

EDN(1950) DEPT

~~Panes~~
~~my~~

G.O. No. 1852 EDN

23.6.50

(10)

The Madras Public Libraries
Act, 1948 — Election of members
to the Local Library Authority —
Resoln. of the M.L.A. — Cuddalore —
Papers — Recorded.

From
Sri L.C. Richard, M.A.,
Commissioner, Cuddalore
Municipality, Cuddalore.

To
The Secretary to Government,
Education Department,
Fort. St. George, Madras.

Through: The Chairman, Municipal Council, Cuddalore.

Roc.No. C.L.4735/50 dated the 12th April 1950.

Sir,

Sub:- Libraries and Reading Rooms - Madras Public Libraries
Act -1948.

-@@-

20 APR 1950
The District Educational Officer, South Arcot, Cuddalore, in his letter Roc.No.C.4.246/49 dated 24-3-1950 invited the attention of the Chairman, Municipal Council, Cuddalore to section 5 (3) (d) of the Madras Public Libraries Act 1948 and rule 13 of the Madras Public Libraries Act 1950 and requested him to elect such number of members as may be elected by the municipal council electing one or more members in accordance with the Act. This was duly placed before the Cuddalore Municipal Council at a special meeting held on 10-4-1950. The council resolved to request the Government to defer the levy of cess until the economic conditions improve and to decline to elect a representative to the Local Library Authority. I submit a copy of the resolution referred to above for favour of information and orders. (A/3)

COMMISSIONER.

Forwarded

Chairman,
Municipal Council, Cuddalore.

SRP/

Extract from the Proceedings of the Municipal Council, Cuddalore
passed at its meeting held on 10--4--1950.

Present:-

Sri	S.S. Ramaswamy	Chairman.
"	R.A. Sivananda Mudaliar	Vice-Chairman
"	A.M. Nagalingam	
Janab	C.S. Gulam Dhastagir	
Sri	V.S. Ranganatha Chettiar	
"	K. Balakrishnan	
Janab	Khaja Moideen Maracair.	
Sri	D. Annasami Mudaliar	
"	M. Rathinam	
"	A. Arikrishnan	
"	M. Sundararajalu	
"	R. Thillaigovinda Padayachi	
"	M. Vaithinathan	
"	V. Perumal Padayachi	
"	R.S. Anthony Pillai.	
"	P.G. Narayanasami Padayachi	
"	T. Alwar Nayudu	
"	K. Venkatachala Mudaliar.	
"	K. Alagananda Mudaliar	
"	N.V. Bashiyam Reddiar.	
"	S. Arumugha Mudaliar.	
"	B.A. Balu Mudaliar.	
Dr.	V. Krishnamurthi	
Sri	G. Devanathasami Nayudu, B.A., B.L.,	
"	K. Venkatachalam Pillai, B.A., B.L.	

283. Election of a member from the Cuddalore Municipal Council to the Local Library Authority of the South Arcot District under section 5 (3) (d) of the Madras Public Libraries Act.

The following resolution is moved by Sri R.A. Sivananda Mudaliar and seconded by Sri Bashiyam Reddiar:-

"When the Madras Public Libraries Act was enacted the local bodies were not consulted. The consent of the local bodies was not obtained for the levy of the cess of 6 pils for every whole rupee of property tax collected in Municipalities. In these hard times, the levy of cess will result in undue hardship to the middle classes. This Council therefore resolves to request Government to defer the levy of cess until the economical conditions improve and to decline to elect a representative to the Local Library Authority. Further the levy of new tax at a time when the remission of tax is granted is not justifiable".

Carried unanimously.

Sd/- S.S. Ramaswamy
Chairman.

- True Extract -

Handwritten:
Sd/-
Chairman.
Cuddalore Municipal Council

Memo No. 7891 E-50-2 Edn. d/ 18.5.50

Sub: Municipal Council, Cuddalore - Resolution regarding non-election of members to the Local Library Authority.

