L. & M.
0-8-3-96.

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 306 M

DATED 28th February 1895.

[Despatch Abstract.]

Disrespectful tone of a letter.

Passing remarks on letter from the Chairman, Municipal Council, Dindigul, regarding certain correspondence between himself and a Municipal Councillor which in the Collector's opinion is written in a disrespectful tone.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

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(13)

[illegible]

Edward [illegible]

[illegible]
26-9-94 } Pres. Ag. Chairman

Vn

43

Vn   Pres. Ag. Chairman

[illegible]

[illegible]

Edward [illegible]

27 SEP. 94

[illegible] For Ag. [illegible]

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[illegible]

[illegible]

[illegible]

[illegible]
26-9-94

Edward Chester M.D.
27 SEP. 94

Vr Thos. G. Chacman

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26-9-94

Edward Chester

27 SEP. 94

Vu Hon. Ag. Chairman

Vu Hon. Ag. Chairman

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Edward Chester

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26-9-94

Vm for the Chairman

Vm for the Chairman

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Vr. From Ag. Chairman

[illegible]

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27 SEP. 94

Vr. From Ag. Chairman

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Vr. From Ag. Chairman

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[illegible]

26. 9. 94

Edward Chester N.C.T.

27 SEP. 94

~~For Ag. Chairman~~

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For Ag. Chairman

9 9 94

For Ag. Chairman

BA… PAPERS.

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For A. Chairman

Edward Chesters M…
27 SEP 94

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(60)

For A. Chairman

27 . 9 . 94

For A. Chairman

PERS.

G.O.	No.	Depa	partment.	Date.

G.O.	No.

[illegible]

463

-11-94

Referred to Board Commissioner for Remarks

For Ag. Chairman

[illegible]

26-9-94

Edward Chesters

27, SEP. 94

For Ag. Chairman

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G.O.	No.	Depa		Department.	Date.

G.O.	No.

29/9/94

25/9/94

Ans. No. 462

6-11-94

Referred to
ward Councillors
for remarks

Ag Chairman

26-9-94

(Sd) Edward Chester M.

27 SEP 94

for Ag Chairman

VRC

VRC for Ag Chairman

BACK PAPERS.

G.O.	No.	Depa	No.	Department.	Date.

G.O.	No.

[illegible]

3-11-94

Mis. No. 461
6-11-94

Referred to ward councillor for remarks —

Ag Chairman

No.
11² (1 to 23)

[illegible]

Notice to the individuals, mentioned, to close at once the private markets in the mosque lane as per Council Resolution: No: 5
24-9-94

[illegible]

9-94

from Ag. Chairman

G.O.

G.O.

[illegible]

[illegible]

28-9-94

[illegible] 113 (13) [illegible] (15) (18) (19) (20) (21) (22) [illegible]

[illegible]

3-10-94

II

(Notice No 113)

The undermentioned
have bazaars in the
~~private~~ mosque pyal
& others mentioned in
this petition do not
hold any bazaars at
present:–

1 Tharmaliyan chetty
2 Rajan chetty
3. Ponna pillai
4. Thirumala ayah
5 Palani ayah
6 Veeramal
 Erulayah
7
8 Muthammal
9. Suppammal
10 Savandammal
11 Kuppan
12 Kaunky.
13 & Kaliammal.

25/11/84 Councillor

Misc. No. 460.
6–11–84

Referred to Ward
Councillor for re-
marks.

Ag. Chairman

With unserved
Notice — K.

MUNICIPAL DEPARTMENT

1895.

ENCLOSURE No. 2

In a letter

FROM

The Chairman,
Municipal Council
Dindigul.

Madura District

No. 233.

Dated 20th January 1895.

Mis. No 460
6 – 11 – 94

with 11 Notices –

2 / 381 M of 95

Narayanasami Pillai, municipal head clerk —

I prepared Mis No. 533 for despatch & then noted below it "(with Mis Petns &c). When I despatched it, there was no endt. by Councillor Magtum Rowlar on Mis. No. 460.

I admit that he usual friend to me.

Narrayanasamy Pillay

Before me

16.1.95

MUNICIPAL DEPARTMENT

1895.

ENCLOSURE No. 3.

In a letter

FROM

The Chairman,
Municipal Council
Dindigul.

Madura District

No. 233.

Dated 20th January 1895.

Statement give
by the head clerk

3/381 Mo 0 95

24th December 94, Dindigul,

J. A. CUMMINE
16 JAN 1895
INDIAN CIVIL SERVICE

From
M. R. Ry P. S. Md Mugthoom Rowther
Municipal Councillor
Dindigul.

