded by the same difficulties. It is not the men, but the system which is at fault. There is only one remedy for such a state of things, the only remedy, which history teaches us, has been successful in ensuring an active and efficient municipal government. That remedy,

I need hardly say, is the introduction of the free representative principle in the constitution of the municipal body. But, talk of government and representative institutions for the East in the same breath, and you are immediately met with the response, 'utterly out of the question,' given by Mr. James Mill when asked by the Select Committee of 1832 on Indian Affairs whether he thought representative government practicable in India, and echoed by Lord Macaulay in his speech in the House of Commons in 1833 on the Government of India. Backed by the authority of two of the greatest champions of free and liberal forms of government, it has become the fashion to shrug one's shoulders and to wonder at the amazing stupidity of men who can have the hardihood to propose representative institutions for people to whose genius they are alleged to be so radically foreign and inappropriate. But if we look closely into the matter, no such inference of utter incapacity is deducible from the opinions passed by Mr. Mill and Lord Macaulay. To interpret them in that manner is to forget the limitations of time and circumstances, in the light of which alone ought such assertions to be read. In 1832 and 1833, a time when the country had not yet recovered from the shock of its great internal struggles, when the foundations of British supremacy were hardly yet assured, when tranquility and repose so necessary for the successful initiation of great changes had not yet set upon the land, no other answer could have been given to the question of introducing representative institutions than that given by Mr. Mill, 'utterly out of the question.' Perhaps, even at the present day, the same answer must be returned, if the question was of introducing in India the full-blown representative institutions of the Western world. What is said to be stated by Mr. Mill and Lord Macaulay goes no further than this, and does, by no means, warrant the further conclusion endeavoured to be drawn that it is chimerical to attempt to initiate even by slow and moderate degrees, the introduction of representative institutions. Nor would such a conclusion be borne out by fact and experience. Indeed it is not a little strange how a proposition so utterly belied by all history, should ever have come to be enunciated. A very moderate acquaintance with oriental history informs us that, while the higher political organization has seldom advanced beyond an en-

lightened form of despotism, the whole lower substratum and structure of oriental society are closely interpenetrated by free representative combinations. As was once said by our erudite townsman, Mr. Anstey, at a meeting of the East India Association, 'We are apt to forget in this country, when we talk of preparing people in the East by education, and all that sort of thing, for municipal government and parliamentary government (if I may use such a term) that the East is the parent of municipalities. Local self-government, in the widest acceptation of the term, is as old as the East iteslf. No matter what may be the religion of the people who inhabit what we call the East, there is not a portion of the country from west to east, from north to south, which is not swarming with municipalities; and not only so, but like to our municipalities of old, they are all bound together as in a species of net work, so that you have ready made to your hand the frame-work of a great system of representation.' Such is especially the case in India, where the caste organization, with its respective punchayets and mahajuns, incrusted deeply in the very heart of Hindoo society, and leaving no portion of it untouched, is one vast and continuous chain of local self-governing groups. 'The true view of India is that, as a whole, it is divided into a vast number of independent, self-acting, organized social groups, trading, manufacturing, cultivating.' Then there are those institutions of larger dimensions and more complicated functions, the village communities, indestructible and of immense antiquity. "In whatever direction," says Sir Henry S. Maine in his *Ancient Law*, "research has been pushed into Indian history, general or local, it has always found the community in existence at the farthest point of its progress."* We all know the description given of a village community by Mountstuart Elphinstone,—"The indestructible atom, from an aggregate of which the most extensive Indian Empires are composed.....Each township conducts its own internal affairs. It levies on its members the revenue due to the State; and is collectively responsible for the payment of the whole amount. It manages its police and is answerable for any property plundered within its limits. It administers justice to its own members as far as punish-

* p. 260.

ing small offences, and deciding disputes in the first instance. It taxes itself, to provide funds for its internal expenses. * *

