

be no chance of coolies working in tea plantations being brought under the control of this measure. It was also proposed, without attempting to lay upon any one the duty of defining a "hill municipality," to say that the Bill should only extend to the Municipalities of Darjeeling and Kurseong. The Select Committee did not consider that the Bill should be republished, but he thought that under present circumstances it would probably be well to republish the Bill for general information.

The Council was adjourned to Saturday, the 24th instant.

*Saturday, the 24th February 1883.*

**Present:**

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, *Presiding* ;

The HON. G. C. PAUL, C.I.E., *Advocate-General* ;

The HON. H. L. DAMPIER, C.I.E. ;

The HON. H. J. REYNOLDS ;

The HON. C. P. L. MACAULAY ;

Colonel the HON. S. T. TREVOR, R.E. ;

The HON. J. E. CAITHNESS ;

The HON. BHUDEB MOOKERJEE, C.I.E. ;

The HON. MAHOMED YUSUF ;

and

The HON. HARBUNS SAHAI.

#### JUTE-WAREHOUSES AND FIRE-BRIGADES.

THE HON. MR. REYNOLDS presented the Report of the Select Committee of the Bill to amend the law relating to Jute-warehouses and Fire-brigades. He said that, as the Select Committee had recommended that the Bill as amended by them be republished, he did not propose to bring forward any motion on the Bill till further time was given for consideration.

#### LOCAL SELF-GOVERNMENT.

THE HON. MR. MACAULAY introduced the Bill to extend the system of Local Self-Government in Bengal. He said that he did not propose at this stage to enter upon any discussion of the details of the measure. His object for departing from the usual course was that his colleagues might have an opportunity of making themselves fully acquainted with the provisions of the Bill before they were called upon to discuss it. It had been represented to him by more than one member of the Council that it would be desirable that they should have some further time for this purpose, and he would therefore, with the permission of the President, reserve his remarks until the motion for referring the Bill to a Select Committee came before the next meeting of the Council. He might, however, be permitted to say one or two words with reference to the delay which had taken place in the preparation of the Bill. The Council were aware that the drafting of such a measure as this

in the middle of the Session, when Select Committees and the Secretary were constantly engaged upon other Bills, was a work of no ordinary difficulty. But the difficulty had in this case been much enhanced by the sudden and serious illness of the Secretary Mr. Reily, who, he regretted to say, had been compelled to take leave to Europe. They had, however, been fortunate in obtaining the assistance of his learned friend Mr. Macgregor, and he deemed it right to inform the Council that it was mainly owing to Mr. Macgregor's ability and the untiring industry with which he had devoted himself to this task that there had not been still further delay in bringing the Bill before the Council. MR. MACAULAY had also to express his acknowledgments to his Hon. friend Mr. Reynolds, who had been good enough to assist him with his great knowledge and experience in revising and settling the terms of the Bill. He then moved that the Bill be read in Council.

HIS HONOR the PRESIDENT said that he thought it was in accordance with the general wish of the Council that any discussion on this measure should be deferred for another week. Personally he was quite willing to meet those wishes, not only on account of the length of the Bill, but on account of its great importance. Therefore he thought it would be better on all grounds that the Council should reserve any remarks they wished to make till the next week when the motion would be put to the Council to refer the Bill to a Select Committee.

The motion was put and agreed to

The Council was adjourned to Saturday, the 3rd March 1883.

*Saturday, the 3rd March 1883.*

*Present:*

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, *Presiding*;

The HON. G. C. PAUL, C.I.E., *Advocate-General*;

The HON. H. L. DAMPIER, C.I.E.;

The HON. H. J. REYNOLDS;

The HON. C. P. L. MACAULAY;

Colonel the HON. S. T. TREVOR, R.E.;

The HON. J. E. CAITHNESS;

The HON. BHUDEB MOOKERJEE, C.I.E.;

The HON. MAHOMED YUSUF;

The HON. HARBUNS SAHAI;

and

The HON. CHUNDER MADHUB GHOSE.

#### LOCAL SELF-GOVERNMENT.

HON. MR. MACAULAY said:—"I have the honour to move that the Bill to extend the system of Local Self-Government, which I introduced at the last meeting of the Council, be referred to a Select Committee consisting of the

Hon. the Advocate-General, Hon. Mr. Reynolds, Hon. Mr. Allen, Colonel the Hon. S. T. Trevor, Hon. Bhudeb Mookerjee, Hon. Mohamed Yusuf, Hon. Hurbuns Sahai, and myself. As I entered so fully into the nature of the scheme to which this Bill gives expression when I had the honour of moving for leave to introduce it, I need not now trouble the Council with any detailed review of its provisions. I will only draw attention to some points which appear specially to call for elucidation, and which I was unable to discuss at sufficient length in my introductory speech. The Council will observe that the authorities for the execution of the Act will be Union Committees, Local Boards, and a Central Board, all under the control of Government. The first point to which I wish to invite particular attention is the qualification of Union electors in section 7 of the Bill. That qualification has been fixed with the object of excluding only landless labourers, who cannot be expected to take any interest in the affairs of the Union. It will be observed that all persons who pay the minimum chowkidari rate will be qualified as electors. Where the Chowkidari Act is not in force the cultivators generally will be admitted under the provision that all persons who pay any road-cess shall be entitled to vote. There will be cases where cultivators do not themselves pay road-cess, but hold land which stands in the name of others. Most of these, however, will again be admitted under the qualification of a clear income, from any source, of sixty rupees a year. I do not think it would be possible to frame a more comprehensive system of qualification than section 7 provides. In my opening speech I said that it would be a part of the policy of this measure to foster and strengthen these Union Committees and to make them a real link between the people and the Local Boards. If the Council will turn to the sections which relate to the Union Fund, and the duties and powers of Union Committees, they will, I think, recognise that every endeavour has been made to fulfil that pledge. They will, I think, admit that the position of the Committees will be sufficiently important, and the powers and responsibilities entrusted to them sufficiently substantial, to attract the most intelligent villagers and to promote an interest in the management of their own affairs among the rural electors at large.

The constitution of the Local Boards will be such as I have already described to the Council. There will ordinarily be three members for each thanna, but, as some thannas are very much larger and more important than others, power has been reserved to sanction departure from this standard in special cases. Where one-half of the area of a thanna is under Union Committees, at least two members for that thanna will necessarily be elected. Where this is not the case the members may be either elected or nominated as the Lieutenant-Governor may direct. In any case one-third of the whole number will be appointed by the Central Board, but the number of Government servants appointed must not be more than one-fourth of the whole number constituting the Board. Where election can be held, the electoral body will be composed of the members of the Union Committees of the thanna. and men

of a certain standard of education who possess local interest in the thanna and reside either within the circle or in a contiguous Municipality. The qualifications of candidates have not been altered, except that I have included persons residing within five miles of the circle. In England the limit is seven miles. It will thus be possible for a person to be a member of more than one Local Board, but I do not see that there can be any objection to this.

The area under each Local Board, in other words the area of each Local Government Circle, will be such as may be determined by the Central Board acting under the control of Government. The Local Government Circle may be conterminous with the district, or there may be several circles in the same district. As I have said in the statement of objects and reasons, the principles to be borne in mind are, on the one hand, that the area under a Local Board should not be so large as to render it impossible that the bulk of the members should have some knowledge of the tract to be administered, and should be able to devote personal and practical attention to its administration; and, on the other hand, that it should be large enough to provide duties of sufficient importance to interest men of education, and advanced enough to provide men of education and some knowledge of affairs for the performance of those duties. I need not now repeat the reasons for which it is considered that the district area is too large to secure these advantages of knowledge, practical interest and personal attention. And I think it is equally obvious that no area smaller than that of a sub-division will as a rule give a charge of sufficient interest and importance. There are districts where, from the paucity of men capable of serving with efficiency on Local Boards, it will be impossible to have more than one Board, but undoubtedly where this is the case the work will be badly done and Local Self-Government will only be a name. It is generally admitted that we cannot make any advance if we have nothing intermediate between the District Board and the village. But, it is asked, why should we not have Local Boards in the different sub-divisions, with a District Board to control them? I will state the objections to such a system. In the first place the District Board would take away from the importance and prestige of the Local Boards to which we must really look for the work of the sub-division. In the second place it would also add another link to the administrative chain, and cause delay, waste of power and division of responsibility. Under the scheme which the Bill proposes, if a complaint is made to the Central Board, by one of its Inspectors or otherwise, that some Union Committee is neglecting its duty, the Central Board will send an order, or a request for enquiry, to the Local Board, and the Local Board, which will meet frequently, will be able to take early action upon it, and to issue the necessary injunction to the Union Committee. Now suppose that there is a District Board. The Central Board must send all its orders and enquiries through it. The District Board could not meet more frequently than once a month, and there would thus necessarily be delay, which would be repeated in the transmission of the reply from the Local Board; and to this delay at both stages would be added the waste of power, the friction and the division of responsibility which must result from the intervention of a number of autho-

rities. If it is urged that the orders or reports could be transmitted by a standing committee of the District Board, I reply that if this is merely routine work it could as well be done without the intervention of a District Board at all, while if it is not routine work it should be considered by the full Board. If it is to be considered by a small working body, that body may as well be the Local Board on the spot as a Committee at head-quarters. I do not lose sight of the fact that there are objects of common interest which cannot with advantage be dealt with by each Board independently. Some of these only affect Boards in the same district; others affect Boards in different districts, and these would not be provided for under a system of District Boards only. Among the first is the rate of road-cess. It is plain that this cannot be different in different parts of the same district. It would be quite impossible for the Collector to realize it under such circumstances. Provision has therefore been made in section 74 for an annual meeting of delegates from each Local Board in the district, where there is more than one, for the purpose of fixing the rate of road-cess. For purposes in which two or more Boards, whether in the same district or in different districts, is interested, such as a main road, a system of drainage, a system of water-supply, and the like, provision has been made for the creation of Joint Boards which will exercise, in regard to the work in question, all the power of the concurring authorities. The Joint Boards can only be created with the sanction of the Central Board, but, subject to that sanction, arrangements can be made for their appointment, so far as they regard circles within the district, at the annual conference of delegates. Joint Boards for circles in different districts must be formed from time to time as circumstances arise. This system will secure such advantages as may be claimed for District Boards, while it will secure other advantages which they would not give and will at the same time be free from their disadvantages. The Joint Boards will be in no way superior to the Local Boards. They will deal only with the subjects of common interest which have been entrusted to them, and will have nothing to do, in their corporate capacity, with the ordinary work of the constituting Boards; while each will correspond directly with the Central Board in regard to its own functions. There will thus be neither waste of time nor waste of power nor division of responsibility, and there will be the manifest advantage that Boards belonging to different districts will not be debarred from concurring for common objects.

The more the plan of District Boards is examined the less does it commend itself on the grounds of necessity, of convenience or of precedent. The Bengal District is merely a fiscal unit established for administrative purposes and liable to modification as administrative convenience suggests. Beyond the fact that they have the same Collector to deal with, the same Judge to appeal to, and, should necessity arise, the same jail to go to, the people of many a sub-division have nothing whatever in common with those of other sub-divisions in the same district. In many cases they have much more in common with the people of a sub-division in another district. Ranaghat.

has much more in common with Baraset than it has with Koostia ; Serampore has more in common with Howrah than it has with Jehanabad. A sub-division belongs to one district to-day, to another to-morrow. I might give a score of instances. Raneegunge has been attached at different times to Beerbhoom, to Bankoora and to Burdwan. Jehanabad and Rampore Haut have passed more than once from one jurisdiction to another. The other day Khoodna and Bagirhat were under Jessore, and Satkhira was under the 24-Per-gunnahs; they now form a district by themselves. Bankoora to-day contains a large tract which a few years ago belonged to Purulia, and Purulia contains a large tract which a few years ago belonged to Bankoora. Midnapore is made up of the old districts of Midnapore and Hidgelee, while Tirhoot has been split up into the new districts of Mozufferpore and Durbhunga. The boundaries of districts are fixed or modified to suit the special purposes which the district unit is supposed to serve. But there is no magic in the word district, and no tradition in the particular combination of thannas or pergunnahs which in each case it represents. If a different combination is found more suitable for a special purpose, that combination should be adopted. Now a different combination for the purposes of Local Self-Government is more suitable where the thannas forming a sub-division can produce work and men for a Local Board; and in such cases that combination should accordingly be accepted. I quite allow the force of the statement that, as a rule, there are more educated men at the head-quarters of a district than at an outlying sub-division. This is perfectly true, and it affords a good ground for having a Board for the head-quarters sub-division. But it affords no ground for refusing a Board to other sub-divisions, in which there are also qualified men, and it affords no ground for injuring the efficiency of such a Board by putting it under another Board at head-quarters. I have seen our districts compared with English counties. But I would ask what analogy exists between such geographical expressions as I have described, and counties of which the boundaries have been unchanged for centuries, and which have sent their own representatives to Parliament, since the days of Simon de Montfort. I would ask what analogy exists in point of education, of communications, of tradition, of public spirit, of physical habits, of personal activity, whether among the country gentlemen or among the yeomanry and the peasantry between Buckinghamshire and Burdwan. Yet they are only now constituting real county Boards in England after centuries of Local Self-Government. Are we to begin in Bengal at the point which they have only just reached in England? I cannot too strongly urge, what I said on a previous occasion, that if the educated men in Bengal seek to attain the end without practising the means, the policy by which Government is seeking to promote their welfare will result in failure. That end is political advancement. Those means are the steady, thorough and efficient discharge of public duty, and by it the acquirement and transmission among the people of habits of self-reliance and self-help in public matters, and of sound and practical interest in the administration of local affairs. And it is by its success or failure in providing for the employment of those means that this measure must stand or fall.

I now turn to the funds to be at the disposal of each Local Board. It will be observed that the first item in the Circle Fund is "such proportion as the Central Board may direct of the District Road Fund of the district, after payment of the expenses mentioned in section 109 of the Bengal Act IX of 1880 as amended by this Act." I must explain that, though the term "District Road Fund" will in districts where there are two or more Local Boards be a misnomer, it has been found impossible to dispense with it without re-casting the whole of the Cess Act. Not only the general cost of district establishments, but the cost of special valuations, service of notices and other expenses have to be borne by the District Fund, and it would lead to endless confusion to attempt to lay the charges upon separate funds for each sub-division according to the estates contained in it. The term "District Road Fund" is therefore retained down to section 109 of the Cess Act, the point at which its application is dealt with, and it is provided that, after payment of all expenses connected with valuation and collection, it shall be divided among the Circle Funds of the district in such proportion as the Central Board may direct. It is evident that such a provision as this is required, and that each Local Board cannot claim to spend the whole of the road cess levied within its circle. Some circles, especially the head-quarters circles, will contain roads which benefit other tracts, and it is impossible that they should have to bear all the expense of maintaining communications in the advantages of which other circles participate. The only points connected with the application of the Circle Fund to which I need advert are that the provision contained in section 181 of the Cess Act is reproduced, the Central Board being specially mentioned as one of the establishments towards the cost of which the Fund must contribute, and that provision is made for the payment of the travelling expenses of members delegated to attend the annual conference of Local Boards, or attending a Joint Board when its office is situated in any other circle.

