

# The Calcutta Municipal Bill, 1951

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*When the Government of Lord Curzon officialised the Calcutta Corporation in 1899, the late Surendranath Banerjea was among the 28 councillors who resigned in a body in protest.*

*The Calcutta Municipal Act of 1923 which is now sought to be superseded in order to bring back official control was one of his first acts as a minister when Surendranath accepted the ministership for Local Self-Government under the Montagu-Chelmsford Reforms. Self-government in civic administration has thus gone the whole round. . .*

THE Government of the State has the right, it may be conceded, to amend the law relating to the administration of the city. But the residents of the city equally have the right to be consulted before any legislation vitally affecting their interests is brought before the legislature. Public opinion cannot be flouted.

It may be argued that the legislature represents the people of the State and that if any piece of amending legislation is passed by the legislature, it has virtually secured the approval of the people. There are serious flaws in this argument. It may hold good in the case of a law affecting the entire State. Even in such a case, an important measure is seldom enacted without eliciting public opinion. But "State" Government is something quite different from "City" Government. The legislature mainly represents the people of the rural districts and metropolitan interests are but inadequately represented on it. A law relating to the constitution of the Corporation and affecting the interests of the citizens of Calcutta must carry with it the approval of the residents of the city.

The present Bill, which seeks to make a vital change in the democratic principle of city administration as laid down in the Calcutta Municipal Act of 1923, has been prepared and introduced in the West Bengal State Assembly during the period of supersession of the municipality. Although the "Corporation" is legally functioning, there are no Councillors or Aldermen representing the ratepayers of the city. The statement of Objects and Reasons, appended to this Bill, refers to the report of the Corporation Investigation Commission, and naively adds:

"After consideration of this report and the representation made by the superseded Corporation from time to time and by the Administrative Officer-in-Charge of the Corporation during

the period of "supersession, it was decided that substantial changes should be made in the Calcutta Municipal Act 1923, for improving the administration of the Corporation and its finances."

It is ridiculous to bring in the name of the Corporation, as the views of the superseded Corporation represent merely the views of the Administrator. The fact remains, therefore, that an amending Bill vitally affecting the interests of the ratepayers and citizens of Calcutta has been introduced and is sought to be carried in the Assembly with the help of the majority votes representing rural areas in the State, without even consulting these ratepayers and citizens or their representatives in the Corporation. Such a Bill should never have been introduced at a time when the Corporation stands superseded by Government. Sir Surendra Nath Banerjea's Calcutta Municipal Act of 1923 marked a great advance in City Government in India and introduced, in a large measure, the principle of "home rule" in Local Self-Government. The present Bill seeks to destroy this principle and can surely be characterized as a most retrograde and unwise measure. The City's charter is being thrown away, without the citizens' consent or approval. This inopportune attempt to curtail the rights of the City behind the back of the ratepayers' representatives should be resisted with the greatest vigour.

The main criticism of the provisions of the amending Bill should be directed against the deliberate attempt to curtail the powers of the Corporation. Under the existing Act, the Corporation is the supreme authority for carrying out the administration of the City's affairs. Government have some ill-defined powers of surveillance, but cannot interfere in the day to day administration of the City. The Chief Executive Officer, the Deputy Executive Officer, Health Officer, Chief Engineer, Secretary and other municipal officials are all appointed by

the Corporation, although the appointment to some of these posts is subject to the approval of Government. The Executive Officer derives his powers from the Corporation. The Corporation delegates to him "any of its powers, duties or functions under the Act (or under any rule or by-law made thereunder)" and the Executive Officer exercises or discharges such powers, duties or functions, "subject to such conditions and limitations as may be prescribed by the Corporation" and also to "control a revision by the Corporation." The subordinate officials derive their powers from the Executive Officer; their powers, duties or functions are delegated to them by the Executive Officer and the exercise or discharge of such powers, duties or functions is subject to similar restrictions. Standing Committees are appointed by the Corporation and their powers, duties or functions are delegated to them by the Corporation. The Corporation may dissolve or alter the Constitution of any Standing Committee and may likewise withdraw from any Standing Committee any of the functions, powers or duties delegated to them.

It will be remembered that prior to the Act of 1923 the Chief Executive Officer—who was called Chairman—was appointed by the Local Government. He also presided over the meetings of the Corporation and was assisted, in the exercise of his executive powers and functions, by a Deputy Chairman also appointed by Government and a Vice-Chairman appointed by the Corporation. The Chairman and the Deputy Chairman were usually Government officials and it was difficult for the Councillors to interfere with the day to day administration of the Corporation—although the Chairman and his subordinate officials were subject to the control of the Corporation.