* * It is provided with the requisite officers for conducting all these duties, and with various others adapted to the wants of the inhabitants; and though entirely subject to the general government, is in many respects an organized commonwealth, complete within itself. This independence and its concomitant privileges, though often violated by the government, are never denied; they afford some little protection against a tyrannical ruler, and maintain order within their own limits, even when the general government has been dissolved. * *

* * The village communities (writes Sir Charles Metcalfe) are little republics, having nearly every thing they can want within themselves, and almost independent of any foreign relations. They seem to last where nothing else lasts. Dynasty after dynasty tumbles down; revolution succeeds to revolution, Hindoo, Pathan, Moghul, Mahratta, Sik, English are all masters in turn; but the village community remains the same. * *

* * A town-ship in its simplest form, is under a headman.

* * Though he is still regarded as an officer of the king, he is really more the representative of the people. The selection of an individual from the proper family rests sometimes with the village community, and oftener with the Government. * * The headman, in short, does all the duties of municipal government. All this is done in public, at a place appropriated for the purpose; and on all points affecting the public interest, in free consultation with the villagers." * Some of the townships are of a more self-governing character than the others. "It is not disputed," says Sir H. S. Maine in his recent work on *Village Communities*, "that villages are found in great numbers in which the Government is lodged with a council, neither claiming to be nor regarded as being anything more than a representation of the entire culti-

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**History of India* pp. 62-4.

vating body." † Again, in another place the same author states 'I have good authority for saying that, in those parts of India in which the Village Community is most perfect and in which there are the clearest signs of an original proprietary equality between all the families composing the group, the authority exercised elsewhere by the Headman is lodged with the Village Council. It is always viewed as a representative body, and not as a body possessing inherent authority, and whatever be its real number, it always bears a name which recalls its ancient constitution of Five Persons.' ‡

The existence of such village communities thus proves the utter falsity of the assertion of the racial incapacity of Easterns for representative institutions; but what is still more remarkable is, that recent investigations show that they exactly correspond to the original substrata on which Western municipalities themselves have arisen. The researches of Von Savigny and others tend to the conclusion that municipal communities were for a long time unknown to the Germans, * and that the origin of Western municipalities is to be traced in an engrafting of the precise technical Roman form on the rude representative institutions of the old Teutonic Mark. Now, in his work on *Village Communities*, Sir H. Maine identifies the Teutonic Mark with the Indian Village Community. "If very general language," he says, "were employed, the description of the Teutonic or Scandinavian Village Communities might actually serve as a description of the same institution in India." § Thus, so far from the conditions of the introduction of free municipal institutions being different in the East and the West, the origin of Western municipalities indicates analogically as strong a suggestion as history ever furnishes for the engrafting of the western municipal system on Indian town-ships just as the Roman municipium was successfully engrafted on the corresponding Teutonic Mark. The same qualities which fitted the Teutonic soil for the Roman graft are found in the Indian soil, and the English plant, if trans-

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† History of India, p. 155. ‡ p. 123.

* Savigny's Rom. Law, 274-6, seq.

§ p. 107.

planted, would, it may be surmised hopefully, be reared as successfully as its Roman parental stock.

But, as soon as the objection founded on a radical racial incapacity is made to disappear on a close inspection, another is urged, based on the incongruity of introducing free institutions in the heart of an empire, ruled by an essentially despotic, or as it is sometimes apologetically termed, a patriarchal form of government. It is urged that it would be productive of discord and confusion to combine institutions of so directly conflicting a character. The whole history of municipal institutions furnishes, however, the most convincing and instructive refutation of this objection. Not only does it show most conclusively that free municipalities are far from being discordant, unmanageable and dangerous elements even in the most despotic constitutions, but it also goes to establish in a very strong manner the wisdom and desirability of incorporating them in such governments. We learn from it that the existence of municipal self-government in despotic states acts as a safety-valve for the peaceful emission of popular irritation, discontent, and disaffection which might otherwise recoil upon them. We also learn that the instincts and habits induced by the experience of local self-government always assist in preventing the violent and revolutionary overthrow of the states in which it has been practised and fostered and favour gradual and well-considered constitutional changes. The history of Roman provincial government, so similar to the British government in India, is full of instruction on this subject. "It was the policy of the Emperors," says Mr. Merivale, "first devised by the prudence of Augustus, to extend and multiply the functions of the Roman municipality. Mœcenas, it was said, had counselled his master to furnish public occupation to as many of the citizens as possible, in order to attach them to the Government by interest, and at the same time give them experience in affairs. It might be deemed of no less importance to divert their restless energies into safe and useful channels."* We know that, in pursuance of this policy, Roman colonies enjoyed a municipal constitution, administered by a senate and officers of their own appoint-