To

The Acting Chairman
Municipal Council
Dindigul.

Sir,

Referring to your Mis: No: 533 dated 12-12-94, I have the honor to State that the point which you therein instruct me to report on, has already been reported on by me on 25-11-94 (Vide my endorsement in reply to Mis: Nos 460 to 463) This endorsement would show that the individuals therein named still continue to hold their bazaars in the lane, while the rest do not keep any. This, I believe, gives you the information wanted by you in your Mis: No 486 dated 16-11-94. I regret, your attention was not drawn to it, when you wrote your endorsement under reply. I am inclined to think that this is due to the bad of a council atall, which is certainly the reverse of the liberal and far-seeing intentions of Govt. A councillor has full liberty to say anything relevant to a matter referred to him, — defamatory, libellous or obscene remarks, of course, alone excepted. The chairman may or may not accept it. He may or may not consult the other councillors in the matter. He must, at any event, abstain from such remarks as would only befit or correct a subordinate. If you should find pleasure in indulging in such overbearing remarks you need not hereafter consult me even in matters affecting my ward and I shall content to be a nodding councillor.

I have the honor to be
Sir
Your most obedient Servant
P.J. Wm Smythe
Municipal Councillor

F

Mis: No 560.
9 — 1 — 95

The enclosure is returned to M.R.Ry. Magdum Rowtor.

He may not be aware of it but he is now informed that it contains expressions which do not usually appear in official correspondence, & a repetition of which will necessitate a reference to Govt.

The words he has taken exception to (which are perfectly harmless) would have been rendered unnecessary had he simply quoted references in the beginning of his endt.

The whole duty of a Councillor is not contained in the Act since S. 250 allows Govt to frame rules for certain purposes, amongst others for the working of the ward system. Should he refuse to act as a ward Councillor, Govt would no doubt find a remedy under S. 19(1)(i)

J.A. Cumming
Ag Chairman
9.1.95
R.

(With one Encl: returned in original)

J.A. CUMMING
16 JAN. 95
CIVIL SERVICE

13th January 95, Dindigul,

From,
M.R.Ry. P.S. Md Maghdoom Rowther
Municipal Councillor
Dindigul.

To
The Acting Chairman
Municipal Council
Dindigul.

Sir,

In reference to your Mis No. 560 dated 9-1-95 herewith returned with its enclosure, I have the honor deferentially to assure you that I was not aware of any rules framed to regulate official correspondence, that the expressions I used in my reply were never intended to hurt your feelings and that I used them only in explanation of my position questioned in your remark which I considered sarcastic. I do not think my expressions call for Government interference any more than your own. While you disapproved of my report, which I made *bonofide* in response to your call and which was perfectly relevant

A

than 20 individuals who used to ordinarily bring pice baskets to the public market & sell them there on payment of on the average, a daily fee of 6 pies each had been dragged to these new bazars

4. That your honors lessee is thus subjected to a daily loss of more than one Rupee, and that he has been incurring this loss since the opening of the above said bazars, viz since three months next after date of lease

5. That any place ordinarily used for the sale of meat, fish, fruit, vegetables or other perishable articles of food for human consumption is under Section 3(xxv) of the Municipalities act a market, that under section 196(1) of the act every person intending to open a new private market for the sale, or exposure for sale of animals or articles of human food shall attain from the Municipal Council a license to do so; & that section 197 renders it penal for any person to sell &c. in such market any animal or article without obtaining a license.

6. That the act of the said Nagammaa Chetti constitutes an offence under the above named last section (197), apart from its causing serious loss (to the extent of ~~Rs~~ 35 per mensem) to your honors lessee

7. That the facts have been repeatedly brought to the notice of the Council by the lessee, but no steps have yet been taken to remedy the cause of the grievance.

8. That your honors lessee is therefore driven to the necessity of hereby informing the Council that he would have to institute legal action against the Council for the loss thus incurred by him in the said bazars viz: at Rs 35 per mensem from the month of July 94, if the Council would not in the meantime condescend to render him sufficient compensation therefor.