Ref: From the Commr. Cuddalore Mty., Roc. No. C.1.4735/50 dated 12-4-1950.

Sub-Section (1) of Section 5 of Madras Act XXIV of 1948 provides that there shall be constituted Local Library Authorities ^{one} for the City and ^{one for each District} Districts, Sub section (3)d, of that Section provides that the local Library Authorities for each District shall consist of such number of members as may be elected by the Municipal Council in the District, Each Ml. Council ~~are~~ electing one or more members in accordance with the scale specified therein. ~~As~~ These provisions are mandatory ^{and} they have to be complied with.

2. ~~It is observed that~~ The latter part of the Resolution of the Ml. Council No. 282 dated 10-4-50 ^{in which} ~~he~~ Council has declined to elect its representative to the local Library Authority is ^{not} therefore legally passed and is ^{in excess of the Council's powers and is} liable to cancellation. ^{Under Sec. 36 (ii) of the M.D.M. Act, 1920}

3. The Ml. Council, Cuddalore is ^{requested to show} ~~called upon to~~ cause why the latter part of the resolution referred to above should not be cancelled. ^{under Sec. 36 of the Act} A reply should be sent not later than 15th June 1950.

To The Commr. Cuddalore Mty., thro' C.M.C.

Exch. Rn. 16/6-

16/5/50



Office of the
DIRECTOR OF PUBLIC INSTRUCTION.
Letter: R.C.No.204/50.

Madras, Dated the 13th May 1950.

From
THE DIRECTOR OF PUBLIC INSTRUCTION,
MADRAS.

To
THE SECRETARY TO GOVERNMENT,
EDUCATION DEPARTMENT,
MADRAS.

Sir,
SUBJECT: The Madras Public Libraries Act 1948 -
Constitution of the Local Library
Authority - Resolution of the Municipal
Council, Cuddalore - Submission of

AT the special meeting held on 10-4-50, the Cuddalore
Municipality have resolved declining to elect a member as a pro-
test against the levy of cess. A copy of their resolution is
enclosed.

2. IT is surprising that for a progressive purpose,
namely, the spread of Library Service in its area, the Cuddalore
Municipality should raise a voice of protest. It was open to them
to express their opinion when the bill of the Act was on the anvil,
which, obviously, they did not do. Even if they did it and failed
in their object, now they have no alternative save to obey what
the State Legislature have ordered. There Government may point
out to this Municipality what it is bound to do and to give effect
to the provision of the Act.

Yours faithfully,

R. Janardhanan

(15. V. 1950)

for DIRECTOR OF PUBLIC INSTRUCTION.

Extract from the Proceedings of the Municipal Council, Cuddalore
passed at its special meeting held on 10-4-50.

283. Election of a member from the Cuddalore Municipal Council to
the Local Library Authority of the South Arcot District under
section 5(3)(d) of the Madras Public Libraries Act.

The following resolution is moved by Sri R.A.Sivananda Mudaliar
(Vice-Chairman) and seconded by Sri N.V. Bashyam Reddiar.

When the Madras Public Libraries Act was enacted, the
Local Bodies were not consulted. The consent of the Local Bodies
was not obtained for the levy of the cess of 6 pies for every whole
rupee of property tax collected in Municipalities. In these hard
the levy of cess will result in undue hardship to the middle classes.
This council therefore resolves to request Government to defer the
levy of cess until the economic conditions improve and to decline
elect a representative to the Local Library authority. Further the
levy of the new tax at a time when the remission of tax is granted
is not justifiable.

Carried out unanimously.
(TRUE COPY)

R. Janardhanan

(15. V. 1950)

for DIRECTOR OF PUBLIC INSTRUCTION

850
E



Please see the Director's letter at p 7 ante. The Dir. has already been asked to show the same to the latter part of the reply and not be cancelled; and this reply may be awaited WU 15.6.50.

pl see memo on p 5 ante

24.5.50. At the special meeting held on 12-6-50, the Madras Public Libraries Act 1948, the Constitution of the Local Library Authority - Resolution of the Council, Cuddalore - 283 dated 10-4-1950.