As regards the general duties and functions of the Local Boards, I have first to point out that they are authorized to elect their Vice-Chairman absolutely, and their Chairman subject to the approval of Government. An important provision has been made in section 65 to ensure that a copy of all papers connected with the business to be transacted at each meeting shall be in the hands of each member at least five days before it is held. From section 69 it will be observed that the Board will have power to determine its own establishment subject to the provisoes that no appointment carrying a monthly salary of Rs. 100 or upwards shall be created or filled up without the sanction of the Central Board, and that the aggregate amount spent by it on its Public Works establishment, with a proportionate share of the cost of its general establishment, shall not exceed 25 per cent on the total amount available for expenditure on public works. With reference to the first of these, I need only remind the Council that the Government of India cannot create an appointment of Rs. 250 a month without the sanction of the Secretary of State.

I now desire to invite the particular attention of the Council to sections 77 and 78 of the Bill, and to sections 151, 152, and 153 of the Cess Act for which they are substituted. Under one section of the present law, the District Committee is empowered to fix the rate at which the road cess shall be levied, and under another the Lieutenant-Governor is empowered to compel them to levy the cess at the maximum rate should he consider that the rate at which they have determined to levy it is insufficient for the performance of necessary works. That is to say, we tell them one day to fix the rate they may consider suitable, and we may the next day compel them to fix some other rate. It seems to me that we must adopt one of two alternatives. Either we must fix by law the rate at which we consider that the cess should be levied, or we must abandon direct interference with the discretion which we give of fixing the rate. Speaking for myself only, and without any authority to bind Government on this point, I must say that to my mind the second course is the only one that is consistent with the policy which we have adopted. There will be very little Self-Government, even in theory, if we fix by law the rates at which local cesses for local purposes are to be levied. The only ground for fixing the rate by law would be the fear that it might be reduced by the Boards to the detriment of the public interests. I venture to think that fear is not likely to be realized. I do not lay much stress upon the fact that all the Committees now levy the cess at full rates, except in Backergunge where full rates are avowedly not required. The Committees have doubtless acted very much under the influence and guidance of the officers of Government. I trust and believe that that influence and guidance will continue to be felt. But if we grant a discretion, we must count upon its being exercised. In many districts the Local Boards will, I hope, be really working bodies under non-official Chairmen. But I have confidence that in these last districts the men to whom it will fall to give this system its first essay will not do anything to discredit it. I have confidence that they will not abuse the privileges to be accorded to them, and that they will have the good sense as well as the patriotism to recognize that on the manner in which they acquit themselves before the world of the trust now committed to them, will depend in great measure the immediate political future of their country. Had I not that confidence, I should say that an extension of Local Self-Government in Bengal was a mistake. Should, however, the power be abused, and works be allowed to suffer, there will always remain the power of supersession which section 164 of the Bill confers upon Government. It seems to me far better to rely upon that power than to fence in the system with a provision which would deprive it of a great deal of its essential character. As I have said, these are my personal views only, and are not given as the views of Government. The Bill will be circulated for the opinions of all the district and divisional officers, and it will hereafter be for the Select Committee to recommend, and for the Council to adopt, such a provision as may seem to them most suitable under the circumstances.

It is not necessary that I should notice in any detail the further sections which refer to the responsibilities and powers of the Local Boards. Some of



the sections relating to local works are transposed from Part III of the Cess Act which it is proposed to repeal with the exception of two sections. It will be seen that large powers are to be given in regard to education, medical, pounds, ferries, sanitation, water-supply, vaccination, census-taking, famine relief, exhibition and fairs, and the like. It is provided in section 30, clause 6, that all sums allotted by Government for such purposes as famine relief and taking of a census shall be credited to the Circle Fund. The sections relating to Control follow the lines which I indicated in my opening speech, when I explained fully the principles which it is intended to adopt; and I need not recapitulate their provisions.

Before I conclude, I must say a few words regarding the attitude of the officers of Government in relation to this measure. The Members of the Council have already been supplied with copies of the opinions of the Commissioners and of such reports of district officers as the Commissioners have submitted, and the papers have been published with the Bill. I may say at once that it was never expected, and that it could not be expected, that all officers would or could recommend an immediate extension to their charges of a complete measure of Local Self-Government, comprising a system of general election and freedom from internal control and direction. It was fully recognized by Government that there were districts in which a very limited measure only could be introduced, and that there must be many gradations from a practical continuance of present arrangements up to the full development of the measure in contemplation. The Bill which I have laid before the Council distinctly provides for this. But, though officers may very properly represent that their district is not fit for general election (indeed I think that there are few districts regarding which as a whole any other representation could be made), or that they think trained guidance for a time will be necessary in the interest of the Boards themselves, this is surely not opposition to the policy of Government. On the contrary, with very few exceptions, the criticisms and proposals made indicate a distinct approval of that policy as a policy, and a desire to give it the fullest effect and to lead it to ultimate success. I cannot think that the original proposal to have general election by the people of large areas could properly have been accepted in view of the circumstances of the majority of our districts. But I believe that, when this Bill comes to be reported upon, much of the objection that has been made, and properly made, not to the principle, but to the local application, of the elective system, will give place to acceptance of that system now that it is proposed to make it practicable through the medium of Union Committees. In regard to Chairmen much the same may be said. In some districts the immediate appointment of non-official Chairmen has been proposed; in others arrangements are suggested under which non-official Vice-Chairmen may become Chairmen after a period of probation; in others it is frankly, and I doubt not correctly, stated that no person can be found who is willing and able to discharge the duties of the post. But I see in the great majority of the reports nothing but a desire to help the policy forward so far as may be practicable with due regard to its own ultimate success, and I can see no

jealousy of non-official influence. The most liberal-minded officer in charge of a backward district would be wanting in his duty if he reported in favour of an extension to it of the measure as originally proposed in its integrity. But if the Council desire to see how the officers in charge of advanced districts have received the proposals of Government, I would ask them to turn to the reports of Mr. Westmacott, Magistrate of Dacca; of Mr. Stevens, Magistrate of 24-Pergunnahs; and Mr. Larminie, Magistrate of Burdwan.

I have only one word more to say. I have seen it stated, in an article which combined much able criticism with some misconception of the scope of this measure, that the scheme which I developed in my opening speech would be unfavourably received because it rests on a basis of work, and that this indeed is its worst feature. I am, perhaps, not the best judge of the features of the measure; but I must confess that in my judgment this is not its worst feature, but its best feature. It is said that the scheme should aim more directly at political education and less directly at work. Now, Sir, I cannot conceive how any scheme of Local Self-Government in India, whether as a measure of administration, or as a measure of education, could possibly succeed unless it proceeded on a basis of work. I cannot see how any Government could, without a grave dereliction of its duty, introduce a system of Local Self-Government in India resting on any other principle than work. I cannot see that there could be any value, any solidity, any endurance about political education that was derived from talk and not from work. We do not teach boys Thucydides and Demosthenes before we teach them Xenophon and Lucian; and if we were now to neglect the practical part of Local Self-Government, we should only unfit our educated men for political education in its highest sense by setting them to work upon unrealities. They would lose and the public interests would suffer. Local Self-Government can only be successful if the people do the work; they will learn nothing by leaving it undone. It is for this reason, and because we believe that Local Self-Government must inevitably fail if we look to names and theory, instead of to realities and practice, that we have proposed to combine the political enthusiasm of our educated men and the practical knowledge and interest of the rural population, through the system of Local Boards and Union Committees. And I am glad to see that the importance of this object has been fully acknowledged by the leaders of native opinion. I am glad to see that, far from receiving the scheme with disfavour on the ground that it is based upon work, the representatives of the educated classes of Bengal cordially recognise that the Union Committees, as supplying a basis of work, will be essential to the stability of the measure. I accept that recognition as a matter of very happy augury. It confirms me in the confidence that the demand for Local Self-Government in Bengal rests on something more stable than sentiment. It confirms me in the confidence that those who have been credited with nothing more than visionary political enthusiasm will shew that they are capable of a sound and practical conception of the work to be done in order that the legitimate objects of that enthusiasm may ultimately be realized. And in this confidence, I submit the Bill to the consideration of the Council.

The HON. THE ADVOCATE-GENERAL said: "The observations which I am about to make might have been made, perhaps, more opportunely at the introduction of the Bill. I understood, however, that the papers would be circulated and the Bill itself would be sent to members, in order that they might be able thoroughly to understand the measure before expressing any decided opinion upon it, and I now avail myself of this opportunity which has been afforded me. Although the observations which I shall presently offer might have been made on a former occasion, they are nevertheless relevant to the motion now before the Council, as they convey a clear expression of opinion on my part that the present motion should be negatived. Having read and heard much of what can be said on the Bill under discussion, I have arrived at the conclusion in my own mind that the present measure is a mistake. I think I may fairly lay claim to some—if not an accurate—knowledge of this country and of its people, of their capacity and their habits, of their virtues and their failings; and forming my opinion on my knowledge and experience, I feel satisfied that the country is not sufficiently advanced, and that its people do not possess the necessary qualifications to undertake and carry out the responsible and difficult task of Local Self-Government; that, in point of fact, the time has not yet arrived for a complete and radical change in the constitution of Municipalities and for the transfer by the Government of some of its most important powers, duties, and obligations to a class of persons not yet fitted to be entrusted with such powers, or to be charged with such duties and obligations. The explanation given at the outset of the considerations to which the present Bill owes its origin will be found in paragraph 5 of the Government Resolution of the 18th May 1882, and I proceed to read it:—

"At the outset, the Governor-General in Council must explain that, in advocating the extension of Local Self-Government, and the adoption of this principle in the management of many branches of local affairs, he does not suppose that the work will be, in the first instance, better done than if it remained in the sole hands of the Government District Officers. It is not, primarily, with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable as an instrument of political and popular education. His Excellency in Council has himself no doubt that, in course of time, as local knowledge and local interest are brought to bear more freely upon local administration, improved efficiency will in fact follow. But at starting there will doubtless be many failures calculated to discourage exaggerated hopes, and even in some cases to cast apparent discredit upon the practice of Self-Government itself. If, however, the officers of Government only set themselves, as the Governor-General in Council believes they will, to foster sedulously the small beginnings of independent political life; if they accept loyally and as their own the policy of the Government; and if they come to realise that the system really opens to them a fairer field for the exercise of administrative tact and directive energy than the more autocratic system which it supersedes,—then it may be hoped that the period of failures will be short, and that real and substantial progress will very soon become manifest."

"Now, Sir, I am not aware that a legislative body can with justice or propriety be moved to interfere with or to disturb any existing state of things by an appeal to displace it in favour of a measure tentative and experimental, depending upon principles either untried heretofore or tried under powerful control, or under different conditions. The desire to use a legis-

lative scheme as an instrument of political and popular education implies that the persons to whom power is to be entrusted are yet not fitted for the discharge of their duties, and that they require to be educated before they become fit and competent. This position itself is a sufficiently strong condemnation of the proposed scheme. In the ordinary routine or concerns of private or public life, we do not employ workmen to do work for which they are not fitted; we do not place a man in the Army and order him to command a company without having previously educated him for that purpose; we do not engage a person to construct a bridge unless he has been educated in engineering and has a practical knowledge of the subject; we do not appoint as the principal officer of any public department of Government one who is not at the time of nomination absolutely fit for the appointment: why then is this Council called upon or required to sanction a scheme for Municipal administration to be conducted by persons who have not as yet received their education, and who will have to learn before they will be fit and competent to undertake their duties? While on the one hand I admit that it is fair and honourable to indulge in the hope that the people of this country will learn the lessons they are to be taught, on the other hand I am unable to shut out from my mind the serious consideration due to the following contingencies: That the people may altogether fail to master their lessons; that, if they succeed, their success may be achieved at some distant period of time; that in the interval and before the promised land of happiness and sunshine is reached gross blunders may be committed and grave mishaps may occur; and that public interests may thereby suffer irreparable damage or serious injury. If it be a fact, either patent or not open to reasonable doubt, that the people of this country are sufficiently advanced to undertake the responsibilities which it is proposed to cast upon their leading members, and urgent necessity exists for the proposed step, or if it can be demonstrated that the present arrangement is defective and deserves to be superseded by a system more practical, more perfect and effective, a Bill originating in these circumstances and prepared in reference to these points may with propriety be laid before this Council for its consideration and adoption; but in the present instance the grounds which I have mentioned are not taken; on the contrary, it is broadly asserted that the Governor-General in Council does not suppose that the work will be, in the first instance, better done than if it remained in the sole hands of the Government District Officers.

“Under these circumstances it is but too plain that we are invited to initiate and adopt a new principle of legislation, to give countenance and support to a measure admittedly experimental, attended with the risk of failure, enveloped in doubt and uncertainty, and unsuited to by far the major portion of the native population of India, and that the requisition or appeal now preferred is based on nothing more nor less than the desire to favour political and popular education, inducing and inspiring the hope that the experiment to be tried under our sanction will, in due course of time, the limit of which it is impossible to predict, bear fruit and prove beneficial to the people of India. This prospect, though full of fascination, and these considerations, though

laudable and doubtless conceived in a spirit of pure benevolence, do not, in my humble judgment, furnish sufficient or valid ground for our interference with the existing state of things by the introduction of a piece of experimental legislation. Were I satisfied that the measure under consideration would result in a present and permanent benefit, that it would secure beyond reasonable doubt the welfare and happiness of the people of India, I would gladly and cordially support it. But while I would do so if substantial reasons were found to exist, I must enter my humble protest against the invitation to legislate on the subject of a scheme more or less speculative and clearly open to the risk of failure. My sense of the responsibility which attaches to our functions as legislators precludes me from according my assent to the proposed measure. I believe it to be the duty of every person in power to do his utmost to secure the welfare and happiness of the people amongst whom he lives. Had I the honour of being entrusted with a measure of reform, my thoughts would turn in a different direction and to other matters which certainly require and demand reform. I would endeavour to improve the administration of justice so that the people of India might enjoy greater security in regard to themselves and their property. Reverting to the subject of political education, I would point out that the intention of the Government to promote the political education of the people would be better carried out by associating members of the native community with District Officers trained in the duties which appertain to Municipal institutions, than leaving them to educate themselves in a state of isolation—of disassociation with those from whom they might learn their lessons on the subject of Local Self-Government.”