I beg to remain
Honoured Sir
Your honours most obedient

8 [illegible] 94

A

Mis: No 488

[illegible]

Full report of the proceedings

showing the [illegible]

have closed their private market

Mis: No 2220
1894 — 95

V. Mahalingam Pillay
Mayavaram Bazaar
[illegible] District

[illegible] an English [illegible] the petr's notice informing the Council that he will have to institute legal action against the Council for loss incurred by the [illegible] of [illegible] [illegible] Nagasamy Chetty [illegible]

---

them 20 individuals who used to ordinarily bring their baskets to the public market & sell them there on payment of on the average, a daily fee of 6 pies each had been dragged to your new bazaar

4. That your honors lessee is thus subjected to a daily loss of more than [illegible], and that he has been incurring this loss since the opening of the above said bazaar, viz. since three months [illegible]

5. That any place ordinarily used for the sale of meat, fish, [illegible]

[illegible]

6. That the act of the said Nagasamy Chetti constitutes an offence under the above named Act Sections (177) apart from its causing serious loss to the petitioner (Rs 25 per mensem) to your honors [illegible]

7. That the facts have been repeatedly brought to the notice of the Council by the lessee but no steps have yet been taken to remedy the cause of the grievance.

8. That your honors lessee is therefore driven to the necessity of hereby informing the Council that he would have to institute legal action against the Council for the loss incurred by him in the said bazaar at [illegible]

[illegible]

41

The ~~contractor~~ was aware at the time of auction as to the existance of so-called private market of the mosque authorities.

There is no understanding between the Contractor and the Council that all private markets if there is any should be closed or not to be licensed.

The contractor cannot restrain the Council from granting licenses for private markets if there is any as he says and if granted the contractor should calmly collect the arbitrary fees ~~which~~ as he does at the municipal market in Mosque lane ~~[illegible]~~. It will be quite impossible for the Council to order that all bazaars should be kept at the municipal market only.

On any account the Contractor cannot give a notice to the Council threatening that he would sue the Council for loss etc. while there is no such understanding whatever between him & the Council as to the facts stated in the petition.

The Council will attend in its usual course of business to these matters as they solely relate to municipal interests. Under these circumstances the Council may well reject this petition and communicate the result to the Contractor for information.

P. Thiro Smith
Councillor

25 July 94

Mi: No. 533.

The ward councillor will be good enough to report on the point referred to him. He cannot standing counsel to the municipality

J. H. Cumming
Ag. Chairman
12.12.94

(With Mui: letter Nos. 200, 220 and Mis: Lr 460 with 11 letters.)

MUNICIPAL DEPARTMENT

1895.

ENCLOSURE **No.** 1.

In a letter

FROM

The Chairman,
Municipal Council
Dindigul.
Madura District

No. 233.

Dated 20th January 1895

Mis: No 422 / 10-10-94, Mis: No 486 / 16-11-94 and Mis: No. 533 / 12-12-94.

1 / 381 M of 95

No 233.

Dindigul, Municipal Office
20th January 1895

Local & Municipal Dept.
CURRENT No. 381/M

From,
J. A. Cumming Esquire
Ag Chairman,
Municipal Council,
Dindigul

To,
The Chief Secretary
to Government
Fort Saint George
(Through the Sub Collector & Collector of Madura)

Sir,

At the instance of Councillor M.R.Ry Mugthoom Rowtar Avergal, I have the honor to refer the enclosed correspondence to Government with the following remarks.

2. On 10th October, a notice given by a market contractor was referred to him as ward Councillor by my delegate "for report". On 6th November, certain notices to close private markets competing with the above market were, after service, referred to him "for remarks". On 16th November, in my mis. No. 486 I r-

to him a second notice from the contractor for report "if the parties to "whom notices were issued have "closed their private markets". He returned these papers on 25th November, without replying to the above question, but giving his opinion of the legal aspects of the matter. I therefore returned them with my Mis: No. 533, asking him to report on that point, and remarking that "he is not standing "Counsel to the Municipality".

3. It is this remark he objects to and he asks me to refer the whole correspondence to Government. It is enclosed.

4. In reply to my Mis. No. 533, he points out he had answered my query in a separate communication - i.e. in answer to my Mis: No. 460 and blames my Office for not bringing it before me. I did not notice that report, and I am not in the habit of disposing of papers by perusing only the last paper

of

of the file. When I asked my head clerk why he did not notice it, he gives me the enclosed statement that he did notice my Mis: No. 460 in despatching my Mis: No. 533. (Vide his note referring to it below the latter), but there was then no reply endorsed on the former. It would follow from this that the reply has been endorsed *after* my Mis: No. 533 was sent to the Ward Councillor, & antedated.

5. However that may be, it was the Ward Councillor's duty in his endorsement on my Mis: No. 486 to refer me to the separate endorsement which contained the information I asked for, and the omission justifies my endorsement.

6. He characterises my remark as "unpleasant", "pungent", "overbearing", "sarcastic" and "offensive".

7. These terms are unfitted for Official correspondence

and I object to them.