8. It is suggested that for a progressive purpose, the spread of library service in the area, the Cuddalore Municipal Council should raise a voice of protest. It was also suggested that the Council should express their opinion on the Bill of the Madras Public Libraries Act 1948, and that they have no alternative save to give their opinion in the Bill. The Government have agreed to the Bill and the Council have agreed to the Bill.

10. It is suggested that the Council should express their opinion on the Bill of the Madras Public Libraries Act 1948, and that they have no alternative save to give their opinion in the Bill. The Government have agreed to the Bill and the Council have agreed to the Bill.

11. It is suggested that the Council should express their opinion on the Bill of the Madras Public Libraries Act 1948, and that they have no alternative save to give their opinion in the Bill. The Government have agreed to the Bill and the Council have agreed to the Bill.

12. It is suggested that the Council should express their opinion on the Bill of the Madras Public Libraries Act 1948, and that they have no alternative save to give their opinion in the Bill. The Government have agreed to the Bill and the Council have agreed to the Bill.

13. It is suggested that the Council should express their opinion on the Bill of the Madras Public Libraries Act 1948, and that they have no alternative save to give their opinion in the Bill. The Government have agreed to the Bill and the Council have agreed to the Bill.

14. It is suggested that the Council should express their opinion on the Bill of the Madras Public Libraries Act 1948, and that they have no alternative save to give their opinion in the Bill. The Government have agreed to the Bill and the Council have agreed to the Bill.

From Sri L.C. Richard, M.A.,
Commissioner, Cuddalore
Municipality, Cuddalore

To The Secretary to Government,
Education Department,
Fort St. George, Madras.

Through: The Chairman, Municipal Council, Cuddalore.

Roc.No.4735.C.1-50 dated 13-6-1950.

Sir,



Subject: Libraries and Reading Rooms - Madras Public Libraries Act 1948.

Reference: Government Memorandum No.7891-E.50 dated 13-5-50 of the Education Department.

I beg to submit that the above Government Memorandum was duly placed before the Cuddalore Municipal Council at its special meeting held on 12-6-1950. The Municipal Council has in its resolution No.429 dated 12-6-1950 resolved to cancel its resolution No.283 dated 10-4-1950. A copy of the above resolution is submitted herewith.

FORWARDED.

S. R. M. M.
Chairman,
Municipal Council, Cuddalore.

S. R. M. M.
Commissioner.

Extract from the proceedings of the Municipal Council, Cuddalore
passed at its special meeting held at 5.30.P.M. on Monday the
12th June 1950.

Present:-

1. Sri R. A. Sivananda Mudaliar, Vice-chairman,.
2. " K. Venkatachala Mudaliar,
3. " A.V. Nagalinga Pillai.
4. " P.G. Narayanaswami Padayachi.
5. " R.S. Anthoni Pillai.
6. " V. Perumal Padayachi.
7. " M. Sundararajalu Padayachi.
8. Jathab. M.S. Kaja Moideen Maricar.
9. Sri Alwar Naidu.
10. " A. Arikrishnan.
11. " R. Lakshminarayana Chettiar.
12. Srimathi. E. Thaiya-nagiammal.
13. Sri G. Muthukumaraswami Chettiar.
14. " B.A. Balu Mudaliar.
15. Srimathi. G. Lakshimikanthammal.
16. Sri K. Venkatachala Pillai, B.A., B.L..
17. " M. Vaithinatham Pillai.

429. Read the following:-

1. Municipal Council's resolution No. 283 dated 10-4-50 resolving to request the Government to defer the levy of cess under the Madras Public Libraries Act, 1948 until the economic conditions improve and declining to elect a representative to the Local Library Authority.