THE HON. MAHOMED YUSUF said:—“Before I entered this hall I had not the remotest idea that there would be any opposition to the Bill. Leave having already been unanimously given by the Council to my hon. friend Mr. Macaulay, at a previous sitting of the Council, to introduce the Self-Government Bill, the business now before the Council was, as appears from the list of business, the consideration of a motion to introduce into the Council a certain Bill circulated amongst the members of the Council with a statement of the objects and reasons appended to it. This implies a foregone conclusion in favour of the expediency and necessity of an enactment on the subject. So that strictly speaking the proper matter for the present consideration of the Council is the form and shape of the Bill which has just been introduced by the Hon. Mover, who next intends to move that the same be referred to the Select Committee. The questions open for discussion on occasions like the present relate to a consideration of the best form which the Bill should assume, and not to a consideration that the Bill should assume no form at all.

Although the Hon. Advocate-General, who has opposed the Bill, being of opinion that the measure is a mistake, is aware that he is strictly speaking not in time to put forward his opposition to it, still I am obliged to make these observations, because no one who has had any experience of Mr. Advocate-General's talents and abilities ever likes to see him in the opposition. Every one who knows him also knows the strength of his mind, and the force of the

arguments which he adduces in support of the particular view which he takes. The position which he takes is frequently unassailable, and the ground upon which he stands is often too impregnable for an attack. But in the present instance, speaking with the highest deference to the views which he entertains, I submit, with all respect due to him, that his premises are not correct, and therefore the conclusion drawn by him is erroneous. And that, although the observations made by him should lead the Council to be careful as to the form and mode which legislation should assume, still those observations have failed to convince me that the measure is in any way unwise or inexpedient, or that it is not good policy to introduce the same in India, or that the country is unfit to receive the same and unprepared for it.

Stated shortly, the position taken by the Hon. Advocate-General amounts to this: That it is admitted that the measure is a tentative and experimental one, and its success is doubted by its best advocates; that although the people of the country have not qualified themselves for it, still the measure is sought to be introduced as the means of educating the people in the political line. He argues that inasmuch as qualification should precede and not follow the introduction of the measure by which Self-Government is to be given to the people, and inasmuch as it is admitted that the necessary qualification does not exist, Self-Government should not be introduced into the country. By way of illustrating his argument he points to the case of the Engineer, for instance, who must first have a certain qualification before he could be entrusted with certain duties, and in support of his position he cites a passage from the resolution of the Supreme Government where it is said that the measure is chiefly desirable as an instrument of political and popular education.

Now I deny that the country is generally disqualified for Self-Government, or that the people of the country have not sufficiently advanced in education to be considered fit to be entrusted with the duties and privileges of Self-Government. I deny that those who advocate the policy of Self-Government admit that the people are disqualified, and I deny that the measure is sought to be introduced altogether as a tentative and experimental one.

I think that a large portion of the country is prepared for Self-Government, and that the people have under the beneficence of the British rule attained that point of general education and general culture when they could very properly be considered fit to be entrusted with the duties and privileges of Self-Government, which would simply enable them to advance one step from their general education by introducing them to political education, and thus furnishing them with opportunities of familiarising themselves with political matters which, notwithstanding their capacity and fitness, they have been unable to do as they never had an opportunity to do so. The germs of success are existing; there is no lack of ability or qualification in the people; the only thing that was wanting was opportunity, and that opportunity is now furnished by the Government to the people. A new faculty is not sought to be created, but that which had lain dormant in consequence of disuse and want of practice is sought to be revived by occasion being given for its use and full development.

If an opportunity is not afforded, there never will be a beginning. There is no school for education in political matters, where people should first go and qualify themselves in politics in the abstract before you could put them in charge of a district for the purposes of Self-Government; but if the people are sufficiently advanced and educated in a general way, you may safely entrust them with the duties of Self-Government, although they may not have had a trial before. To entrust them with such duties is to begin with their political education, which can only be acquired by practice, and not by going to any particular school.

It is incorrect to cite the above passage from the resolution of the Supreme Government as an admission that the people generally are unprepared for the duties of Self-Government, and that the measure seeks to qualify them for the first time; because, reading the whole of the resolution, it seems to me that the conviction that the country was prepared for the measure preceded the idea of introducing this measure. Not only is there in the resolution a conviction that the country is prepared for the duties and privileges of Self-Government, but the Supreme Government is delighted to learn that success has invariably been achieved in the past, whenever some step, however small, was taken to introduce in the country Self-Government in any small shape however, and that if previous attempts have resulted in failure, that was because those attempts "have been too far overridden and practically crushed by direct though well-meant official interference." I may also here mention that in this country even illiterate persons shew a very marked degree of intelligence, and that, although they may not have received what is called a liberal education, still every just critic entertains the belief that they evince every aptitude and fitness for the practical management of the ordinary duties of life, and are not wanting in stamina and energy to make life successful.

When those who are better judges than myself have thought in this train, it is useless for me to say that I do not agree with the learned Advocate-General in thinking that the measure should not at all be introduced, or that the political education of the people would be better advanced by associating them with the district officers rather than by leaving them to educate themselves in a state of isolation and of disassociation with those from whom they might learn their lessons.

But, as I said above, the arguments of the learned Advocate-General are not without their effect, and if they have failed to convince me that the measure is one which should be put a stop to, they have not failed to assure me and support me in what I have thought in the matter, viz. that the scheme should be one having very great elasticity in it. Because, although it is impossible to say that no part of the country has attained the requisite point in education, and has not qualified itself to be entrusted with the duties and privileges of Self-Government, it is likewise impossible to affirm that every part of the country is so educated and qualified.

In India and Bengal there are parts of the country in which no one can doubt that the scheme will prove a success. On the other hand there are other parts of the country in which the success of the scheme will be doubtful,

and although it is no argument that because the scheme is not likely to succeed in every part of the country, it should not be introduced at all, still the anticipated failure of the scheme in some parts of the country shews that too great care on the general frame of the Act cannot be bestowed. I therefore submit that the only lesson which the speech of the learned Advocate-General should teach us is to shew that the scheme should be drafted with such elasticity that it should provide both for places where every one believes it would succeed and for places of apprehended failure; that although there is no valid objection that the measure should at first be extended to the whole of the country, still the Bill should provide for its being withdrawn from places where it shall have been found that it would not by any means succeed.

There being therefore no sufficient reason for throwing out the Bill, I fully support the Hon. Mover who has moved for its introduction, and before it is referred to a Select Committee, I desire to make a few observations on some of the salient points of the Bill.

And in submitting my observations to the Council, I am fully aware that the present is the first reading of the Bill, when observations made upon it necessarily relate to general principles, and the Hon. Member in charge of the Bill having done me the honour of naming me a Member of the Select Committee, I will not trouble the Council with matters of details which will come to be considered by the Select Committee in the natural course. But while I am addressing the Council, I desire to avail myself of this opportunity of expressing my gratitude to the Government for the initiation of this policy, and I hope I shall not be called to order for doing so, although by doing so I may make a small digression from the business in hand.

— Sir, believe me that, in the whole of India, there is but one feeling pervading all the educated and intelligent and right-thinking population of the country, viz. that of thankfulness and gratitude to both the Supreme Government and the Local Government for the initiation of the policy which has resulted in the introduction of a measure which seeks to bestow on the conquered race the privilege of governing themselves within certain limits. The scheme will go down to posterity with the names of your Honor and Lord Ripon as the promoter and originator of the scheme, and those names will ever be cherished and remembered by the people of the country for generations to come with feelings of most sincere thankfulness; for it is impossible to exaggerate the benefits of the scheme to the country, or to say where the results of it would stop. But our thanks are due to the Government, not only for the initiation and introduction of this measure, but also for the manner in which it has been initiated and introduced. Not only is a real and substantial scheme introduced, but, what is more to the point, it is introduced with the most anxious care that it should succeed. Whether it will succeed or not, it is impossible for me at present to say; but this I can say without fear of contradiction, that both the Supreme and Local Governments are imbued with one desire, viz. that the scheme should prove a true success in the country. Whatever is likely to conduce to its success is clearly and steadily kept in view; whatever



is supposed to have operated as a cause of past failure in cognate matters, or may tend to produce a similar failure, is thoroughly sifted and eliminated, and nothing which would tend towards its success is left unthought of. And, generally, the attitude taken by the local officers has not been one of hostility towards the measure, although in certain matters there is observable, as was expected, great diversity of views, as the mass of papers freely circulated with the Bill amply demonstrates.

The task of framing the Bill could not have devolved upon an abler person than the Hon. Member in charge of the Bill; for we find he has spared no pains in executing his task in the same liberal spirit in which it was conceived by the Government, and within a comparatively small space of time, since leave was given, we have before us a thoroughly practical Bill logically arranged, part by part, in which the principal matters to be provided for are clearly and categorically dealt with, and the whole of the subject is exhaustively treated and clearly and lucidly enunciated. The Bill is an enduring monument of the Hon. Mover's ability, industry, wisdom, and liberality of views, and our best thanks are due to him, not only for what he has done, but for what he thinks in the matter, and for the views which he entertains in favour of the policy which he sincerely maintains, and honestly and earnestly carries out, with a considerable degree of care and forethought.

The subject with which the Hon. Mover had to deal was one of immense difficulty. It is easier to lay down the principles than to prepare a scheme, and the Local Self-Government scheme is one of peculiar difficulty because you cannot rely upon past experience of any very great value. A new Act is to be framed; no old Act is to be amended and improved upon. A new foundation is to be laid, and all the while you are seized with a certain degree of mistrust which enhances the difficulty of the task, for men whose opinions could not be lightly treated have entertained doubts as to its success, and those doubts the framer of the scheme cannot by any means lose sight of or disregard.

But notwithstanding the difficulty of legislation in the matter, the question is, in what way to legislate so as to present a workable scheme and at the same time ensure success and avoid failure. The difficulty of the case is further increased by the circumstance that, having no past experience for our guide, we cannot pronounce with positive certainty upon any particular scheme which might suggest itself, or which might be suggested by others, for consideration in connection with the subject, as the one likely to succeed as a matter of course.

Our present position in connection with the measure I take to be this. I take this Bill to be the first embodiment of the principles of Self-Government. That Bill must be taken to be the groundwork upon which the fabric of Self-Government is to be built. It contains the first impressions on the subject. All suggestions are to be made in reference to it; although nobody is at present committed to anything. The Bill, after it shall have been referred to the Select Committee, will stand over for a time, and the public will have ample opportunity to criticise the Bill, and there can be no doubt that the Select Committee

will have to consider various suggestions, some of which there can be no doubt will be very valuable, and might be fit for being adopted.

But notwithstanding all this, we must see whether the Bill embodies the necessary general principles, and whether any suggestion could now with propriety be made for the consideration of the Council in general, or of the Select Committee in particular.

The Government having determined, for certain reasons, that the administration of certain departments of Education, Sanitation, Medical Charity and Local Public Works should be made over to the people of the country, the question is, what is the best way of carrying this determination into effect. The solution of the question, although attended with great difficulty, is not unlikely to be attained if we keep in view two general principles in the matter of the Self-Government policy. The first principle is that, when unpaid labour is sought to be utilized, you must so contrive as to secure both local interest and local knowledge in the people whose labour you seek to utilize. I do not think this principle can be disputed. If I were called upon to do something for the people in Bombay or Madras, I would have neither local interest nor local knowledge in any scheme put forward for the benefit of the people, and the result would be that my efforts would end in failure. But if I were called upon to manage something connected with my own house or mohallah, I think I shall in all probability succeed, because the work is of such a nature that I have interest in seeing it carried out, and as to which I have local knowledge. It is for this reason that I think the idea of Union Committees is a wise and happy idea, and cannot but command success. It is therefore clear to my mind that in every district, where intelligent non-official agency can be found, there should be extended and maintained a network of Local Boards to be charged with definite duties and entrusted with definite funds. Hence, as at present advised, and until a better idea is suggested, I am prepared to support the idea of Unions to be found in the Bill proposed by the Hon. Mover.

The second general principle referred to above is that the agency for the execution of the principles of Self-Government, the persons who are to be entrusted with the duties of Self-Government, should have some freedom, although, at the same time, they must be placed under some sort of control. As regards the application of this principle, I am not quite clear whether the Bill contains all that it should contain, and nothing more. And although it is not necessary for me at the present stage to draw the attention of the Council to what might be objectionable in the Bill from this point of view, because, as I have said above, the Bill will be carefully considered by the Select Committee, and its provisions might be altered and modified, where alterations and modifications would be deemed necessary and desirable, still it would be better for me in the meanwhile to invite attention to the following considerations. In the Resolution of the 10th October 1881, the Supreme Government, in paragraph 9, expressed itself in the following terms:—

“It would be hopeless to expect any real development of Self-Government if local bodies were subject to check and interference in matters of detail; and the respective powers of

Government and of the various local bodies should be clearly and distinctly defined by statute, so that there may be as little risk of friction and misunderstanding as possible. *Within the limits to be laid down in each case, however, the Governor-General in Council is anxious that the fullest possible liberty of action should be given to Local Bodies.*"

It is therefore quite clear that the scheme, in order to succeed, must be one by which real power is entrusted to the local authorities, and real responsibility thrown on them. No artificial restrictions should be imposed on the transfer of the local funds to the local authorities: the transfer should be with as full control as may be practically expedient over the details of the expenditure.

The Board should be left unfettered in the initiation, direction, and control of certain measures: the success of the scheme will depend upon the amount of independent power to be conferred upon the local agencies, and the greater the trust reposed in those bodies the greater will be the cordiality, earnestness, and industry with which the work will be performed.

All the generous wishes of the Government may be defeated if the provisions of the Bill do not ensure honest and effectual working. The most important condition necessary for satisfactory working is to secure the sympathy of the workers, and this cannot be done unless the members of the local bodies are convinced that they are entrusted with and have responsible duties to perform. On the one hand it is necessary to be cautious, and to provide for checks against maladministration, but on the other hand if the checks be such as to make the members of the Local Boards think that they are mere ciphers designed to play a spectacular part, you cannot have their sympathy, nor convince them that they are responsible. In order that the plan should succeed, you must find out where check will be salutary, and where it may be meddling.

To what extent this meddling course has been adopted in the Bill I shall not now dwell upon to any extent; but I cannot shut my eyes to the fact that the checks and counterchecks devised seem to me to leave no room for any very great liberty of action. If the Unions can do nothing without orders, and have to do everything under orders, their liberty might be likened to that of the private soldiers in the ranks of a regiment, and if this analogy is correct, it is hard to conceive that there would be Self-Government in anything else but in the name. If there should be failure under such circumstances, the punishment should go to the Central Board and not to the members of the Unions who have merely been the passive instruments of higher authorities.

