

Local & Munl. (1895) Department.

MISCELLANEOUS.

G.O., No. 720m

DATED 1st May 1895.

[Despatch Abstract.]

Municipal Commission, Madras.

Recording proceedings of a general meeting of the Madras Municipal Commissioners held on 28th January 1895 and abstract Proceedings of the same date.

BACK PAPERS.

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

FURTHER PAPERS.

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

[7]

INDEXED.
Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATED 1-5-95

No.

720m

When given for copying.

[Despatch Abstract.]

Munl. Commrs., Madras

*According to props. of
a general meeting of the
Madras Munl. Commrs.
held on 28-1-95 and also
props. of the same date*

BACK PAPER, No.

OF 189

FROM AGAIN ORDER OF GOVERNMENT, DATED
189, No. MISCELLANEOUS.

FURTHER PAPER, No.

OF 189

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL (not paged).

N.B.—

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1895. 96

Madras Municipality.

Local & Municipal Dept.

From

CURRENT No.

The President,

Municipal Commission.

MADRAS.

To

The Chief Secretary
to Government
Fort Saint George

G. No. 34

Dated 10

Despd. 10

Recd.

GOVERNMENT OF MADRAS
CHIEF SECRETARY
11 APR. 1895
OFFICE

Encs Two

SUBJECT.

Forwarding full proceedings
of a General Meeting of the
Commissioners held on 28th
January 1895 with abstract
proceedings of the same date.

u *order* 11-5-95 No. 720 in 11-5-95

Recorded.

11/4/95

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Copy. ar. 11/4/95

PRESENT:

Lieutenant-Colonel G. M. J. Moore, C.I.E., President.
M.R.Ry. P. Theagaroya Chetty Garu.
" R. Balakistnama Chetty Garu.
" R. N. Pragasa Mudaliar Avargal.
" Salla Gurusawmy Chetty Garu.
" M. Venkataramiah Chetty Garu.
" C. Yetherajulu Nayudu Garu.
" P. M. Sivanguana Mudaliar Avargal.
Covasjee Eduljee, Esq.
Haji Mahamad Abdul Hadi Badsha Sahib.
M.R.Ry. M. Varadarajulu Chetty Garu.
" G. Subbarayalu Chetty Garu.
V. Mahomed Sheriff, Khan Bahadur.
J. DeCaster, Esq.
M.R.Ry. V. Varadappa Nayudu Garu.
The Honorable P. Rungiah Nayudu Garu.
M.R.Ry. W. S. Venkataramanjulu Nayudu Garu.
B. Lavery, Esq.
M.R.Ry. Rai Bahadur A. Dhanakoti Mudaliar Avargal.
" M. O. Parthasarathy Iyengar Avargal.
" G. Subramania Iyer Avargal.
Surgeon-Lieutenant-Colonel H. D. Cook.
Surgeon-Major J. Maitland.
Dewan Bahadur R. Ragoonath Rao Garu.
M.R.Ry. R. Balajee Row Avargal.

No. 1.

G.O., No. 1651, M., dated 7th November 1894, passing orders on Mr. Cousins' schemes for the improvement of the drainage and water-supply of Madras and for the purification of the river Cooum.

Proposed by M.R.Ry. G. Subramania Iyer Avargal and seconded by Mr. DeCaster—

"That a Committee, composed as follows, be appointed to consider the subject-matter of the order of Government—

M.R.Ry. R. N. Pragasa Mudaliar Avargal,
Surgeon-Major J. Maitland,
The Honorable P. Rungiah Nayudu Garu,
M.R.Ry. V. Varadappa Nayudu Garu, and
The President."

Carried.

No. 2.

G.O., No. 1679, M., dated 19th November 1894, referring to the Sanitary Board for report the proposal of the Municipal Commission re disposal of rubbish in the Madras Municipality, and requesting the Accountant-General to forward his opinion on the proposals of the Committee to finance the scheme.

Recorded.

No. 3.

G.O., No. 1943, M., dated 14th December 1894, ordering, with remark, the publication in the Fort St. George Gazette of a notification proposing to make a certain alteration in the Order, dated 6th April 1892, authorising the construction of Tramways in Madras, and stating that any objection which any person may desire to make with respect to the above alteration will be considered if submitted on or before the 31st January 1895.

Recorded.

No. 4.