2. Government Memorandum No. 7891 E.50-2 dated 18-5-50 of the Education Department, Madras, stating that the provisions of the Madras Act xxiv of 1948 with regard to the election of a member by the Municipal Council to the Local Library Authority is mandatory and have to be complied with and that the latter part of the Council's resolution No. 283 dated 10-4-'50 declining to elect its representative to the Local Library Authority is not legally passed and is in excess of the Council's powers and is liable to be cancelled and therefore calling on the Council under Section 36(ii) (b) of the Madras District Municipalities Act.V of 1920 to show cause not later than the 15th June '50 why the latter part of the Council's resolution referred to above should not be cancelled under section 36 of the Madras District Municipalities Act V of 1920 as amended.

Resolved with regret that the Council's resolution 283 be cancelled in as much as the Government in their memorandum No. 7891 E.50-2 dated 18-5-50 have not accepted the reasons specified in the councils resolution No. 283 dated 10-4-50 and have called on the council for the cancellation of the resolution.

Sd. R.A. Sivananda Mudaliar,
Vice-Chairman.

/ True Extract /

Commissioner. 15.6.50

PP-1-3 C.No. 7891.
C.7.

From the Commr., Cuddalore Mty.,
Roe. No. C.I. 4735/50, dated 12-4-50.

Libraries — Madras Public Libraries Act, 1948 — Constitution of local library authorities — Election of a member by the M.C., Cuddalore

Please see the letter from the Commr., Cuddalore Mty., read above. The Commr. has

PP-1-3 C.7. forwarded a copy of the resolution of the Council, resolving to request the Govt. to defer the levy of library cess until the economic conditions improve and declining

Ibid to elect a representative to the local library authority, as the local lib^{re} bodies were not consulted when the Libraries Act was enacted. The Commr. requests order of Govt. on the resolution of the Council.

2. The Madras Public Libraries Act, 1948, has been brought into force with effect from the 1st April 1950. Under Section 5(1) of the Act, local library authorities have to be constituted for administering public libraries and under Section 5(3)(a) of the Act, each municipal Council shall elect such number of members as specified therein, to the local library authority. Again, under Section 12(1)(a) of the Act, every local library authority shall levy in its area a library cess in the form of a surcharge on the property

(A)
(I)/1

(A)/2

(A)/3

(A)/5

1. Sri E. A. Sivarajah, Madurai, Vice-Chairman.
2. " " " "
3. " " " "
4. " " " "
5. " " " "
6. " " " "
7. " " " "
8. " " " "
9. " " " "
10. " " " "
11. " " " "
12. " " " "
13. " " " "
14. " " " "
15. " " " "
16. " " " "
17. " " " "

489. Read the following:-

1. Municipal Council's resolution No. 288 dated 10-4-50 regarding to request the Government to defer the levy of cess under the Madras Public Libraries Act, 1948 until the economic conditions improve and declining to elect a representative to the local library authority.

2. Government Memorandum No. 1707 dated 18-3-50 of the Education Department, Madras, stating that the provisions of the Libraries Act 1948 with regard to the election of a member by the Municipal Council to the local library authority is mandatory and have to be complied with and that the latter part of the Council's resolution No. 288 dated 10-4-50 declining to elect its representative to the local library authority is not locally passed and is in excess of the Council's powers and is liable to be cancelled and therefore calling on the Council under Section 36(1) (b) of the Madras District Municipalities Act, 1919 to show cause not later than the 12th June 1950. The part of the Council's resolution referred to above which is not cancelled under Section 36 of the Madras District Municipalities Act V of 1920 as amended.

Resolved with regard that the Council's resolution 288 is cancelled in as much as the Government in their memorandum No. 1707 dated 18-3-50 have not accepted it. The Council's resolution No. 288 dated 10-4-50 and have called on the Council to show cause.