* Hist. of the Rom. under the Empire. III. 518.

ment; and this local arrangement was gradually extended under the first emperors to the provincial cities generally.† And it was something more than the mere shadow of domestic government that was thus conferred upon the provinces. "Rome had a marvellous power," says M. de Champagny, in his recent valuable work on 'Les Césars', "of perceiving how much of independence would suffice to content nations without being dangerous, and I doubt whether any free and sovereign city of our modern Europe, Cracow for instance, is so completely mistress at home, as Rhodes and Cizicus were allowed to be under Augustus, whether there is any Senate so much respected as the Curia of Tarragona, or the Council of Six Hundred at Marseilles; or a burgomaster whose powers of police are so sovereign as those of the Suffete at Carthage or the Archon at Athens were allowed to be."‡

Coming down to modern times, Prussia and Russia will be perhaps acknowledged to be two European kingdoms, where centralization and despotism may be said to be most rampant. In Prussia, however, the King granted, of his own accord under the advice of his sage ministers Stein and Scharnhorst, a large and liberal Municipal law which, with the other three great reforms inaugurated at the same time, the redemption of the peasant's glebe, the educational reform, and the landwehr system, have combined to raise that country to one of the proudest positions in Europe and the world. Mon. de Coulanges, in reviewing Mon. Hesse's Work on 'L'Administration provinciale and communale en France et en Europe', thus describes the Prussian commune: —"Elle forme un petit etat libre; elle élit son conseil communal, qui nomme le maire et l'adjoint. Ce conseil se reunit sans qu'il soit nécessaire que l'autorité l'ait convoqué. Il vote son budget, nomme les employés communaux, et a la direction souveraine de ses écoles, de ses établissemens de bienfaisance, de sa police. Sauf certains cas prévus, il n'a pas besoin de solliciter l'approbation de l'autorite. Ses actes ne peuvent être annulé's que s'ils sont contraires aux lois. Ces communes Prussiennes, qui jouissent de tant d'indépendance, ne parais-

† Hist. of Rom. under the Empire, III, 526-7.

‡ Vol. II. p. 338 West. Rev. July 71 p. 9.

sent pas en faire un mauvais usage. Maitresses d'elles-mêmes et exemptes de tutelle, elles s'entendent bien à gerer leurs intérêts. Elles s'administrent sagement leur propriétés et reglent avec bon sens leurs affaires. La liberté communale, loin dêtre un embarras en Prusse, est un gage de sécurité, de prosperité et d'ordre public. C'est peut-être elle aussi qui fait supporter la monarchie.'* The same lesson of, not only the harmlessness, but the positive wisdom and utility of introducing free municipal institutions in absolute and despotic governments is taught by Russian history. In Russia, the political despotism is of the closest character; still the Russian municipal commune enjoys great rights and liberties, and is allowed to manage its own local affairs. The history of municipal institutions in France affords a crucial instance in favour of the proposition we are trying to establish. Roman legislation early clothed the Gallic towns with municipal rights and privileges, and the French municipalities grew vigorously and flourished with great éclat till the end of the 15th century. About that period, Louis XI, equally anti-aristocratic and anti-democratic, as pointed out by M. de Tocqueville, destroyed the whole popular and democratic character of the administration of the towns, and restricted the government of them to a small number of families attached to his reforms, and bound to his authority by immense advantages.† Still some of the towns of France continued down to the close of the 17th century to form, as it were, small democratic commonwealths in which the magistrates were freely elected by the whole people, and were responsible to the people—in which municipal life was still public and animated. These elections, says M. de Tocqueville, were generally abolished for the first time in 1692 by Louis XIV. The municipal offices were then what was called put up to sale (*mises en office* was the technical expression) that is to say, the king sold in each town to some of the inhabitants the right of perpetually governing all their townsmen.‡ In its immediate effect, this measure cost the towns at once their freedom and their well-being; its more remote, but