It may readily be admitted that the grant of "home rule" to the Corporation in the Act of 1923 did not produce the desired results. In theory, the Act marked a great advance in municipal government;"

the administration of city affairs was handed over to the representatives of the ratepayers. But "good government" did not follow "self government." Various factors were responsible for this. It is needless to try to analyse them. The main difficulty was that the municipal administration came to be under the complete, sway of a party machine. The Act did not provide for a strong executive for the carrying out of the City's administration. The Executive Officer's powers were limited, the exercise of which was subject to the control of the Corporation and open to interference by individual Councillors. Responsibility became diffused and naturally the standards of administration in the different departments declined. Maladministration and inefficiency became the order of the day. Besides, the times were bad: opportunities for graft, nepotism and corruption increased. Ultimately the Corporation was superseded by the national government of the State on March 24, 1948, for "continued mal-administration."

The need for strengthening the Executive head of the Corporation can be visualized. But is Government control and Government interference the sole remedy for maladministration? Is there any justification for going back to the old order which prevailed before 1923, and which still holds the field in Madras and Bombay?

It would be interesting in this connection to recall the history of the development of American City Government since the Revolution, which furnishes a somewhat close parallel—from which valuable lessons may be learnt. After the Revolution, American cities drifted away from the English model. State legislatures started incorporating municipalities. The mayor came to be popularly elected, but he was not the executive head of the administration. The supervision of city administration was transferred to individually elected heads of administrative departments. Responsibility for satisfactory administration was thus scattered among a large number of unrelated agencies and there was no attempt to co-ordinate their work. This "hydra-headed" administration produced disastrous results. An era of 'unrestrained democracy' had brought in a "rule of the rabble." Public office came to be regarded not as a "trust," but as a "prize"—a reward for services to the party. By the middle of the nineteenth

century the *spoils* system had become fairly entrenched.

The "good" people of the urban communities were at last roused out of their apathy and indifference. They realized that they had no voice in their own local government and in desperation turned to the state legislatures and asked that state power be used to check local corruption. In every state, the invitation was readily accepted and in time, the legislature came to regulate every phase of municipal administration without waiting to be asked. State interference had become fairly common since the close of the Revolution, but after 1850 it came to be the regular order of the day. State appointed Boards gradually replaced the popularly chosen department heads, and the control of municipal affairs passed into their hands.

What was the result? "The control of city administration by State appointed authorities"—writes Prof. A. Macdonald in his *American City Government and Administration*—"resulted in general dissatisfaction. The State officials proved equally incompetent, and equally corrupt, and even less responsive to local sentiment than the henchmen of city bosses who had formerly served as department heads." "The people were less interested in good government than in self-government. State muddling might give the cities far better administration—though in practice it seldom did—but it aroused discontent. In time it proved so unpopular that the fight against State interference became almost a crusade."

"Before the end of the 19th century most of the State appointed boards were abolished and their work transferred to elected boards or to individual department heads appointed by the mayor. The power of State legislatures to pass laws regulating municipal affairs was also restricted in a number of ways."

"During the two or three decades following the Civil War" writes Prof. Macdonald, "municipal government in the United States sank to its lowest level. Those were the days of utter inefficiency, of flagrant corruption, of complete indifference to public opinion. . . ." "In nearly every city the government fell into the hands of a well-organized group of professional politicians who used their powers to enrich themselves at public

expense. They resorted to every known trick in order to retain control. Crude giving and taking of bribes were every day occurrences. . . . Contracts for the construction of buildings were awarded according to the size of the 'commission' given to the city boss and his subordinates." "The form of government was itself a standing invitation to political manipulation. With responsibility divided among a score or half a hundred individuals and boards some popularity elected, some chosen by the mayor with the consent of the council and some selected by State officials, it was impossible to place the blame when things went wrong. As city functions multiplied, the spoilsmen became more active because the spoils were great."

"For years, the better citizens in most communities accepted the situation with scarcely a word of protest. Effective civic leadership was lacking. But as matters went from bad to worse, the smouldering resentment of the people burst into an open flame of revolution. In city after city the party leaders suffered defeat at the polls, and the control of government came into the hands of the Reforms Group."

Many changes were made in the structure of city government: the office of Mayor gained most from these innovations. In the majority of cities, the mayor became in fact, as well as in name, the head of the administration. . . . Everywhere the tendency was to centralize authority and responsibility in the hands of the mayor, who had proved a champion of good government."

Simultaneously the Civil Service reforms movement was introduced: "the merit system" of selecting public employees was established by State Law in the cities of New York State in 1844, and one by one the other cities fell into line. Everywhere popular opinion has now come to regard municipal administration as a field for expert technicians and not for the henchmen of political bosses.

The one important lesson that we learn from the history of American City Government is that State Control is not the panacea for all the ills of mal-administration, inefficiency and graft. An administration controlled by State officials may be equally inefficient and equally corrupt; it is inevitably less responsive, if not utterly indifferent, to public opinion and is certain to arouse popular discontent.