— If these observations have any force, and if the Bill is susceptible of improvement in these matters, I feel sure that the necessary amendments will be made by the Select Committee. But I have thought it necessary to draw attention to this portion of the Bill in order that we should see whether the Bill does really vest any real responsibility in the Local Boards. So far as the intentions of my friend the Hon'ble Mover are concerned, I have not the slightest ground for any objection, because I learn from his speeches made on two occasions—once when leave was asked for the introduction of the Bill, and for a second time to-day—that it is his wish that real responsibility should be imposed on the Local Boards and substantial powers given to them. The

intention being clear, and being all that could be desired, the whole matter is reduced to this—what are the words that should be used, and what are the provisions that should be embodied in the Bill in order to give effect to that intention.

The next point upon which I shall touch relates to the offices of the Chairman and the Vice-Chairman. In this matter I do not think that any improvement can be made in the provisions of the Bill: no fault can be found with them. The offices of Chairman and Vice-Chairman have been left to election, and it is necessary that this should be done, because cordiality of action between the Chairman and the Vice-Chairman and the members of Local Boards is essential to the success of the measure; and that can only be secured when people feel that the Chairman and the Vice-Chairman are taken out of them and belong to their number. But there is one matter to which I should draw attention, and that relates to a point which has been, to a certain extent, discussed in the Select Committee in connection with the Municipal Bill, namely, the advisability of allowing the Magistrate to be appointed a Chairman even by election. Some doubts have been entertained on this point by competent people. The Supreme Government, in the 18th paragraph of the Resolution of the 18th May 1882, referred to this subject; and although some passages in it do not quite bear on this precise question, I will, with the permission of the President, read an extract from it to the Council. The Resolution says—

“It does not appear necessary for the exercise of these powers that the chief executive officers of towns, sub-divisions, or districts should be Chairmen or even members of the local Boards. There is, indeed, much reason to believe that it would be more convenient that they should supervise and control the acts of those bodies without taking actual part in their proceedings. The Governor-General in Council is aware that many high authorities hold that the district officer should always be *ex-officio* Chairman of all the local Boards within the district, and should directly guide and regulate their proceedings. This was, indeed, the view taken by the Government of India itself in the circular letters of the 20th October last, so far as the constitution of district Boards was concerned. But even then the Governor-General in Council did not see his way to accepting the principle in the case of municipal Boards, and further consideration has led him to the belief that, on the whole, it is better to lay down no such general rule in the case of any class of local Boards. There appears to him to be great force in the argument that so long as the chief executive officers are, as a matter of course, Chairman of the municipal and district committees, there is little chance of these committees affording any effective training to their members in the management of local affairs, or of the non-official members taking any real interest in local business. The non-official members must be led to feel that real power is placed in their hands, and that they have real responsibilities to discharge.

“The Governor-General in Council, therefore, would wish to see non-official persons acting, wherever practicable, as Chairman of the local Boards.”

It does not appear that this precise question, whether the Magistrate should be appointed a Chairman even by election, was before the mind of the Supreme Government when recording this Resolution, because the Resolution uses the words “as a matter of course” in connection with the question before it. This question is perhaps for the first time raised in this Council, and whatever solution may be arrived at in reference to this point under consideration in

connection with the Municipal Bill might be considered equally applicable to the present Bill. I myself have not quite made up my mind what suggestion to offer in this matter. I should first like to know what persons more competent than myself think on the point. In the meantime, however, I have thought it my duty to draw the attention of the Council to it.

The next point relates to the constitution of District Boards, whether in substitution of, or in conjunction with, the Local Boards. On this question, although, as on other questions, it is not necessary that the Council should form a final and decided opinion at the present stage of the Bill, ample time being left to consider it in all its phases before the final passing of the measure, still, as at present advised, it does not appear to me why these District Boards are necessary or desirable. It is essentially necessary that there should be Union Committees, because, without them, there will be no local interest or local knowledge. If there are Union Committees, it follows that there should be Local Boards to preside over and control a certain number of Unions, it being impossible for one Board sitting in the district to undertake the gigantic task of controlling all the Unions in the district; but I cannot understand what necessity exists that, in addition to the Unions and the Local Boards, there should be District Committees. No doubt, in the ordinary course of events, we naturally find in the district what we expect, viz. that there is a larger number of educated and intelligent men there than elsewhere; but at the same time we find that the people in the district are ignorant of the wants of the people in the mofussil, and they themselves not being even remotely affected by what very intimately concerns the villagers, they have no interest in the work and no inducement to devote their time to it; whereas in the Local Boards, although there will not be that amount of intelligence and education, still there will be all that is required and necessary of local knowledge and local interest. Therefore I think District Boards are not necessary. No doubt the District Boards will be a talkative or talking body, but what we want is a working body, as contradistinguished from the talking body. There will, however, be District Boards in one sense, namely, that there will be a Local Board in the district; and if experience shows that the working of the District Boards as Local Boards is so immensely superior to that of the Local Boards proper, and that we cannot do without a District Board for the whole of the district, it will then be time to think of it and to consider whether or not District Boards should be placed over the Local Boards or in place of them. There being in the Bill several provisions for the sitting of Joint Boards, we shall have, according to the present constitution, all the advantages of the District Board with none of its failings. In fact, the idea of a Joint Board is so considerably superior to that of the District Committee, that I am at a loss to find out why there should be any demand for the District Board.

There is another point to which I must draw the attention of the Council, and that is a matter in which the poor and unlucky Mahomedan community is more closely concerned than their more powerful and more fortunate brethren, the Hindus—I mean the question regarding the representation of the minority.

Everybody knows that there are parts of the country in which the feeling between Mahomedans and Hindus runs very high.

The Council will be pleased to remember that though in most places the Mahomedan population forms a minority as compared with the larger bodies of the Hindus, still in many places they form a large proportion of the population. Or it may be that in some places, though fewer, the case is the reverse, and the Hindus form a minority. In such cases, when there is party spirit and angry feeling between the two classes of people, it is necessary to reserve power for the representation of the minority. The Bill proposes to provide for this by nomination, but it would be an advantage, and a more fit recognition of the claims of the Mahomedan population if provision could be made in the Bill for the election of Mahomedans by reserving a certain number of memberships for that community. Whatever may be the step that might be taken, and whatever may be the means that might be devised, the matter should be fully considered.

The sections of the Bill by which a certain amount of power is reserved in the hands of the Central Board may, in some cases, be sufficient for the purpose; but I submit that this point is of such manifest importance that the Council will very carefully consider it before the Bill becomes law, for it is extremely desirable that the law on this point should be made after such mature consideration as to leave no room for any doubt, and so as to meet the requirements of the case most thoroughly and efficiently. I may mention that this matter has struck the minds of other people also, because in one of the papers circulated with the Bill, namely, the report of the Commissioner of the Presidency Division (paragraph 47), I find something which bears on the question. That officer says—

“In connection with this part of the subject I have to notice one almost certain result of the adoption of the elective principle in mofussil districts, and that is the exclusion from Local Boards, and the neglect of the interests, of Mahomedans. To every one who knows the country and has watched the progress of the present movement, it is very evident that the agitators in this matter are Hindus, and that Local Boards instituted as proposed will be comprised almost entirely of Hindus to the exclusion of Mahomedans. Whether the Mahomedans may or may not have themselves to blame for this state of things is another question; but the fact remains, as I have stated above, and this fact goes very far to show how non-representative the character and constitution of Local Boards on the elective principle will be. The exclusion from administrative posts of Mahomedans in favour of Hindus is not unfelt by the former, and public expression has only lately been given to the feeling by an able Mahomedan gentleman in the pages of the *Nineteenth Century*. ‘The Mahomedans,’ he remarks, ‘have simply been crowded off’ to use an expressive Americanism, ‘from the public service and the independent professions.’ The entire government of the country, so far as it affects the natives of India, is virtually in the hands of the Hindus. Their influence is all powerful in every department of State, and their influence is almost invariably exercised to exclude the Mahomedans, whom they regard as aliens, from their proper and legitimate share in official preferment.”

The same learned Commissioner then draws further attention to this measure by which he supposes only a small section of the community will be represented, and he goes on to say that it will have the effect of excluding fifty millions of the people of India who are Mahomedans. Although the

passage which I have read was written for a very different purpose, still, inasmuch as it embodies the true facts of the case, I have quoted it in order to strengthen my position. If the Bill is capable of improvement on this point, I hope that improvement will not be withheld.

There is another matter with which I must trouble the Council for a moment, although the opinion of some people is against me in this matter, namely, the sex of the voter. As in the Municipal Bill, so in this, the voters must be of the male sex, and females are purposely excluded. There may be some history attached to the question of female suffrage in other countries, but the matter is worth our serious and unbiassed consideration here. Females are in many cases holders of large zemindaries, and they manage their own property themselves. It would therefore be hard to exclude them from exercising the power of voting in the Self-Government scheme. The reasons which justify the exclusion of females in other countries do not justify their exclusion in this country. If females were incapable of holding property and managing it, there might be some reason for their exclusion in this Bill. But to say to females, you may hold property in your own right, you may manage it yourself, and you may appoint your servants and managers privately, but you shall not be allowed to do so publicly, passes beyond my humble comprehension. The answer to the position which I take up is that it will open a wide door to fraud. But even in the case of males there is fraud practised, and in order to avoid fraud it does not follow that males or females should be excluded altogether, because means could be devised to defeat fraud and prevent the perpetration of it. The fact that some classes of females are *purda nashin* ladies is not a sufficient argument for excluding all. Females of the upper classes only are *purda nashin*; but there are parts of the country where females of other classes hold property, and they do not conform themselves to the custom of seclusion. I submit that although conditions might be imposed to secure the proper working of the principle of female suffrage, still we are not pressed on account of any weighty considerations to exclude females altogether from taking a part in the working of the Self-Government scheme. I find in the report of the Commissioner of the Burdwan Division the opinion of the Vice-Chairman of the Burdwan Municipality thus stated—

“He suggests that *purda nashin* women and certain wealthy persons should give written votes. This is coming close to the ballot system, and opens up a wide question. As we have not yet heard of bribery or intimidation at these elections, I do not think it is as yet necessary to consider the introduction of the ballot. Persons who cannot appear in public might send an accredited agent to give their votes.”

There are places where tracts of land for miles and miles together are owned by females, or of which, according to the law of succession, females would be owners, although males should happen to hold them at any particular time. What would be their position in such places? Who would vote for the local bodies who would have to govern these large zemindaries? The result of excluding females would be that the vote will be given by persons who are not interested, and who would have no concern whatever in the matter. I

submit that this point should be considered by the Council and some solution arrived at. For the present I do not think females should be entirely excluded from voting; but, if excluded, they may be allowed to transfer their right to vote to some member of the family, or to vote by means of a power-of-attorney to an agent.

Females at present are not only disentitled from being members of the Board, but they cannot give their vote at all. It is possible to understand the former, because although females in other countries, as well as in Bengal, have been Bachelors of Arts, or, strictly speaking, Maids of Art, and also Doctors, still the time has not arrived when they can be expected to undertake arduous duties, and sit in the meetings of the Boards or the Municipalities. But I do not see what objection there could be to females not being disqualified from voting for or against candidates.

The point having been raised by me in the Select Committee in connection with the Municipality Bill, the answer given was that females are secluded, and it is therefore difficult to say, in particular cases, whether they have attained majority. But in the first place I say this objection has no force in it, and in the second place the objection is not of universal or general application in India, inasmuch as the purda custom, as already pointed out by me, is confined to higher classes, and females of the lower classes also own property in the mofussil. It will, however, not be difficult in small places like the Unions to know by reputation whether a particular female voter has attained majority or not, and as time progresses, the enforcement of the rules of Self-Government, which provide for the registration of births, marriages, and deaths, will make the difficulty less and less every day. In the meanwhile it is, as I have said above, undesirable to exclude in some cases very large owners of property, who happen to be, or might very soon be by virtue of the law of succession, females.

The next matter to which I wish to refer is the provision contained in section 50. It provides that "the Union Committee may require the owner of any tank, stream, or well to cleanse or fill up the same, or may require the owner or occupier of any land which appears to be in a state injurious to health, or offensive to the neighbourhood, to clear or drain it, or take such other action with respect thereto as may be deemed necessary. If such owner or occupier makes default in carrying out the said order, the Union Committee may perform the work, and may recover the expense thereby incurred from such owner. Such expense shall be recoverable in the manner provided by any law for the time being in force for the recovery of public demands."

And the second proviso runs as follows:—

"Provided further that when the cost of carrying out any order under this section shall be estimated as likely to exceed Rs. 100, the Union Committee shall not issue such order without the previous consent of the Local Board."

Now I cannot help thinking that the power conferred by section 50 in the hands of the committee may be a dangerous power in some cases. It is



possible to imagine cases in which it would operate to the detriment of the people in an unwarrantable manner. It gives power to Union Committees to spend any amount of money they think proper on the work, and to levy the amount from the owner of the property. I would suggest that the proper principle is either to make the improvement after purchasing the land from the owner, or by requiring the owner to spend a certain percentage of his income from that property to effect the improvement; but it is going too far to empower local bodies to expend any amount of money they think proper, and levy the same from the owner of the land. In some instances this power would be ruinous to landowners, and deprive them of their right to property.

The last point on which I shall trouble the Council with my remarks relates to the provision of the Bill regarding persons convicted of non-bailable offences, and sentenced to imprisonment, which, according to the Bill, is to operate as a disability both before and after the election. In the Local Self-Government Act relating to the Central Provinces, I find this provision in a somewhat different shape. In cases of conviction it is under that Act a matter for consideration whether the person convicted of the offence continues fit to be a member of the local body; and a little consideration would show that this is the correct way of looking at the subject, because no body would suppose that a person sentenced to whipping should be considered fit and eligible, while one sentenced to imprisonment is unfit and ineligible. But in this Bill I find that the conviction of a non-bailable offence is an absolute disability. And it is also provided that if a person is sentenced to imprisonment, he shall cease to be a member.

But I do not think that in the case of a conviction for a non-bailable offence, a man, even if sentenced to imprisonment, is necessarily so degraded as to lose his right to sit in a local body, and be unfit to be associated with by others, or that he should cease to be trustworthy, although at the same time I think that it may be that the conviction of an offence of a less heinous nature might imply that result. I therefore think that in case of conviction for any offence, a man's election or continuance in office should be left a matter of consideration for the local body. Every case must be considered on its own merits, the conviction having only the effect of starting an enquiry.

These are the observations which I have the honour to submit to the Council on the Bill, and in conclusion I submit that the Government has done its duty by providing a scheme giving the greatest facilities for the working of the Local Self-Government principle. It will now remain for the people of the country to show whether the measure will prove a success or a failure. If the Government should give to the people, as it intends to do, the scheme in a workable form, and if the best advocates and friends of the people should be satisfied that that is all that is desirable, all the intelligent and educated portion of the community are of opinion that the scheme will succeed, and if after that the scheme should fail, the failure would very properly be attributed to the people. Let us in the meantime hope and trust that all will end well.