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* Rev. des Deux Mondes-Ier Juillet 1871. p. 238.

† 'France before the Revolution' pp, 42 and 89.

‡ Ditto pp. 75-6.

not less certain, results are thus described in an article in the *Edinburgh Review* for July on Communal France. "We think it has been shown that the municipal institutions of France have never enjoyed or received their proper functions, *viz.* :—the independent control of local affairs by elected magistrates in subordination to the general laws of the kingdom, and that whatever power they did possess in the Middle Ages had been gradually subverted by the Crown, and was finally destroyed by the Revolution. But one of the effects of the destruction of legitimate municipal power has been that, in the absence of traditional or organized control, based on usage and law, the popular forces of the commune have made themselves felt in a violent and irregular manner at all periods of social commotion, that they have at once assumed military power and usurped a supreme authority in direct opposition to the sovereign will of the nation and the state." † "En France", says M. de Coulanges, "tous les mécontentmens et tous les désirs d'innovation se portent en un seul faisceau contre le pouvoir central, et le renversent tous les quinze on vingt ans." The French Communes have thus alternately proved to be instruments of despotism or centres of revolution.

I think we may now take it as established that, if historical analogy and experience are to guide us in this matter, they are strongly and uniformly in favour of the wisdom and expediency of conferring the municipal franchise on Indian towns. Such a measure would, so far from being inconsistent with, and dangerous to, British supremacy, tend powerfully to attach and reconcile the subject races to British government, would increase its strength and stability, and would go far towards providing against a sudden, violent, and revolutionary overthrow.

Having disposed of these preliminary objections, it now remains to be seen whether the Indian towns possess the positive qualifications laid down by writers on representative government as necessary before they could be declared fit for free representative institutions. These qualifications may be briefly described to be readiness and ability to preserve and work the institutions that may be conferred upon them. Confining ourselves to the town

† Ed. Rev. July 1871 No. 273. p. 268. see also p. 255.

of Bombay, with which we are at present concerned, no one who has watched the active part which the public have taken for the last six months in the agitation about municipal affairs, can entertain any doubt as to their ready alacrity. Without proper guidance, instruction, or organisation, they have discussed municipal questions, prepared petitions, formed rate-payers' committees, held public meetings, and passed resolutions. It may be safely presumed that people who could improvise representation in this manner without being asked, would not be backward in availing themselves of a municipal franchise if it was conferred upon them. Then as to ability, if we take the masses of the people, the populations of Indian towns would compare most favourably with the populations of European towns with a municipal franchise, in point of shrewdness and intelligence. "The natives of India," says Sir H. Maine, "for poor and ignorant men, have more than might be expected of intellectual quickness."* In the case of Bombay, a commercial seaport and metropolitan town, this natural aptitude is enhanced by the enlightening influences of foreign contact, so much so, indeed, that any body who has had opportunities of forming a comparison can safely say that our town can vie in this respect with some of the largest and greatest towns of England and France possessing the right of electing their own municipal bodies.