G.O., No. 4, M., Mis., dated 8th January 1895, deputation Mr. R. E. Ellis, on his relief by Mr. J. A. Jones, to prepare the estimates for Mr. Cousins' new Water-supply scheme, and informing that his salary for the period of his deputation will form a legitimate charge on Municipal Revenues.

Proposed by the Honorable P. Rungiah Nayudu Garu and seconded by Mr. B. Lavery—

"That the proposals of Government be accepted."

Carried.

No. 5.

G.O., No. 16, M., Mis., dated 8th January 1895, sanctioning the proposal of the Commissioners to raise a loan of four lakhs of rupees.

Recorded.

No. 6.

Proceedings of the Standing Committee, dated 21st December 1894 and 11th January 1895.

Recorded.

No. 7.

M.R.Ry. R. N. Pragasa Mudaliar Avargal moved the following resolution, of which he had given notice:—

"The Commissioners are of opinion that the proceedings of the Standing Committee, Nos. 13 and 14 of the 19th October, and No. 10 of the 2nd November 1894, are *ultra vires*, inasmuch as the subjects disposed of therein do not come within the scope of the powers and duties conferred on it by the Act; and, further, that there is no provision empowering the Commissioners to impose on the Standing Committee duties other than those contemplated by the Act or to interfere with the proceedings of that Committee generally by way of rejection or confirmation, except in accordance with the provisions of the Act."

M.R.Ry. M. Varadarajulu Chetty Garu seconded.

Proposed by M.R.Ry. G. Subramania Iyer Avargal and seconded by M.R.Ry. W. S. Venkataramanjulu Nayudu Garu—

"That the consideration of this subject be deferred till the next General Meeting."

Carried.

The Meeting terminated.

G. M. J. MOORE, Lieut.-Col.,
President, Municipal Commission.

Municipal Office, Madras,
January 1895.

to time sufficiently indicates taking a common-sense view, that a Committee other than the Standing Committee was intended by the framers of the Act, for if the Standing Committee was intended there was no occasion to appoint it for the purpose, as it is an existing Committee under Section 67.

It is not my object, gentlemen, to curtail the powers of the Standing Committee. All I wish is, that our action, be it of general body of the Commissioners or that of the Standing Committee, is perfectly legal, and as there are able and experienced members on this Board. I have no doubt that the questions raised by me would receive due consideration. I must assure you that I have not raised these questions from any complacent confidence in my own views, but only with the object of ascertaining the legality or otherwise of our actions. I may be right or I may be wrong. If you decide that I am wrong in my views nothing would give me greater satisfaction than to correct myself; but if you think that my views are correct, we shall have the satisfaction of seeing that our proceedings are regular and legal.

Mr. Varadarajulu Chetty, seconded the proposition.

MR. SUBRAMANIA IYER:—I must congratulate Mr. R. N. Pragasa Mudaliar upon his exhaustive and able address on the constitution of the Municipality. He has appealed to the Commissioners to take the views that he has put forward into their consideration, and if the Commissioners thought that his conclusions were right he appealed to them to approve of his views. I think in view of the importance of the question raised, and in view of the doubts that he has thrown upon many aspects of it, I for one, at all events, feel diffident in coming to a conclusion upon these matters at once. I dare say there are other Commissioners also whose feelings are the same as mine, and therefore it will be well if we adjourn this meeting and consider the matter on some other day, when all of us may come prepared in regard to the important question raised in his very able address.

MR. VENKATRAMANJULU NAIDU:—I second this proposition, and I would suggest that this proposition of Mr. R. N. Pragasa Mudaliar might be deferred to the next general meeting.

MR. SUBRAMANIA IYER:—I have no objection to it. I therefore propose "that the consideration of this subject be deferred till the next General Meeting."

The proposition was then put to the vote and carried.

The meeting then terminated.

Proceedings of a General Meeting of the Municipal Commissioners for the City of Madras, held at their Office Premises, No. 22, Errah Bauloo Chetty Street, Black Town, on Monday, the 28th January 1895, at 5 p. m., under the provisions of the City of Madras Municipal Acts I and VII of 1884 and II of 1892.