THE HON. HARBANS SAHAI said :—I beg leave to make a few observations regarding the provisions of the Local Self-Government Bill which has been conceived in such a very liberal and enlightened spirit, and has been hailed with feelings of satisfaction and gratitude throughout Bengal.

Since the time India has passed into the hands of the English, it has been their sincere and constant effort to improve her intellectual, material, and political condition, and promote her welfare generally. The generous desire of doing good and justice to the sons of the soil underlies all the measures of the Government. England has done much for India. She is daily leading her onward in the regions of progress, civilization, and enlightenment with a helping hand. For all this India is sincerely grateful to her. Whatever the natives of India may be wanting in, they are not wanting in gratitude, and this part of their character lies unimpeached even by the bitterest of their enemies.

The boon of Self-Government—the epoch-creating boon as it has been appropriately designated—is the latest on the part of the Government to the people of India, and they too from one end of the country to the other—from the Himalayas to Cape Comorin, from British Burmah to the Punjab—have sung in one voice in praise of Lord Ripon, the originator of the policy, which is calculated to base the British Government firmly upon the gratitude and affection of the people, and unite the destinies of England and India into one harmonious whole.

This policy of Local Self-Government, Sir, which is so noble in its principle, and likely to prove still nobler by the magnificent results it will doubtless achieve, has received a careful and liberal consideration at your hands. You, Sir, have acquainted yourself personally with the wants and wishes of the people, and have bestowed immense labour and pains on the subject in adapting this policy to the varied requirements and circumstances of this vast province, and elaborating it into the practical scheme now laid before the Council. Above all, you have shown a heartfelt sympathy with the just aspirations of the people, without which any scheme would but be a failure, and have resolved to bestow the boon liberally upon the people of Bengal.

For all this the sincere and heartfelt thanks of Bengal are due to you, to the Hon. Member in charge of the Bill, and other Government officers who are lending their hearty co-operation in carrying out the scheme. Though there may be differences of opinion as to details, the main principles of the Bill have been received with general satisfaction throughout the province. As to this, I speak with some degree of confidence as regards my own province, where it has given entire satisfaction to the intelligent portion of the community. The local papers speak of it in high terms; and such of the members of the Behar Landholders Association, and educated native gentlemen of the province, as I had the pleasure of conversing with upon the subject, were loud in their praise of the principles of the Bill. This is as it should be.

Sir, the events of the last few months have clearly demonstrated that the seed which our noble Viceroy is going to sow in India will not fruitlessly be thrown over a barren land, and that it will germinate and grow into a

goodly harvest under the fostering care of the Government, and through the intelligent care that the educated people themselves will take of it.

The joyous enthusiasm which the intelligent people have evinced of late, and the anxious interest with which they are watching the progress of the scheme, doubtless, augurs well for the future of Local Self-Government, and at the same time refutes directly the specious arguments that have been here and elsewhere so ostentatiously brought forward against the fitness of the people for receiving this great boon. I cannot for a moment admit that the country is unprepared to have Local Self-Government. The enlightened policy of the British Government has been for a long time to diffuse education throughout the land, and that policy, Sir, has thoroughly changed the phase of the country: it has dispelled darkness from the land by the rays of western culture and civilization: in short, it has brought about wonderful results which England can justly be proud of, and for which India is sincerely grateful to her. It has awakened just aspirations in those that have been receiving such education, and surely this noble and bright policy would have been barren of results had this not been the case. So the seed of constitutionalism is being sown in good time, and in a land well prepared and full of promise.

Is this measure calculated to weaken the hold of the Government upon the land? I can only answer by an emphatic no; nor do I at all understand how intelligent men could concoct such unreal phantoms out of the figment of their inner consciousness. Well has the Hon. Member in charge of the Bill said that despite the surrender of the management of petty local affairs to the people, British rule may be maintained, and then, humorously, that the members of the Local Boards will not insist upon turning the English out of the country.

In my humble opinion this noble policy is calculated to enhance the love, loyalty, and gratitude of the people towards the British Government, which will be placed on a solid basis.

The Union Committee of the Bill is a very grand idea, and will give universal satisfaction throughout the province. Through it the electoral franchise will reach the very masses, excepting the most ignorant, who may not avail themselves of the opportunity of exercising control over local affairs. It affords me extreme pleasure to find that to the present Government belongs the credit of awakening the dormant political life of the nation. India, amidst her innumerable vicissitudes of fortune, still fondly cherishes the memory of her ancient village communities, and still preserves its relics with pride, which contributed in times of old so much to her peace and happiness. Notwithstanding what has been said by some in power and position as to the utter want of any representative constitution among the Hindus, their ancient village communities bear sufficient testimony to their being not wholly unacquainted with the elective system. Even at the present time the remnants of the time-honoured institution of the panchayets are found here and there, and in Behar the custom of choosing umpires for settling differences and of referring petty disputes to the panchayets, wherever they exist, is familiar to, and followed by, the most ignorant villager. In support of my above observations,

*Vide* W. W. Hunter—Statistical Account of Bengal, Vol. XI, Patna and Sarun, pages 91-93, 265-267.

Ditto ditto ditto, Gya and Shahabad, page 221.

Sir Henry S. Maine's Village Communities, pages 116-117, 122-123.

Hindu, Pathan, Mogul, Maharatta, Sikh, English were masters in turn," as Lord Metcalfe, whose name is still held in veneration throughout the country, has so forcibly expressed, but the village community remained wholly indifferent to and heeded them not.†

† *Vide* Elphinstone's History of India, 5th edition, page 68.

It was satisfied with managing its own affairs, in levying its own share of the revenue due to the State for defraying imperial expenses, in taxing itself for providing funds for its internal expenses, in managing its own mandirs, dharmasalas, tanks, wells, and in administering justice to its own members and in punishing small offences. The constitution, simple as it is, was in a high degree conducive to the well-being, happiness, and the enjoyment of a great portion of freedom and independence of the people. Satisfied with managing their own affairs, they devoted the rest of their time to the study of philosophy and religion, so congenial to the Indian mind, and left the empire to take care of itself. This, Sir, was the source of their weal and woe.

Now, Sir, it affords me much pleasure to find that the ancient village council is going not only to be revived in a different shape, but placed upon a new and reformed basis as provided for in this Bill.

This system of political education placed side by side with our present excellent scheme of primary education will, at no distant date, send a current throughout national life, from which every well-wisher of the country would expect the best results. The villagers now have no opportunity of taking any part in public affairs; these Unions will teach them to do so, will make the scheme a reality, and establish the cause upon a solid basis. The Union Committees, as the Hon. Member in charge of the Bill says, should be selected by such simple processes as may be familiar to them. This is very judicious, for any particular method of election proposed by the Government may be unknown to the villagers, and prove to be a source of unnecessary confusion and trouble.

When these Union Committees are firmly established they will exercise a great and wholesome influence over the people and command their entire confidence and respect. The day will not be far distant when the villagers will refer their petty civil disputes and differences for the decision of the Union Committee in preference to the ordinary courts, and then the committee having the best means and opportunity of ascertaining the truth will be able to arrive at a right decision. This simple mode of trial will at once secure the ends of justice and save the litigant all the trouble, expense, and time of going through a formal law proceeding, and consequently not only the executive but the judicial officers of the Government will ultimately be relieved from a portion of their work.

The educational test is very satisfactory, inasmuch as the success of the measure will rest with the educated classes, and will be received, I believe, throughout the province with joy and gratitude. The educated men are the natural leaders of the country, and to exclude them would have certainly been courting failure. But the right of voting according to the scheme will be given to holders of university degrees and diplomas. This standard, Sir, in my humble opinion, seems to be too high even for the most advanced districts of Bengal Proper, not to speak of the districts of Behar and Orissâ that are comparatively backward. As a fact the majority of our graduates are attracted to the district sudder stations. Even in Bengal non-official graduates in the Local Government Circles will be found only in a few exceptional places in the vicinity of Calcutta. Therefore I beg leave to say that to extend the right of voting to those that have passed the Entrance examination of the Calcutta University would be more suited to the present condition of the country.

In regard to the constitution of the Local Board, I think the property as well as educational qualifications required of electors and candidates are too high. I would reduce them, and, in reference to section 17, I would include among the electors those who pay as road cess in respect of land situated either wholly or in part within such Government Local Circle a sum of not less than Rs. 50, irrespective of their permanent place of residence, and also those who pay a license tax of Rs. 25, and who reside within the Government Local Circle or Municipality town close to it. The principal object of the Bill appears to me to give real power to the members of local committee to manage the local affairs, and to relieve the executive officials from a portion of their work. In regard to section 8, I would only say that those who are qualified to vote should also be qualified to be elected.

In regard to the office of Chairman and Vice-Chairman, my views are the same which I expressed in the last meeting of the Select Committee on the Municipality Bill. In my humble opinion if we leave section 54 as it stands, in many districts Magistrates and Sub-Divisional Officers will be elected as Chairmen, and other officials as Vice-Chairmen of the Local Board, and the object of the Bill will be defeated. There will not be any real local Self-Government. As regards the Vice-Chairman I think it should clearly be provided that he should be always a non-official gentleman; as regards the office of Chairmen there ought to be two classes of Local Boards—A and B. Class A should be composed of those Local Boards which are, in the opinion of the Central Board or the Local Government, sufficiently advanced to elect non-official gentlemen as their Chairmen, and Class B should consist of these Local Boards which may be, in the opinion of the Local Government, comparatively backward and cannot elect non-official gentlemen as their Chairmen. It should be provided that for Class B the Government should appoint the Magistrate or Sub-Divisional officer as Chairman. It would be more befitting the dignified position of a Magistrate that he should be appointed as a Chairman by the Government whose servant he is. The Magistrate has very important work to do, and I do not see what right the Local Boards have to elect him as a Chairman

and compel him to spend a portion of his valuable time in doing their work to the detriment of his legitimate duties. I would give the Government power to transfer Local Boards from one class to another, as may be found necessary from time to time.

The idea of the proposed Central Board is an excellent one, and quite in keeping with the general principles of Local Self-Government. The hard-worked Government officials will be relieved of some portion of their present work. The constitution of the proposed Central Board is all that can be desired. The association of non-official native gentlemen of education and influence with a specially selected officer of the Government, will lead to most beneficial results, and I hope that Behar will not be left unrepresented in the proposed Board. The Board so constituted cannot be regarded in the light of a purely official body, and its interference with or control over the affairs of the Local Boards will be far from that of an official nature. Thus the independent and the non-official characteristic of the entire organization of Local Self-Government from the village Unions to the Central Board will be strictly maintained. The Hon. Member in charge of the Bill in the concluding part of his speech very appropriately made an appeal to the educated men of Bengal. I have no doubt that this appeal will be responded to in the same spirit in which it was made, that educated men throughout the country, being actuated with patriotic feeling, will come forward to accept the powers and responsibilities of the new position assigned to them, and exert their utmost to ensure the success of such an important measure which is calculated to do so much good to their country, and thus justify the privilege which has been accorded to them, and prove themselves to be the worthy sons of their motherland.

Now let us closely and critically examine the proposed organization of Local Self-Government as provided for in the Bill from a practical point of view, and see whether it is complete, and whether it will work well in practice, and ensure the success of the scheme. I am sorry to say that in my humble opinion it will not, and I now proceed to give my reasons for the same. The existing district road cess and public instruction committees have not been assigned their proper and legitimate share in the administration of the Local Self-Government scheme. As a rule the district sudder towns are the centres of intelligence, education, public spirit, commerce, trade, and wealth. In such towns generally the big zemindars and the other well-to-do people of the mofussil reside during a greater portion of the year for the education of their relatives in the Government zillah schools, for medical treatment, for supervising and transacting their legal business and affairs in the several Government offices and courts, and sometimes also for pleasure and amusements. We also generally find Government officials, pleaders and mookhtears, merchants, and traders belonging to the several parts of the district living in such places. It is the district sudder towns which used hitherto to supply a large number of the members to district road cess and public instruction committees. The success of the Local Self-Government scheme will depend in a great measure upon the efficient and adequate agency that we employ to work. Now we find that district road cess and public instruction

committees have been in existence for many years, and the members thereof have received regular training, and have acquired practical experience in the working of the above institutions. The Hon. Member in charge of the Bill has very properly remarked that a guiding principle to be observed is the utilization to the utmost of existing and well established institutions, the construction of our edifice as far as possible with existing materials. Have we utilized the above institutions? No. The Hon. Member has been pleased to remark that, as a rule, they have been failures, but failures in what sense? I freely admit that there was failure so far as there was no real Self-Government, and that the non-official members had no real authority in the working of the committees, but I am bold to say that they had a fair share in the management of the affairs of the committee. On the whole the district committees, according to my experience, have done their work well and in an efficient manner. On the other hand the branch road cess committees have very perfunctorily performed their duties. Some of these committees, though there is no lack of work, do not spend the amount of funds assigned to them, and some who do spend the money do not apply the same judiciously, usefully, and economically.

The branch committees have partially failed, for the simple reason that the services of intelligent and educated men could not be secured to a large extent. Such being my past experience, I fail to see the advisability of abolishing the district committee, and placing the local committee practically in independent charge of the road operations. The members of the proposed Unions and Local Boards will be, as a general rule, quite inexperienced, and the work will be quite new to them. The Local Boards will not be able therefore to discharge their new onerous duties satisfactorily without fair guidance, judicious instruction, advice, sympathetic help, and quiet control of some supervising local bodies possessing local interest, knowledge, and experience such as the existing district committee. The area of the proposed local government circle will be very small, and the total number of all the Local Boards throughout this vast province will be very large. The area of the proposed Central Board will be very extensive, and its work heavy. Thus it is not to be expected that the Central Board situated at Calcutta, however able and competent its members may be, will be Argus-eyed to watch vigilantly the proceedings of the numerous Local Boards of this vast province. I also fail to see how the Central Board, having no local knowledge and experience, can be expected to exercise efficient control over them, and supervise and check the works which may be initiated by them. Moreover, it is feared that the views of the Local Boards will be contracted and limited to their own small sphere, and all the money entrusted to them will be frittered away in merely local works. In the absence of a District Board, who is to take a comprehensive view of the whole district, and conceive, design and execute large and important works affecting the whole district? The proposed joint committee, I am afraid, will not be equal to this task. I do not approve of the principle of creating a number of joint committees which will be so difficult to work in practice. In my humble opinion such committees cannot efficiently and satisfactorily perform the work

of the present district committees and supply their place. Besides this, another difficulty will be in regard to the strength and cost of the establishment. Each Local Board will be required to maintain a highly paid efficient staff, complete by itself, for engineering, medical, and educational purposes. This will not, as a rule, be sufficient within the limits of a local circle to keep the highly paid superior officers engaged throughout the year. Their services could not be utilized as it is done at present by employing them anywhere in the district. Thus there will be useless and unnecessary multiplication of establishments throughout the district. I, Sir, would utilize the services of the well trained, experienced, intelligent, and educated members of the existing district committees which ought to be continued. I, Sir, advocate the continuance of the District Board not because the Local Board will not satisfy the ambition of those who hanker after high political power—not because the Local Board will not be gratifying to those who will only talk but will not work ; but because, in my opinion, the District Board will prove useful and an efficient connecting link between the Central Boards and the Local Boards, and because without the co-operation and supervision of the educated and intelligent members of the District Boards, I am afraid the scheme cannot successfully and efficiently be worked, at least at the outset. I would place the Local Board under the control and supervision of the District Board. The best and safest rule for the constitution of the District Board, in my humble opinion, would be to have one-third of its members elected by the several Local Boards, one-third elected by the sudder district town, and one-third may be appointed by the Government. The Local Boards may elect their representatives for the District Board either from their own body or from among the persons of their circle residing at the sudder station. We might make some provision as regards qualifications of voters and candidates for the district membership. For the members who would be elected by the district town, in addition to other qualifications, they must have served as a member of the district road cess committee. There ought to be a provision made that the Local Board will be at liberty to pay from its funds the actual *bonâ fide* expenses incurred by its representatives in attending the District Board Committee. The District Board should be in direct charge of the zillah-school, sudder charitable dispensary, district roads, which begin within the limit of one local government circle and end in another, and other institutions and properties in which the whole people of the district are commonly interested. It should design and execute large and important works affecting the whole district, and generally control and supervise the several Local Boards subordinate to it. The Local Board being in charge of the sub-divisional roads and institutions, and union committees being in charge of the village roads and institutions, each body would have charge of what it is interested in, and of what it has the local knowledge and capacity to manage.