Perhaps here an objection might be raised, arising from the peculiar position of this country, subject to a nation superior to its people in point of civilization. It might be urged, that the higher education and civilization of the rulers, numerically inferior, would fail to be adequately secured in a free municipal representative body, and all the intelligence of the people would fail to point out to them the advisability of securing their invaluable co-operation. Such a consequence, however, need not be apprehended when we consider the high position and great influence which is possessed by Anglo-Indians. Still this difficulty, if it really existed, might be met by a similar expedient to that adopted in the constitution of the English Board of Guardians, in which the Justices of the Peace of the district sit *ex-officio* along with the

* Vill. Com. p. 56.

elected members, in number limited by law to a third of the whole.† A number of members, holding positions of public trust and importance, might be similarly incorporated *ex-officio* in our elected body, thus ensuring the admixture of a certain amount of the highest intelligence and education in the town.

From all these considerations, it is thus obvious that the town of Bombay is pre-eminently fitted for the introduction of a municipal representative body, elected by the rate-payers themselves. And if this be so, very little reflexion will show us that no more efficient or better remedy can be proposed for all the different varieties of municipal grievances and evils, real or unfounded, which have been proclaimed from different quarters. If the executive officers are too dictatorial and overbearing, such a powerful responsible body can be confidently relied upon to check and control them. If the expenditure is too extravagant, such a popular responsible body can be safely trusted to reduce it within the farthest limits consistent with efficiency. If the incidence of taxation is unjust, unequal and wrong in principle, such a representative body may be fairly expected to consider it carefully and maturely, and settle it with a due regard to the interests of all classes, rich or poor. If the present financial state of the municipality is in confusion and disorder, such an active and responsible body may be reasonably charged with the task of restoring order, of considering whether the deficit should be met by fresh taxation or by a system of loans and sinking funds in respect of expenditure incurred in reproductive and permanent works, of determining whether the appropriated special funds ought to be replaced or not, and of starting the new municipal era with a clear balance-sheet and an available surplus. Such an independent and popular body may also be expected fearlessly to fight the battle of the municipality against such inequitable encroachments of Government as the withdrawal of the Police grant. And, after the redress of immediate and pressing grievances, such a body may be left, not to administer and govern for which it is radically unfit, but to fulfil its proper function, to watch and control the exe-

† Mill's Rep. Govt. 2nd Ed. p. 277.

cutive government; to throw the light of publicity on its acts, to compel a full exposition and justification of all of them which any one considers questionable, to censure them if found condemnable, and if the men who compose the executive abuse their trust or fulfil it in a manner which conflicts with the deliberate sense of the people to expel them from office, and either expressly or virtually appoint their successors.*

Instead of proposing a comprehensive measure securing such a thorough radical reform, the leaders of the present reform agitation have brought forward a remedy which might well make us exclaim, 'Heat not a furnace for your foes so hot that it do singe yourselves.' Not that they were utterly insensible to its merits, but they allowed themselves to forget its importance and deliberately to sacrifice the chances of obtaining it, in a personal quarrel with the executive as to the dignity of the Bench and of some of its members. Their conduct is open to this interpretation from the circumstance, that as if it were to obtain this, in a manner, personal end, they urged a scheme of reform opposed to one of those rare principles of political science, with respect to which all shades of opinion have come to a unanimous conclusion. I watched anxiously their speeches during the Reform Debates to see, if, in recommending the establishment of an executive Town Council, they had any special reasons for overruling one of the most well-established of political axioms. But there was not one such argument advanced during the whole debate; indeed, in their hot anger, the advocates of the motion seemed wholly unconscious that they were supporting an exploded fallacy. And it would indeed prove, not a day of blessing, the day on which the municipal reform agitation was launched, but a day of woe and curse, if the recommendation of its leaders is at all adopted. For, with the Bench as it is at present constituted, or even with a Bench organized on such a popular and responsible basis as we have sketched above, the vesting of the executive authority in a Town-Council would be a retrogressive step, plunging the Municipality into a gulf of mismanagement, inefficiency, and jobbery such as the wildest rumours have not dreamed of ascribing to the

* Mill's Rep. Govt., 2nd Ed., p. 104.