8. My remark is incontrovertible. I am the Divisional Officer in charge of the Municipal office pending election of a Chairman. I was not likely to ask any one but a law officer of the Council for a legal opinion. I had asked him for information on a certain point and he did not give it me.

9. I would call attention to the general tone of his letters. I may add that this is the first time I have had the misfortune to offend the susceptibilities of any member of a Local Self Government Board, and it is for Government to say if I have given just cause for the letters addressed to me.

I have the honor to be,
Sir,
Your most obdt. Servant

Ag Chairman

unicipal Department

No. 210 ~~of 1895~~
25.1.95

rom, J. A. Cumming Esqr.
Ag. Chairman,
Municipal Council
Dindigul

Local & Municipal Dept.
P.R. CURRENT No. 381 M

o,

The Chief Secretary
to Government
Fort Saint George
(thro' the Collector and Collector of Madura)

J. A. CUMMING 25 JAN. 1895

4 FEB. 1895

Dated
Desp? 23rd. } January 1895
Rec?

No. 233.

Enclosures. 4.

Submitting in original certain correspondence at the instance of Councillor M. R. Ry. Mugthoom Rowtar Avl.

Current No. 658 of 1895
Genl.
Date 31 1 95

E C 210 of 95
26.1.95

Forwarded
J. A. Cumming
Ag. Sub Coll.
25.1.95

E. C No. $\frac{658}{\text{genl.}}$ of 95.

Submitted. There is no doubt a disrespectful tone through the letter of the Councillor ~~which~~ is

Madura
ACM
31.1.95

s/w a/13/2

LOCAL AND MUNICIPAL DEPARTMENT.

Current No. 381 M/95.

From the Chairman, Municipal Council, Dindigul.

I agree with the C.S. If Mr. Cumming found ~~cause to~~ complain of the Councillor's language, which, after all, ~~though~~ independent, seems to me in no way improper, he has only himself to blame, for he himself ~~was the~~ ~~first to~~ used language to which exception might be taken which led to the Councillor's letters of which he complains

B.S.
22/2/95

FOR ORDERS.

The facts of the case are exhibited in the correspondence. ~~fully stated in the Chairman's letter.~~ The Collector is of opinion ~~that there~~ is "a disrespectful tone through the letter of the councillor." The Chairman, however, appears to have given ~~the~~ provocation to the councillor ~~at~~ first. The remark that he "was not standing counsel" was gratuitously unpleasant, as the Councillor's remarks on the petition were in all good taste, & considerably to the point. The second endorsement, which in effect threatens the Councillor with removal under

V.S.
15/2/95

Re Certain correspondence betw
the Chairman & a municipal Coun
cillor – Dindigul Municipality

FOR ORDERS.

381 M

H.M.

C.S.

order. 28.2.95 No 306 mun.

The Govt. considers that if Mr. Camming found cause to complain of the Councillor's language, which, though independent, cannot be styled improper, he has only himself to thank, for he ~~himself~~ used ~~ex~~ expressions in communicating with the Councillor to which exception might well be taken & which ~~were~~ ~~led to~~ caused the correspondence clearly ~~the cause of the letters~~ to ~~take~~ assume the tone which it did.

(from orders.)

W. 22.2.95

To C.M.C. Dindigul Ardo 25/2/95
thro' Collector of Madura.
The Public Deptt. P.P.O.
To Mr. J.A. Cumming I.C.S. P.P.O.
Desp. 2/3/95

note for the C.S.
Should ~~not~~ this order be communicated
to the Public Deptt.?

I don't think Public wants this sort of thing.
W.

Read again Order of Government, dated
189 , No. , Miscellaneous.

Enclosures.

Current No.

Statement with ditto.

Order of Government

Statement with ditto.

Papers not filed up, being meant for despatch in original (not paged).

Back Paper, No. of 189 .

Further Paper, No. of 189 .

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Copied by V.E. 2/3

Examined by S.N.

E

[7] **INDEXED.**

Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 28-2-95

No. 306 M

When given for copying.

[Despatch Abstract.]

Disrespectful tone of a letter

Passing remarks on letter from the Chairman Municipal council Dindigal regarding certain correspondence between himself and a Municipal councillor which in the collector's opinion is written in a disrespectful tone.

Copied 4/8/95

When given for copying

When copied

When examined

When signed

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READ AGAIN G.O., No. DATED 189 ,

CURRENT NO.

ENCLOSURES TO C. NO.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH IN ORIGINAL.

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