The District Board will be in a position to set an example and show the way to Local Boards.

Now that the means of communication from the mofussil to sudder stations have so much improved, and as some of the delegates of the Local Board may



be living at the sudder station, and as others travelling from the mofussil will get their travelling expenses, I do not think that there will be much difficulty in securing regular attendance of the delegates of the Local Board at the meeting of the District Board. There cannot be much apprehension of constant and vexatious meddling on the part of the District Board with Local Boards, as the District Board will partly be composed of the delegates from the Local Board, and the interest of both the bodies will be common and identical. It may be said that in the backward districts in which several independent Local Boards cannot be constituted, you may have one Local Board for the whole district, but you cannot have both Local Boards and District Boards.

In reply to such a proposition, I would say that if you have only one Local Board for the whole district, you cannot expect that the delegates of the several Unions will take the trouble of travelling from very long distances to attend the meeting of the Local Board at the sudder station, and take an intelligent part in discussing important subjects and managing large business which affect the whole district and do not directly concern their Unions.

It may be urged that there are sub-divisions, in some districts, which are quite prepared to accept the powers and responsibilities of the Local Boards, independent of the District Board. To meet such cases I would proceed on the model of 165th section of the present Road Cess Act, No. IX of 1880, and provide that the Local Government may declare that any such Local Government Board shall have the full powers of the District Board within its local Government circle, and in that case the powers of the District Board shall cease therein. I would also maintain the present engineering establishment, making only such necessary changes as may be rendered necessary to suit the altered state of things.

In almost all the districts I think we have got one professional engineer in the employ of the District Road Cess Committee, who prepares plans, estimates and designs of large works and generally supervises the construction and repairs of district roads and bridges. Then each Road Cess Branch Committee has got its own overseer or sub-overseer, who receives a moderate amount of pay, and is quite competent to do the petty works of the sub-division. These gentlemen entered the service on the understanding that the posts to which they were appointed were permanent. They have been doing their work satisfactorily, and have acquired local knowledge and experience. Neither the interests of justice, economy, nor efficiency require that these persons should be turned out without any fault of their own and new persons appointed in their places.

To sum up, I fully approve of the liberal and enlightened principles of the Bill, and I have only to suggest that, according to the guiding principle laid down by the Hon. Member in charge of the Bill, we should utilize the existing District Board and Engineering Establishment.

At this stage the President adjourned the debate.

The Council was adjourned to Saturday, the 10th instant.

Saturday, the 10th March 1883.

Present:

HIS HONOR THE LIEUTENANT-GOVERNOR OF BENGAL, *Presiding* ;  
 The HON. G. C. PAUL, C. I. E., *Advocate-General* ;  
 The HON. H. L. DAMPIER, C.I.E. ;  
 The HON. H. J. REYNOLDS ;  
 The HON. C. P. L. MACAULAY ;  
 Colonel the HON. S. T. TREVOR, R.E. ;  
 The HON. J. E. CAITHNESS ;  
 The HON. BIHUEB MOOKERJEE, C.I.E. ;  
 The HON. MAHOMED YUSUF ;  
 The HON. HARBUNS SAHAI ;  
 and  
 The HON. CHUNDER MADHUB GHOSE.

LOCAL SELF-GOVERNMENT.

The debate on the Bill to extend the system of Local Self-Government in Bengal was resumed.

The HON. MR. CAITHNESS said: "In accordance with the wish expressed by you, Sir, when a motion for leave to introduce a Bill for the extension of Local Self-Government in these provinces was made in this Council, that members would be prepared, on the presentation of the Bill, to state their views as to the general principles advocated by Government in the introduction of this important measure, I venture with much diffidence to offer a few remarks upon it.

I can lay no claim to the trained ability and learning, the long familiarity with legislative measures, or the accustomed knowledge of native ways of thought, habits, and predilections, which characterise previous speakers, and it is therefore only on the broad and general principles of the measure as set forth in Government Resolutions, and in the speech of the Hon. Member in charge of the Bill, that I can pretend to form a judgment.

And at this stage the consideration of the measure resolves itself into three main points—(1st) What is the object which the Government have in view in the introduction of this Bill? (2nd) Is that object one which recommends itself to our understanding and sympathies? and (3rd) Is the object in view likely to be gained by the measure under consideration.

On the first point there is neither doubt nor obscurity. The Governor-General in Council declares: "It is not primarily with a view to improvement in administration that this measure is put forward. It is chiefly desirable as an instrument of political and popular education."

The object therefore is to educate the people of Bengal to a closer and livelier interest in their own local affairs, to awaken their dormant energies and intelligence, to induce them to study the first principles of village sanitation and municipal government, and to provide scope for their ambition and talent by extending to them a larger share in the administration of affairs.

With reference to the second point from which I am considering this measure, it appears to me no nobler programme could be set forth than this, which appeals both to our understanding and sympathies; and no higher ambition could be entertained by any Government than the endeavour to elevate and lift up the people under their rule, by exciting in them a desire to learn the true art of self-government, and providing for them a scheme of political and popular education.

The third point on which I venture to express an opinion is: Are the objects in view likely to be gained by the Bill now before the Council? And I am bound to say that, after a careful consideration of the matter, I do not think that the Bill, as it at present stands, is likely to achieve the desired result.

The position appears to be that the large majority of the people are entirely ignorant of the new and important duties which, under this measure, they would be required to initiate and carry out, and I fail to see how, if left to their own devices, they can be expected to master them.

They shewed no inherent aptitude for improvement in municipal administration (at all events up to anything like the modern standard) during the days of the *punchayet* system which, as referred to by my hon. friend who preceded me, extended so widely over the country, and so far back in the past; and there is little reason to suppose that, without trained supervision and guidance, they would be likely to make any greater progress now.

In the best interests of the people, it would surely be desirable to afford them every advantage at the beginning of their task to render the lessons to be learnt as easy as possible, and to secure the ultimate success of the measure, as far as practicable, by placing at their disposal the best directions and assistance the Government can give.

To compare great things with lesser, it would appear to me, from a practical point of view, that if any controller of works or manager of a large concern were to endeavour to educate his people in the business by giving them work to do which they could not accomplish, and leaving them to teach themselves as best they could, his success would be questionable, compared with the result to be achieved by placing the same persons under proper direction and guidance.

The Bill will doubtless receive careful consideration in Committee; it will, therefore, not be necessary for me to refer more particularly to its provisions. I may say, however, that it appears to me to lack something in simplicity. The Union Committee, under the control of the Local Board, hedged about with restrictions, and generally supervised and restrained by the district officers and the distant Central Board, will give our native fellow-subjects a lively idea of a circumlocution office, and effectually teach them an art they are not slow to learn—the art of “how *not* to do it.”

There is one other point which I should wish to refer to. It has been pointed out to me that the elective system now sought to be extended is by no means a new institution in Bengal. The system has existed for some time, but the people generally have evinced no desire to avail themselves of its advantages. From section 16 of Act V (B.C.) of 1876. it will be seen from the last

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paragraph that on a petition of one-third of the rate-payers of any district the elective system might be introduced into that district. If many districts had availed themselves of this right, it might be thought the people were becoming interested in the idea of local administration; but, as far as I am aware, few or no petitions of this nature have reached the Government."

The HON. BHUDEB MUKERJI was understood to say he would like to say only a few words on the Bill before the Council. The subject had been very largely discussed, and from different points of view; consequently, he would confine himself to making a few remarks on certain principles of the Bill. It had been said that the Bill was a mistake, because the people of the country were not fit for the responsible work of self-government, and because the measure had originated in a mere sentiment of benevolence. He could not agree with this very broad assertion. He read out paragraph 142 from the report of the Famine Commission, and said that the measure contemplated was inspired as much by sound statesmanship as by the sentiment of benevolence. He looked upon the establishment of Unions and Local Boards as very profitable educating agencies, which would be useful in collecting statistics and supplying various local information. He did not think that any better machinery could have been devised for the purpose. But while he approved of the establishment of Unions and Local Boards, he, with a very wide circle of the intelligent native community and the native Press, regretted the absence altogether of any provision in the Bill for the formation of District Committees. He regretted that the germs of self-government should vanish from where they had first been sown as Road Cess Committees, District School Committees, &c.

The HON. CHUNDER MADHUB GHOSE said that he did not propose on that occasion to make any detailed observations upon the Bill which had been presented before the Council, for it was proposed to refer the Bill to a Select Committee, and he had no doubt that the Committee would examine the various provisions of the Bill very carefully. After the Select Committee had made their report, he would take the liberty of making such observations as should then appear necessary. He begged, however, leave to make one or two observations on one or two matters. The first was as regards the question raised, whether the system of Local Self-Government should be extended to this country. He was free to admit, after hearing the observations of the learned Advocate-General, that people in certain districts in Bengal were not sufficiently advanced to undertake the task of self-government, but he was not prepared to admit that the people in Bengal generally were so far back in education, progress, and culture that they could not be trusted with the duty of self-government. He believed that before the Government of India passed the Resolution which gave rise to the Bill before them, the subject had been carefully considered by the different Local Governments concerned in the matter. They had received various reports from district officers, and he believed he was not wrong when he said that the majority of these officers, who had experience of the knowledge and habits of the people, were of opinion that a good portion of the people were fitted for the boon. They who lived in the metropolis had not the same opportunities of knowing the habits,

manners, and education of the people in the mofussil, and could not, therefore, speak with any degree of authority on the subject; but those who lived and worked in the mofussil were people whose opinions were entitled to the greatest consideration and respect; and the opinion of several district and sub-divisional officers who had been consulted on the subject was sufficiently indicative that there were various districts in Bengal sufficiently advanced in culture to be entrusted with self-government.

But there was another view which could be taken of the matter, and that was that self-government was not a new introduction in the country. They had in various parts of Bengal municipal boards, school committees, committees for the management of charitable institutions, and so forth; and what he understood to be the object of the Government was the blending together in one of these different local bodies. The people had for some time been trained in the science of self-government, and he thought the time had come when larger powers should be entrusted to them. He did not think that the scheme would be a failure, as had been predicted by the learned Advocate-General. There ought to be some time or other when there should be a beginning, and the question was whether the people of Bengal were sufficiently advanced to begin now. In answer to this he begged to say that public feeling was in favour of the Bill, and there ought not to be any objection to the scheme. But then if the measure was to be a success, its success would depend mainly, 1st, on the proper constitution of the Local Boards; 2nd, on the power to be entrusted to them; 3rd, on the proper appointment of a Chairman and Vice-Chairman; 4th, upon the funds which may be left to their disposal, and 5th, upon supervision. Now, it was undoubted that the Bill which had been introduced in Council had these considerations in view; but after studying the Bill with some attention and care, he must say there was one matter in regard to which he, and the educated portion of his countrymen, felt some anxiety; and that was the absence of any provision for the establishment of District Boards. He had heard with great care the arguments advanced to show why District Boards were not required, but he regretted that he could not come to the same conclusion as the Hon. Member in charge of the Bill. It appeared to him that Local Boards would be established, not in the principal towns of the districts, but in sub-divisions, where they would not find men of sufficient education and culture who should be able to undertake without much control the onerous duties which the Bill proposed to confer on them. He had no doubt that the Central Board would be able to supervise the work of local bodies carefully; but the fear was that by reason of the Central Board being located in the metropolis, the people in the interior of the country would not come forward very readily to lay their grievances and complaints before them; but if District Boards were established, they would be in a far better position to deal more intelligently with local affairs which were passing under their eyes, and to give instant remedy, than it would be possible for the Central Board to do. Then, there was another aspect of the question, and that was that if they had no District Boards they would be practically excluding a large body of educated people, who would be found in the principal towns of the districts, from taking a share

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in the work of self-government. True it was that there would be Local Boards in the metropolitan sub-divisions, and the educated people residing there would be asked to be members of those Boards, but the field for the operation of their skill and knowledge would be so small as not to attract them. If they did not have District Boards, they could not have the co-operation and sympathy of the very class of people, the training up of whom for the important work of self-government was the special scope and object of the Bill. He hoped that the Select Committee would consider whether it would not be wise to introduce a section in the Bill providing for the establishment of District Committees. Then he observed that the Bill was to extend to all the territories subject to the Lieutenant-Governor of Bengal which were not included within the limits of the town of Calcutta, or within the districts of Singbhoon, the Sonthal Pergunnahs, Chittagong Hill Tracts, or any place or town to which the provisions of the Bengal Municipal Act had been extended. There were other districts which, as he had said, were not yet fit for self-government; and he hoped, as he was sure they would, the Select Committee would give this matter their best consideration.