administration of the late Commissioner. The only safe and efficient way of disposing of the executive authority is to vest it in a single responsible officer. The description of an executive Board given by Bentham in his Letters to Lord Grenville on Scotch Judicial Reform is well-known. 'A board, my lord, is a screen. The lustre of good desert is obscured by it, ill-desert slinking behind, eludes the eye of censure : wrong is covered with a presumption of right, stronger and stronger in proportion to the number of the folds.'* In another place, he says, 'The greatest danger in plurality, either in a tribunal or an administrative council is that it diminishes responsibility in many ways. A numerous body may reckon on a kind of deference on the part of the public and may allow itself to perpetrate injuries which a single person would not dare to do. In a confederation of many persons, the single individuals may throw the odium of a measure upon the others : it is done by all, it is acknowledged by none. Does public censure rise against them? The more numerous the body, the more it is fortified against external opinion; the more it tends to form a kingdom within a kingdom—a little public having a peculiar spirit and which protects by its applause those of its members who have incurred general disgrace.'‡ That numerous bodies, popularly elected or otherwise constituted, ought not to administer, is a maxim 'grounded', says Mr. J. S. Mill, 'not only on the most essential principles of good government, but on those of the successful conduct of business of any description. No body of men, unless organized and under command, is fit for action in the proper sense. Even a select board, composed of few members, and those specially conversant with the business to be done, is always an inferior instrument to some one individual who could be found among them, and would be improved in character, if that one person were made the chief, and all the others reduced to subordinates.'† The result of entrusting administrative and executive powers to boards, councils, or representative assemblies, is, says the same great political thinker, 'jobbery more unblushing and

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* *Bentham's Works*, Bowring's edition, Vol. 3, p. 17.

‡ Vol. 1, p. 571; also Vol. 6, p. 558, Vol. 9, pp. 214-5.

† *Rep. Govt.*, Sec. Ed., pp. 90-1.

audacious than the worst corruption which can well take place in a public office under a government of publicity.'‡ History and experience verify the conclusions of both these thinkers. The English parliament, in its wildest mood, has not thought of meddling with the integrity of the executive powers of Secretaries of State. The most democratic republics have not yet ventured to entrust executive and administrative functions to any but singly responsible Presidents. Formerly it was the Council of Madras or Calcutta which decided everything by a plurality of votes; now the Governor decides everything in the last resort. To take examples more closely bearing on our present point, the example of English Town Councils was urged to recommend the establishment of a similar body in Bombay. Hear what a man of such liberal tendencies as Mr. Herbert Spencer says of them. 'Town Councils', he says, 'are not conspicuous for either intelligence or high character,'§ and extravagance is one of their most notorious vices. American Town Councils teach the same lesson. Under the New York Town Council, the New York people pay 'over a million and a half sterling, for which they have badly paved streets, a police by no means so efficient as it should be, though much better than formerly, the greatest amount of dirt north of Italy, the poorest cab-system of any metropolis in the world, and only unsheltered wooden piers for the discharge of merchandise.'* The greatest Town Council in the world, the Corporation of London is characterised by Mr. Mill as 'an union of modern jobbery and antiquated foppery.' All these examples, however, are of boards and councils whose evil effects are to a great extent counteracted by the working of the popular elective principle on which they are constituted. When they are not popular elective bodies watched by public vigilance, they are apt to be more dangerous still. Look at the Town Councils of the English boroughs before the elective principle was universally introduced into them by the Municipal Corporation Act of 1835, characterized by the Commissioners appointed to enquire into them as hotbeds of inefficiency,

‡ *Rep. Govt.*, Sec. Ed., p. 93. See also p. 284.

§ Essays. p. 191-2.