PRESENT:

Lieutenant-Colonel G. M. J. Moore, C.I.E., *President*.
M. R. Ry. P. Theagaroya Chetty Caru.
M. R. Ry. R. Balakistnama Chetty Garu.
M. R. Ry. R. N. Pragasa Mudaliar Avargal.
M. R. Ry. Salla Gurusawmy Chetty Garu.
M. R. Ry. M. Venkaramiah Chetty Garu.
M. R. Ry. C. Yetherajulu Nayudu Garu.
M. R. Ry. P. M. Sivangnana Mudaliar Avargal.
Covasjee Eduljee, Esq.
Haji Mahamad Abdul Hadi Badsha Sahib.
M. R. Ry. M. Varadarajulu Chetty Garu.
M. R. Ry. G. Subbarayulu Chetty Garu.
V. Mahomed Sheriff, Khan Bahadur.
J. DeCaster, Esq.
M. R. Ry. V. Varadappa Nayudu Garu.
The Honorable P. Rungiah Nayudu Garu.
Mr. R. Ry. W. S. Venkataramanjulu Nayudu Garu.
B. Lavery, Esq.
M. R. Ry. Rai Bahadur A. Dhanakoti Mudaliar Avargal.
M. R. Ry. M. O. Parthasarathy Iyengar Avargal.
M. R. Ry. G. Subramania Iyer Avargal.
Surgeon-Lieut.-Col. H. D. Cook.
Surgeon-Major J. Maitland.
Dewan Bahadur R. Ragoonath Rao Garu.
M. R. Ry. R. Balajee Row Avargal.

Questions and Answers.

The President said that there were some questions to answer put by Dr. V. Vardappa Naidu.

The Importation of Cholera.

Q.—Will the President be pleased to state the date on which he received information of the occurrence of the 1st case of cholera at Madras during the last December?

A.—13th December.

Q.—Since its occurrence, how many cases and deaths have been reported up to date?

A.—148 cases, 99 deaths, including those in the Lunatic Asylum.

Q.—Will the President be pleased to name the localities where cholera prevailed?

A.—There have been cases in all the divisions, but the disease has been most prevalent in the neighbourhood of Elephant Gate Street, in Kilpauk (the Lunatic Asylum) and in Perambore (at chucklers' hutting ground near Veysarpadi).

Q.—Were these cases of cholera imported to Madras or had they their origin in Madras? How many have been imported and how many occurred among those that were stationary and never left Madras?

A.—A number of cases were imported before any occurred in which the disease was contracted in the town, and all through, excepting the Asylum cases, a considerable proportion have been imported. Altogether 39 were attributed to importation, and 109 (including Asylum cases) to infection in the town.

Q.—What measures have been adopted by the Health Department to arrest the progress of cholera after its occurrence?

A.—Prompt removal of dejecta, burning of soiled clothes, closing of wells, removal of earthen floors and renewal with fresh earth, fumigation and lime washing of premises, which in some instances have been burnt down or unroofed or simply vacated for a time; cremation of the dead when there was no objection to it; the destruction of articles of food found on the premises in the case of bazaars and the disinfection of clothes found on the premises by prolonged soaking in a strong solution of carbolic acid in the case of dhobies' houses. Steps were also taken to abate any nuisances found in the neighbourhood, and slips were distributed advising people what to do when cholera is about, and when a case occurs in a house medicines have been administered when desired.

Q.—Name the places from where the cholera was said to be imported and whether any precautions were taken to prevent the importation of cholera previous to its occurrence in Madras?

A.—Theravanamalai, Saidapet, Trivellore, Kumbaconam, and Srirungam. No steps were or could be taken by the Municipality to prevent its importation into the town.

Q.—Out of the total number of deaths reported, how many occurred in persons that came from the Mofussil, and how many among the residents who never went out of Madras?

A.—Answered under 4.

Q.—Were any medicines given gratis to cholera patients by the Municipality when they were unable to buy medicines or not willing to resort to Hospital for treatment?

A.—Yes.

Q.—What Sanitary improvements have been effected at Perambore, Chuckallipoliam, to check the advance of cholera? How many were attacked and died from cholera in this locality?

A.—None, though damp places have been covered with sand, disinfectants used in suspicious places and special attention given to the cleanliness of the place. Attacked 26, died 13.

Q.—Of the deaths from cholera, how many bodies were buried and how many were cremated? Did the Municipality insist on the people concerned, to cremate bodies died from cholera?