The HON. MR. DAMPIER said:—"To say that a desire of self-government in the sense of localised management of local affairs is a proper aspiration of a people, the natural outcome of education in the largest sense of the word, is to utter a truism. To say that it is the duty of a Government to give effect to the wishes of its people in this respect, as far as may be compatible with other considerations of good government, is, as an abstract proposition, another truism. Whether any exceptional reasons exist for limiting the full play of these abstract principles in India is not a question which I am called on to discuss in this place. Sir Ashley Eden sounded a note of warning as to dislodging the district officer from the position he now occupies, and this has, no doubt, received the fullest consideration of those who are responsible for maintaining what he called the general frame-work of Government; but the Supreme Government of this country has deliberately accepted the conclusion that no such reasons exist other than those arising from the degree of competency or incompetency of the people for the management of their own local affairs. Any further discussion of this question here would be out of place. It is not only to the governed that the management of their local affairs is an object. It has been said that the burden of administration on the shoulders of the governing body is becoming more and more onerous as civilization and material prosperity progress. The alternatives before us are either to supply to the people an administration which avowedly falls short of the requirements of the country, or to call on the people themselves to relieve us of a portion of the burden which is becoming too heavy for us to bear.

The only reasonable course open to the Government, as has been said by the Government of India, is "to induce the people themselves to undertake, as far as may be, the management of their own affairs, and to develop, or create, if need be, a capacity for self-help in respect of all matters that have not, for Imperial reasons, to be retained in the hands of the representatives of Government."

Such being the object up to which we should work, the important question is by what means it may best be attained in these provinces.

I have no hesitation in following the Government of India, Sir Ashley Eden, and your Honor in rejecting such propositions, as that "the people of this country are themselves entirely indifferent to the principle of self-government; that they take but little interest in public matters; that they prefer to have such affairs managed for them by Government officers; that the apathy and indifference which exists on their part will prove an insuperable obstacle to any attempt to interest them in Local Self-Government; and that this is a sufficient reason for taking no step forward now." As a general description of the popular feeling, this might have been said thirty years ago; but since then the schoolmaster has been abroad. Not only Mr. Croft and his departmental subordinates and the public press, but also the Political schoolmaster, such as the Lieutenant-Governor of Bengal with his legislative measures in his Council, under which the old Ferry Fund Committees have expanded into District Road Committees; and the old Chowkidari Unions into Municipalities; and also with his executive measures which have covered the country—or more accurately—dotted the country with School Committees, Charitable Medical Committees, and so forth, and have familiarised the people with the idea of self-management.

When I say that there is no such general apathy and indifference over-spreading the country, I must not be understood to mean that the bulk of the people, even in the most advanced districts, take a genuine interest in the matter. I mean only that many, perhaps most parts of the province, contain a class of men who take a real interest in these matters. There is great danger of the value of the agitation on the subject being overrated. It is an instructive fact brought out in the reports of the Commissioners and Collectors consulted that, however much interest the bulk of the people take in the matter, it does not reach the pitch which induces them to take the trouble to sign the petition for the elective franchise which the Government has suggested.

On the other hand, such a petition has been received from Banka, a very backward sub-division, abutting on a semi-barbarous tract; a petition of this kind is quite worthless except to refer to in a speech as a proof of interest taken, but it is no such proof; it is only a warning against putting faith in such petitions as genuine indications of the popular feeling of the bulk of the people. The interest and agitation are really confined to comparatively small classes. Still it seems to me that the Government of India has well said that, as such education as I have mentioned advances, "there is rapidly growing up all over the country an intelligent class of men," whom it is not only bad policy, but sheer waste of power, to fail to utilise.

It cannot of course be denied that there are parts of these provinces which can still only be described as apathetic and indifferent to these matters; and were this a fair description of the state of the province generally, I should join the Advocate-General in protesting against such legislation as is proposed; but I believe that different parts of the province have arrived at different

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stages of preparation to receive such a measure; advanced qualification shades off into utter incapacity. As I read the despatches, the Governor-General in Council has imposed no obligation on the Government of Bengal to go further than can safely be done in transferring the virtual responsibilities of self-government to non-official bodies; and the obvious means of meeting the requirements is by a general scheme so broadly laid down that the application of it may be capable of as much graduation as the qualifications of the different bodies to which it shall be applied are graduated. It was said in paragraph 10 of the Resolution of the Government of India, of the 18th May last, that the Local Governments will also maintain and extend throughout the country a network of Local Boards; but this was only to be done "where intelligent non-official agency could be found." The Government of India seemed to have contemplated legislation which shall give the Local Government the widest powers for going as far as can safely be done; but after giving an unmistakeable expression of their own forward views, to have desired that a wide discretion be left to the Local Government in the application of the principles to their respective charges.

The result is that the responsibility of not going further than could be properly done under the circumstances of each case is shifted to the shoulders of the Local Government; with the Local Government it must rest to prevent any such mistakes as over-estimates of so-called expressions of popular feeling, or of that independence and moral courage on the part of those who would probably constitute the Local Boards. With the Local Government it must rest to give full weight to such disqualifying considerations in each case, as local class jealousies, difficulties arising from the relative proportions of Hindoos and Mahomedans, and so on. And I think that the Local Government would not be able to avoid the responsibility for a mistake made in this direction, by pointing to the expression of general opinions by a superior authority which had not the same opportunities of arriving at a knowledge of such local details.

In this view I shall support the motion to refer the Bill to a Committee; but must express my hope that the Committee will see their way to making, and the Council to adopting, some material alterations from the Bill as it now stands.

The adoption as a general rule of the smaller area rather than the district as the unit of Local Self-Government seems a wise measure; and as regards the provisions of the Bill in respect of the election of the members of Union Committees and Local Boards, I am well satisfied, because, as regards Unions, section 10, and as regards Local Boards, sections 16 and 19, do in fact leave complete discretion to the controlling authority in each case. While considering the reservation of such a discretion to be essential, I am quite in favour of gradually extending the elective system. No doubt in some places to which it will be extended under the influence of Brummagen popular petitions, and so forth, it will be the merest sham; but it does not seem to me a very mischievous sham. On the one hand it is a means of diffusing the political education and interest which we



desire to encourage; on the other hand it is not attended with such a danger of mischief as counterbalances this good; and under these conditions I suppose that not even the Advocate-General would object to making use of legislation as an instrument of popular political education.

But as regards the mode in which the Bill deals with the question of Chairmen to Boards, I hope to see its provisions very materially altered in Committee.

I desire here to add mine to the voices which have already been raised in acknowledgment of the earnest thought, the thoroughness, and the ability on the part of its framer which the Bill as laid before the Council evinces. Knowing the author of the piece of work as we do, there is nothing in this to surprise us; and I recognise this measure as affording him another step upwards in that ladder of public estimation on which he already holds a place so high and so well deserved.

Having saluted the hon. gentleman with my foil, I should like to know what has induced him to ask this Council to fetter the discretion which the Supreme Government has, as I think, so wisely desired to leave in the hands of the Lieutenant-Governor of Bengal—I mean as regards the Chairmen of Local Boards.

I will read what the Governor-General in Council has said on the subject.

In the Resolution of 18th May, at paragraph 18, after saying that the Governor-General in Council did not see his way to accepting the principle that the district officer shall be *ex-officio* Chairman in the case of *Municipal* Committees (thus showing that even in the case of municipalities the question was one deserving consideration), it is said: "Further consideration has led the Governor-General in Council to the belief that on the whole it is better to lay down no such general rule in the case of any class of Local Boards."

The following are the views of the Governor-General in Council on the subject:—

"The Governor-General in Council therefore would wish to see non-official persons acting, wherever practicable, as Chairmen of the Local Boards. There may, however, be places where it would be impossible to get any suitable non-official Chairman, and there may be districts where the chief executive officer must for the present retain these duties in his own hands. But His Excellency in Council trusts that the Local Governments will have recourse sparingly to the appointment of executive officers as Chairmen of Local Boards; and he is of opinion that it should be a general rule that, when such an officer is Chairman of any Local Board, he shall not in that capacity have a vote in its proceedings. This arrangement will, to some extent, tend to strengthen the independence of the non-official members, and keep the official Chairman, where there must be such, apart from the possible contentions of opposing parties."

and then ten days later, addressing himself specially to the Government of Bengal, the Secretary to the Government of India wrote:—

"It will not, moreover, be overlooked by the Government of Bengal that the suggestions made by the Government of India on the subject of election and non-official Chairmen have more direct reference to Town or Municipal Boards than to the District and Rural Boards."

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Why, Sir, this last passage is a distinct caution to the Government of Bengal against any idea that the Governor-General in Council wishes to go too far in this direction.

In the Government of Bengal's letter of 5th July 1882, I find that the Lieutenant-Governor still recognizes this question of official or non-official Chairmen as one to be decided as regards individual localities.

These being the views of the Supreme and Local Governments as expressed in the papers which have been laid before this Council, I hope, Sir, that I am justified in assuming that the following uncompromising section of the Bill presented to us is the outcome of the cogitations of the Hon Mover of the Bill himself, and not the embodiment of any deliberately adopted opinion of the head of the Local Government.

"Every Local Board *shall* at a meeting elect its Chairman and Vice-Chairman." No exception made, no discretion left. The line is sharply drawn. If the inhabitants of any locality can be deemed capable of discharging the full functions of Local Boards under the Bill, unassisted from the first by a professional guide and co-operation, then that locality is to be admitted to the full functions, independence, and powers of Local Self-Government; but for any locality of which it cannot, by any stretch of the official conscience, be said that the inhabitants are fit to be safely trusted with such functions and powers, the penalty is absolute exclusion from participation in the benefits of this Bill.

For them no "sedulous fostering of the small beginnings of independent political life;" for them no "tentative and patent procedure in the introduction of the new policy;" for them no "progressive period of leading-strings till they can walk without support." "*Aut Caesar aut nullus.*" For those, the full blaze of municipal glory; for these a continuation of Cimmerian darkness and political nonentity.

"There is no reason why most of the Local Boards should not elect their own Chairmen" is the enunciation of the views of the Government of Bengal speaking through Mr. Secretary Macaulay on the 5th of July last. "Each Board will be allowed to elect its Chairman, subject to confirmation by Government," is the short but pregnant announcement of the policy of this Bill in the statement of objects and reasons laid before the Council on the 20th February. Perhaps the Hon. Mover will explain what has led to this very marked change of policy. I do not think that he can point to the reports of the local officers consulted as bridging over the chasm between the two positions.

I would fain hope that the explanation is to be found in the fact that, while he has been absorbed in this great subject, my hon. friend has naturally enough warmed to it, and that his earnestness in it has to some extent clouded the clearness of his view; that he has been carried away by the influences which are recognized in the proverb "There is nothing like leather."

I hope, Sir, that this may be the true explanation, and that your Honor's mind is as yet not made up in this direction.

However that may be, Sir, I ask you, and I ask the Members of the Select Committee, to hesitate before you adopt a step which I must call so ruinous to the working of the proposed measure, which is so calculated on the one hand to increase the number of failures and to intensify the inevitable dangers of mal-administration which we admit must necessarily be accepted to some extent for the sake of giving the desired training and political education; so mischievous on the other, as leading to the exclusion of the less advanced communities from any such training; so calculated to warp the judgment of the Government and its representatives, who will naturally stretch their consciences to the utmost before they condemn any given community to exclusion from all participation in the benefits of this measure on the ground of being found wanting in fitness; and therefore so likely to bring discredit on this great measure by multiplying instances of failures. Even if it be admitted that the inhabitants of some or many or most localities may in spite of the absence of a "Demos" be in such a state of advancement that they may without undue danger to those whom they will represent be trusted to exercise the powers and functions of the Bill without the assistance of an official Chairman, can it be contended that there will be no debateable ground between such communities and the most backward and half savage communities who are not even fit to begin their education in these matters? Why refuse to those who occupy this debateable ground the assistance of a professional expert to guide them on their way?

It seems to me that there will be found communities containing members who have all the natural intelligence and who would very soon acquire the natural interest which is required for such self-management, but who are absolutely ignorant of the first elements of such business; absolutely ignorant at any rate of these branches of public business of which the management is being now for the first time handed over to local management. I think that such men, instead of fretting at the overshadowing influence of the official Chairman, would genuinely desire his help, his guidance, and his support. I think that at the stage of advancement of which I am speaking, the titles of Members, and Vice-Chairmen and Rai Bahadoors, the summons to attend the meetings for deliberation and all such paraphernalia, would be real attractions and sources of gratification, and not (as at a more advanced stage) provocatives of dissatisfaction at the little real power which is attached to them. May not the Government official legitimately make use of such influences to draw the people into the education which is so desirable? Why not act in this matter as you would if you wished to teach a trade to a number of men, however generally intelligent and anxious to learn, especially a trade which is attended with some danger to themselves, and with important effects to others? For such a purpose, is it not the obvious course to give the learners the help of a professional foreman until one of themselves is eligible for the post?

Is it not the case that, with an official Chairman subject to official responsibilities and control, certain local Committees might be employed in much more than could, with a due regard to the public and local interests.

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be left in their hands without such a responsible and professional Chairman? If this be admitted, I venture to say that I have established my case.

I have directed my arguments only to the case of the less advanced communities, because my object is only to insist on the importance of the Legislature not withholding from the Executive Government the exercise of a discretion which the Governor-General in Council considered, which your Honor considered at any rate in July last, to be essential to the success of this wide measure. It is easy, it is pleasant, to move forward with "advanced liberality" in such matters; but I believe that this is a case in which it may be said with peculiar truth that the most effective advance is that which leaves no regret for any step which has been taken; a step forward will be easy at any time; but for any false step hastily taken there remains nothing but regret. There is practically no possibility of correcting a mistake by retrogression to a so-called "less liberal policy."

Eleven months ago Sir Ashley Eden said that it was an indispensable condition that the Magistrate should be Chairman of the Local Boards.

A month later the Governor-General in Council recognized the possible necessity of official Chairmen in some places. Two months later your Honor recognized also that "there may be sub-divisions where it would be preferable to maintain the local executive officer as Chairman of the Board in order to avoid a certainty of failure." Within six months of that the Hon. Mover of the Bill would have us absolutely exclude the Executive Government from the exercise of its discretion in appointing an official Chairman, but his Bill leaves it open to the members of any Local Board to elect the Magistrate of the district or any other official as their Chairman.

But a rolling stone cannot be so easily stopped; within another fortnight the Hon. Member from Shahabad is asking us actually to put it out of the power of some of the Local Boards to elect an official as their Chairman.

This complete revolution of opinion within eleven months!—But the descent to some places has been proverbially easy from the days of the Latin poet.

As regards the question of official Chairman for Local Boards of advanced districts, I must make one or two remarks, although they are not essential to my contention that a free discretion should be left to the Government.