* This was written in 1863.

corruption, and jobbery. We are not also without local experience on this subject. We all know how little of municipal improvement was effected by the Board of Commissioners, the predecessor of our present municipal government. But not only did it effect nothing, but it also left the municipal accounts and municipal finances in a state of muddle and inextricable confusion, before which the present state of our accounts and finances, even taken at their worst, would be regularity and economy themselves. "Upon a recent occasion," says Mr. Cassels in his speech on the second reading of the Municipal Bill, "the President of the present Commission opposed the nomination of one of his subordinates as a candidate for the office of Commissioner on the ground that a sum of 3½ lacs of rupees in the accounts of his office had remained for many months unaccounted for, although that officer had been repeatedly called upon for explanation, and in the letter from which I have quoted you will remember it was stated that a sum of over three lacs had figured at the credit side of the balance-sheet, although not a single rupee of the amount had been actually paid. Even in the statement laid by the Commissioners before the Bench as the justification of their letter, an error of ten lacs was discovered at the meeting."† With such facts before us, it is a matter of no little wonder that the municipal reform leaders should have allowed themselves to propose a remedy worse than the disease, taking that disease even in its worst aspect and as diagnosed by themselves. It would indeed be reforming ourselves with a vengeance, to set up King Stork in the place of King Log, a hydra-headed Town Council in the place of a single executive officer. We may thus conclude, that if real reform is to be secured, the executive functions of the Municipality must be entrusted, under the control and guidance of such a popular representative body as we have described above, to a single responsible officer, call him the Municipal Commissioner or what you like, so long as he has undivided executive power and responsibility. In connexion with this subject is the question 'with whom should the appointment of the executive officer rest.' The most liberal political thinker of the present age emphatically

† Proceedings of the Bombay Leg. Coun. Vol. IV. p. 6.

lays down that such an officer should be nominated, not elected, as election by the population is a farce, appointment by the local representative body little less objectionable. Such bodies have a perpetual tendency to become Joint Stock Associations for carrying into effect the private jobs of their various members.* Watched and scrutinized, however, by these bodies, the appointment of the executive may be safely left to the Local Government. One appointment, however, that which we know by the name of the Controllership of Accounts, being essentially antagonistic to the executive and consequently requiring above every thing to be independent of it, may be advantageously left in the hands of the representative body. Elected by that body, he could be confidently relied upon to watch vigilantly and report, if its controlling orders are properly obeyed and observed.

I have now indicated, though imperfectly and briefly, the direction in which municipal reform ought to be pushed, and the means by which it might be accomplished. We saw that municipal affairs were driven to an imminent and critical point by the end of 1864. We saw how a strong rule and strong measures were required to grapple with and overcome the great municipal crisis of 1865. We saw how an able and energetic, though irregular, informal, and sometimes illegal municipal administration of six years achieved a signal triumph over that crisis and steered us clear of it. We then observed that, its work done and its mission accomplished, such a dictatorial municipal government must, as speedily as possible, be superseded by government under a constitutional regime. We pointed out how such a constitutional regime could be inaugurated. We pointed out that the people of Bombay were as deserving of a municipal franchise as any town of the Western world, and that the real salvation of its municipality lay only in such a measure of thoroughness. We pointed out that, concurrently with such a popularly elected body, the executive functions must be vested in a single responsible officer, nominated by the Local Government, but watched by a Controller of Accounts elected by the popular assembly. Against

* Mill's Rep. Govt. p. 284-5.

such a plan of reform, the reform leaders in the wake of Mr. Forbes have centred all their hopes in an executive Town-Council. But I repeat that it is not wisdom to propose a remedy worse than the disease in the face of all principle and experience, nor is it patriotism to sacrifice large public interests to vindictive anger against an individual, however deserving even he may be of it. It is a pity to discover that all the public spirit and all the creditable exertions, brought out by the present Municipal reform agitation, will have been utterly thrown away, or, if successful, will only end in retrogressive measures threatening to plunge the town into greater confusion and danger than ever existed before. It is not, however, too late. The obnoxious Commissioner is gone, the new Municipal Bill is still in course of construction. Before its completion, there is still a splendid opportunity for our reform leaders to earn the eternal gratitude of the town of Bombay for acquiring for it a really efficient municipal organization, and at the same time, of all India, for having inaugurated by their exertions a system fraught with the fairest promises of a great political development.

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