3. A. Sivarajah, Madurai, Vice-Chairman.

4. The Council.

property tax or house tax levied in such area at the rate of six paise for every whole rupee in the property tax or house tax so levied for financing the scheme. Under Section 12(2)(b) of the Act, the cess will be collected by the municipal council in the area within its jurisdiction and paid to the local library authority under Section 12(3) of the Act.

A/5
(Sec. 12(1)(a))

A/5

A/6

3. The resolution of the council ^{deciding} either to elect a member to the local library authority or to collect the cess, on the plea that the local bodies were not ^{previously} consulted ~~before~~ ^{in the matter}, is ~~contrary~~ ^{in violation} of the provisions of the Act. ~~mentioned above~~. ~~Subd. the council~~ ^{the resolution may} of the Act. may be informed that the Govt. are not prepared to defer the levy of cess and the Council directed to elect its representative to the local library authority. H. A. and legal may see for remarks.

P. 3 d. 7.

#bid

#bid

The remarks of the D.P. may be invited on the Municipal Council's Resolution in the first instance and then the question of further action considered. ^{Consent D.P.}
3.5.4.50 S. Legal Dept.

Section 4 mandatory: If they don't, I presume they have to be dealt with as law breakers.

Legal may then say whether, the act was having concrete force, the Municipal Council can legally refuse to levy the cess.

Legal.

Edn. No. 7891/50-1E.
1-5-50.



Legal Department.

A/2 Sub-section(1) of section 5 of Madras Act XXIV of 1948 provides that there shall be constituted Local Library Authorities for the City and districts. Sub-section(3)(d) of that section provides that the Local Library Authority for each district shall consist of such number of members as may be elected by the municipal council in the district each municipal council electing one or more members in accordance with the scale specified therein-- see also in this connection rule 13 of the Madras Public Libraries Rules, 1950. The provisions are couched in mandatory terms and must be complied with. The municipal council concerned is under a legal obligation to elect the required number and it cannot decline to do so. The resolution on p3cf in which the municipal council has declined to elect a member to the Local Library Authority cannot, therefore, be said to have been passed legally. The resolution may be said to be in excess of the powers conferred by Madras Act XXIV of 1948 and it may, therefore, be cancelled.

I/3

A/5
A/5-6

The library cess has to be levied by the Local Library Authority--see s12(1)(a) and not by the municipal council. Under section 12(2) and (3) the municipal council has merely to collect the library cess and pay it over to the Local Library Authority. In the resolution on p3cf the municipal council has merely requested the Govt. to defer the levy. However, as already pointed out above, the resolution of the council, in so far as it declines to elect

27891/50-E. 13/11/50

to the Local Library Authority, is liable to cancellation under section 36 of the Madras District Municipalities Act.

Education

EDN. DEPT. (E).

Please see the note of Legal Dept. on pages 3-4 above.

2. The Legal Dept. is of the opinion that the resolution passed by the Municipal Council, Cuddalore, cannot be said to have been

passed legally and hence it is liable to cancellation under section 36 of the M.D.M. Act. Submitted that only the latter part of the

resolution, declining to elect its representative to the Local Library Authority, needs cancellation. The Council may be asked to

show cause against the cancellation of its resolution. A draft Memo. is submitted for approval.



13/5/50
15-5-50

16.5.50
17.5.50

H.M. (2.12)
18/5



[Issued as Memo. No. 7891 E/50 dt. 18.5.50] — psc
[From the Commr. Cuddalore M.C. No. 4735 dt. 13.6.50] — pp 9-11

The Cuddalore M.C. has since cancelled its resolution dt. 10.4.50 in which it declined to elect a member to the Local Library Authority. No further action seems called for on the resolution.

A copy of it may please be communicated to the S.P. J. with ref to his letter dt. 17.4.50. Subject to approval, a draft is being prepared.

20.6.50

21.6.50

21/6/50