In the first place, I must say that the portion of the utterances of the Government of India, which least commends itself to my judgment, is that which is contained in the last part of paragraph 18 of the Resolution of 18th May of last year. I think that a great deal too much has been made of the argument that the presence of the Magistrate of the district as Chairman of Committees is an obstacle to effective training of non-official members, and would prevent non-official members from taking any real interest in the business. No doubt there are individual Magistrates who allow their views to be narrowed by the surroundings of the moment, and who, without taking much pains to study the questions involved, would probably describe themselves as not being believers in all these new-fangled notions. The influence of such men has no doubt been baneful to the progress and

popularity of ideas of Local Self-Government in the district. But credit must be taken *per contra* for the good done by another stamp of men, the real thinkers, who take broader and more statesmanlike views. I have in my mind men who have been in real sympathy with the people of their districts in these matters; and of whom all connected with them, European and Native, would bear genuine testimony that the only effect of the exercise of their direct power and influence as Chairmen of the Committees has been to foster the interest taken in public affairs by the non-officials with whom they were associated, and to raise their position by a sense of the value put upon their services, and of the confidence imposed in them.

However I must now, in fairness, call the attention of Hon. Members to one of the arguments against allowing the active intervention of the chief executive officer of the district, which the Hon. Mover has, in his capacity of Secretary to Government, set before the Commissioners. He wrote, in connection with the objections to allowing such intervention—

“In Calcutta, the Chairman is Commissioner of Police, but he has no other executive authority. Two-thirds of the Commissioners are elected, and the practical interest which, as a body, they now display in the administration of the affairs of the town is beginning to have excellent results.”

That, then, is the model up to which we are to work. To arouse a practical interest in the affairs of the Local Government Circles is one of our avowed objects, and it is patent to all that this object has been thoroughly attained in Calcutta.

As for the rest, we have the assurance of so high an authority as the Secretary to the Government that this practical interest is beginning in Calcutta at any rate to have results which are “excellent.”

I will revert for a moment to the reference which I have made above to an opinion expressed by the Hon. Hurbans Sahai. I have the advantage of knowing his views more fully than they were expressed in his speech, because we discussed the same question in the Select Committee on the Municipalities Bill. The Hon. Member is of opinion that the members of advanced Local Committees should not be allowed the option of electing the Magistrate to be their Chairman, because he assures us that to leave such a discretion to them will at once have the effect of destroying all independence of the local bodies. It will be enough for the Magistrate, he says, to let it be known that he wishes to be elected Chairman; it will be enough for any one whom it may suit to set about a rumour that the Magistrate wishes to be elected Chairman. The certain result will be his election: no one will dare to vote for any other candidate.

I ask you, Sir, I ask the Members of this Council in all earnestness, are we playing at a game, or are we dealing seriously with matters affecting the interests, the welfare, the life of human beings? As long as any body of men, however advanced they may be, are admitted to be so wanting in moral courage that they dare not vote for any other person than the Magistrate whom they do not wish to have as their Chairman, will any person in this Council, or out of it, seriously argue that that body is fit

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to be entrusted with the independent control of matters affecting the interests and welfare of the inhabitants of the local government area which they are supposed to represent? Are not other influences, still less desirable than that of the Magistrate, likely to be brought to bear upon the Members of the Boards, before which their independence and power of resistance may fail? For instance, in some local government areas the influence of a local magnate will be all-pervading and all-powerful. Questions are likely to arise in which the interests of such a magnate as an owner of property are in conflict with the sanitary or other interests of the humbler inhabitants. Could such a body, as the Hon. Member (Hurbans Sahai) supposes, be trusted to act independently, and to be proper guardians of the communal interests in such a case? Would it not rather be highly desirable that the Magistrate's influence should be there to counteract such other influences. I hope that the Hon. Member's estimate as to the number of local bodies, at any rate of advanced local bodies, to whom his apprehensions will be applicable, is unduly high.

Whether it be so or not, I hope that the Select Committee and the Council will repudiate the position proposed to them by the Hon. Member, that the members of any Local Board can be so weak that they cannot be trusted with power to elect the Magistrate as their Chairman, and yet so independent and so deserving of public confidence that they can be trusted with large commercial interests and powers.

I turn now to the question of control to be exercised over the Local Boards. After considering all that the Hon. Mover has said in support of the scheme of no authoritative control being exercised except by the Central Board, I regret that I cannot bring myself to think that so distant a controlling power could ever use authority sufficiently well-informed as to local circumstances, sufficiently prompt in action, and sufficiently effective, to afford a reasonable protection against the mistakes of inexperience and of inefficiency, which are fully anticipated. A guarantee of such protection against avoidable mistakes the humbler inhabitants of these rural communes have a right to demand from the Government of the country before they are handed over as subjects of these experiments in administration by the intellectual or influential leaders of their community. No doubt they are so handed over for their own ultimate good, but for the present their interests are avowedly to some extent sacrificed. Those who suffer will not be those who make the mistakes.

The degree of supervision required will obviously depend largely on the course which may be adopted as regards official and non-official Chairmen; but the country is too large for the exercise from one distant centre of the sustained close supervision, and the occasional prompt action of intervention, which it seems to me will be essential to give the scheme as it now stands a fair chance of success to minimize the evils which are accepted as unavoidable, while they are more than counterbalanced by other advantages. One considerable objection to which the proposed scheme seems to me to be open is that it imposes on the local officers the burden of responsibility without giving them corresponding power. They are to keep a close watch on the proceedings of these inexperienced Local Boards; they are to be Argus-eyed, ready to give their advice for what is

right and to remonstrate against what is wrong, but they must not act. Except under very exceptional circumstances, they can only report the Local Boards to their distant superiors. Now it is evident that, when this great project is floated, it will be almost a political object to avoid finding fault with the Local Boards or attributing failure to them. The consequence is obvious to all officials. Whether the local representative of Government has wounded the susceptibilities of the Local Board by obtruding his advice too freely, or whether his own sensibility has shrunk from taking up a position of open opposition to them, when the failure comes under review, some one from above will be "constrained to say that if Mr. Magistrate scapegoat had exercised his legitimate influence more judiciously, these unsatisfactory results might have been avoided." It is so easy to write in this strain from a Calcutta bureau, when one is safely removed from mofussil anxieties and difficulties, and when one's sympathies with mofussil officers has grown cold.

It is no satisfaction to me, Sir, to make these remarks. I know too well the difficulties of construction and the cheapness and ease of mere destructive criticism; but notwithstanding the difficulties which would attend such an arrangement, I must express my conviction that the immediate control should not be removed further at any rate than the head-quarters of the Commissioners of Divisions.

Then whatever is done in Calcutta should be done by the Government itself. If the answer be that it is impossible to throw the additional burden on a Government of which the whole responsibility rests on the shoulders of a Lieutenant-Governor who stands alone and who is already so overweighted as the Lieutenant-Governor of Bengal, I should be inclined to suggest another way out of this frequently recurring difficulty, than by creating subordinate central authorities to discharge functions which avowedly would be better discharged by the Government itself; but this again is approaching a subject which is out of place here."

The HON. MR. MACAULAY said:—"I think, Sir, that no one who has listened to the debate which is drawing to a close can fail to congratulate the Council and the Select Committee on the postponement which has led to this full and instructive discussion. To myself personally, the debate has been particularly gratifying, and I must acknowledge the many appreciative remarks which have been made regarding my share in this measure. I particularly value the compliment paid to me by the respected Father of the Bengal Civil Service, and my sense of that compliment is not diminished by the fact that my Hon. friend has made several inaccuracies in other respects in the course of his speech. I naturally cling to the hope that in the estimate of my humble self he may have exercised something of that wisdom and precision for which he is so distinguished. At the same time I cannot accept these flattering testimonies without saying that I have been credited with a very unduly large share in whatever credit may attach to the conception and execution of this Bill.

I do not propose to make any attempt to answer in detail the various criticisms which have been offered on the several provisions of the Bill. To

*The Hon. Mr. Dampier.*

do so would be to protract the debate to an unreasonable length, for I should have to repeat the greater part of two orations which I have already inflicted upon the Council. As I have trespassed very largely upon the indulgence of the Council in connection with this subject, it is right I should spare them any discussion upon details which can be considered in Select Committee. There is, however, one class of criticism to which I must endeavour to reply. I refer to criticism which condemns the policy of Local Self-Government upon general grounds, while deliberately ignoring the provisions of the Bill which is before the Council. Such criticism is, to my mind, unfair in the course of a debate upon a particular measure. Now when the Hon. Advocate-General began his address by saying that "the present measure" was, in his opinion, a mistake, I was prepared for some valuable criticism on the Bill, for advice and counsel regarding its provisions, or its shortcomings, which no one can be better qualified to offer than the Hon. gentleman. But what followed? Not a word regarding the provisions of the Bill, not a reference to a single one of its provisions. It turned out that what the Hon. gentleman designates as "the present measure" was not the Bill before the Council, nor anything like it, but an expression of the general views of the Government of India upon the very broadest features of a policy to be observed for the whole of Her Majesty's dominions in India. It is true that the Hon. gentleman himself admitted that his observations, being directed to questions of principle, might have been more opportunely made at an earlier stage. But I do not regret that he should have taken this opportunity of urging his views on the general question of Local Self-Government. His views will always be received with respect in this Council. But I regret, and I consider I am entitled to complain, that he should have formed and expressed his views regarding self-government in Bengal upon a general expression of opinion regarding the whole of India, without seeing whether that expression of opinion was intended to have, or must have, or could have, special application to Bengal, and that he should ignore the particular measure which had been placed in his hands, when that measure had been framed with a view to suit the particular circumstances of Bengal; when that measure was the only measure before the Council; and when, in framing that measure, an attempt had been made, to the best of our ability, to guard against the very dangers which he apprehends, and to maintain the very efficiency which he applauds. The Hon. gentleman has more than once referred to municipalities. Any remarks and criticisms which he may have to make regarding the Municipal Bill will, I doubt not, be sufficiently answered by my Hon. friend, Mr. Reynolds, at the proper time. But the present Bill has nothing to do with municipalities. The Hon. gentleman proceeded to say that it is proposed "to transfer some of the most important powers, duties and obligations of Government to a class of people who are not fitted to exercise them." But he does not specify those powers and duties and responsibilities. If he considers that it is intended that the Government should divest itself absolutely of any of its duties or responsibilities, he is mistaken. But what are these duties, responsibilities and powers which it is proposed to transfer "to a class of



people who are not fitted to exercise them"? Does he refer to roads? Local bodies already have the control over roads. Does he refer to schools? Local bodies have already large powers in respect of schools, and have had larger powers; and I appeal to the Hon. Member opposite (Babu Bhudeb Mukerji), whose experience in this respect is not surpassed even in the distinguished service to which he belongs, to say whether it is not a fact that throughout the country the villagers do take a most keen and lively interest in their primary schools. Does he refer to dispensaries? These are already in charge of special committees. Does he refer to the maintenance of village drains and tanks in a state consistent with the interests of the public health? If he does, it will be well to remind him that this is not a power which is now to be surrendered, but a power which does not exist, and that this is not a duty which may be performed with less efficiency than hitherto, but a duty which has hitherto not been performed at all, and which can only be performed by the agency to which we propose to assign it. Does he refer to census taking; to famine relief? If so, it may be well to remind him that the late census was taken, to a large extent, through unpaid agency, and that it is not probable that that agency will be less efficient, because it is organized. He will also probably admit that Government will be able to administer relief measures with greater efficiency if, in addition to its own staff, it has a net-work of local bodies bound to assist it. Upon what, then, does the Hon. gentleman base the indictment that the scheme is "speculative" and, "under present circumstances, sure to be a failure."? Is it upon the system of Union Committees? That system simply seeks to extend and to give legal status to a system under which many of our best and most experienced officers have provided for the execution of village works through the most important villagers. Is it upon the system of Local Boards? The Local Boards will simply possess the powers of District Committees extended. They will have more manageable areas to deal with. They will have duties and responsibilities to perform which are now either neglected, or scattered over a variety of bodies, or performed with difficulty and in haste by hardworked officers of Government. They will be amenable to local responsibility, provided with a local executive, actuated by local interest and guided by local knowledge, which are now generally wanting. Is it upon the system of control? I apprehend that this must be the point where my Hon. and learned friend sees a blot, for the imaginary measure which he attacks is evidently some measure in which there would be no provision, or at least an insufficient provision, for control. His apprehensions on this point appear to be shared by my Hon. friend, Mr. Caithness, who has spoken of the Boards being "left to their own devices." If, however, these gentlemen will turn to Part VI of the Bill, they will find that provision has been made for a very complete and thorough system of control. It is quite true that we look to this measure as a valuable instrument of political education, and that we do not look for perfect efficiency at once and in every case. It is quite true that we recognize that work may, at first, be neglected, or be badly done. After all, the interests affected will be those of the people them-

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selves. But we provide for a rectification of this, and we guard against its constant repetition. But what institution or system is there that does not admit of the execution, and the faulty execution, of work in the process of education? No one is in a better position than the Advocate-General to say whether mistakes are not committed, and hardships caused, by inexperienced judicial officers. Would he allow these officers to try no cases at all? Or would he not rather provide for the correction of their errors? This latter is precisely the system we propose to follow, with the important addition that, if those responsible make mistakes, they will make mistakes, not regarding other peoples' business, but regarding their own business. In any case we shall provide for the rectification of those mistakes, just as the Hon. gentleman has often assisted an appellate court in rectifying the mistakes of some subordinate court. But, as my Hon. friend, Babu Chunder Madhub Ghose, has pointed out, the Hon. gentleman's objections would apply to the beginning of Local Self-Government as well as to any extension of it. In every other department, apparently, he would allow experience to be gradually acquired. It is only in the matter of Local Self-Government that he insists on experience being intuitive. I can assure the Hon. gentleman that we have no more idea of going into a backward district and looking for a ready-made elective Board with full powers, than the Hon. and learned gentleman has of going into the Bar Library to select the ready-made Colonel of his imaginary regiment or the ready-made Engineer of his imaginary bridge. What we propose is to give powers gradually as we see that they can be properly exercised, and to bring out gradually, but to the fullest extent, the practical knowledge and interest of the people in the management of their own affairs. The scheme claims to be eminently a practical one, and, as such, sound as an educational one. It provides for gradual extension, for expansion as efficiency is attained, and for thorough and careful, though not exacting, supervision. As I have said before, I do not regret that the Hon. gentleman should have taken this opportunity of expressing his views on the general policy of Local Self-Government. What I regret is, that he should have formed and expressed his views without reference to the measure before the Council. I can only look forward to the pleasure of discussing the Bill with him in Select Committee. I proposed to take that opportunity of inducing him to examine the Bill, and of obtaining the assistance of his great ability, experience, and learning in correcting its defects. And I hope, and believe, that when the Bill is again presented to the Council, I shall have the pleasure of seeing him stand forward as its most powerful supporter."

HIS HONOR THE PRESIDENT said: "I can scarcely allow this opportunity to pass without some remarks of my own with especial reference to the speeches which have been addressed to the Council in the course of the debate. I am glad we have arrived at a stage in our legislative proceedings which gives some hope of a practical solution of the measure with which we have to deal. And though I very much regret that the hope I once entertained that we might be able to pass the Bill during this session cannot be realised, I think all are agreed that the time which has been spent on it, and