A.—35 were cremated and 64 buried. The Municipality did not insist on cremation but strongly urged the desirability of it and offered to pay the difference between the burial and cremation fee where the relatives could not afford the more costly process.

Q.—Will the President be pleased to state the extra expenditure incurred up to date on account of the epidemic, giving full detail statement of the expenditure in each ward?

A.—This information is not yet available.

Q.—How many patients resorted to Hospital for treatment and how many have chosen to remain at their houses resorting to private treatment? What is the mortality among the Hospital treated and home treated cases respectively?

A.—Hospital and Cholera shed cases including the Asylum cases 76, of which 52 were fatal. Treated in their homes 72 of which 47 ended fatally.

Q.—Is it a fact that cholera of a most virulent type prevails in the Lunatic Asylum.

A.—It is a fact that cholera is prevailing in the Lunatic Asylum. I have no information regarding the type.

Q.—Please state the number attacked and died in the Lunatic Asylum up to this date?

A.—61 attacks, 39 deaths.

Q.—Is it a fact that a number of bags of ragi and ragi flour condemned and pronounced unfit for the use of the inmates of the Lunatic Asylum were sold by public auction and bought by the outside poor? Was it not possible for the Health Department to prevent this sale as it was calculated to spread the epidemic in Madras?

A.—It was reported by the Sanitary Inspector of the Division that 675½ lbs. of ragi and 2 bags of ragi flour were sold, but that the Superintendent had informed him that there was nothing unwholesome in it. The Health Department could not have prevented the sale, even if they had known of it.

Q.—Is it a fact that the dead bodies of cholera patients in the Lunatic Asylum were refused to be cremated at the Asylum expense and the Municipality contributed towards the expenses of cremation of those dead bodies.

A.—No. The Asylum authorities have not been addressed in the matter. I passed a general order applicable to all cases, that when there was no caste objection cholera corpses were to be cremated, the burial fees being charged and the Municipality paying the difference.

Q.—Did the authorities of the Lunatic Asylum communicate with the Health Department regarding the outbreak and cause of cholera in the Asylum and was any investigation or inquiry held by the Health Department or by the Government with regard to this outbreak?

A.—Yes. The Superintendent of the Asylum wrote officially to the Health Officer, informing him of the outbreak and stating that in his opinion the origin was uncertain. The Health Department investigated the matter outside the walls of the Asylum, but without result. I understand the Surgeon-General has been in almost constant attendance at the Asylum and that the Sanitary Commissioner has met him there since his return to Madras, but I have received no official information. A special report will doubtless be made to Government by the officers concerned.

Q.—Is cholera still prevailing in the Lunatic Asylum? What is the number of attacks among the European, Eurasian and Native inmates of the Asylum respectively up to date?

A.—Yes. Europeans, 0; Eurasians, 1; Mahomedans, 9; Native Christians, 5; Hindus, 46.

Sanitary Inspectors.

Q.—Is it contemplated to delegate the Sanitary Inspectors and Overseers of the Madras Municipality to undergo training at the Medical College in Sanitary Science; if so, please give a list of them?

A.—It will be at their option. Two regular Overseers and one Volunteer Overseer and one Sewer Superintendent have applied and been granted permission to attend the classes, namely, Selva Raju, Chockalingam Pillay, Pithambara Mudali and Moosakhan Sahab.

People's Park.

Q.—Has any license been granted for grazing of cattle in the People's Park; it is daily observed that a number of sheep and goats grazing on the north eastern corner of the Park?

A.—No. The sheep and goats referred to are for the animals' food. The contractor is required to keep a stock of them.

Q.—Is it not advisable to prevent any cattle grazing in the People's Park as by so allowing the Park looks parched and loses all its attractive appearance?

A.—No cattle are allowed to graze.

Q.—How is it that the People's Park is not resorted to by the public in such large numbers for recreation as is the case with the Eaden's garden at Calcutta which is very small in extent in comparison with the People's Park at Madras?

A.—I cannot say. Probably the Marina may have something to do with it, but people do resort to it.

Q.—Is it not possible to make the People's Park look tidy and attractive to the public by laying out the ground artistically as is the case with the Victoria Gardens at Bombay?

A.—Every endeavour is made to do so, considerable improvements have been effected in the last few years.

Mr. Cousins' Scheme.

THE PRESIDENT:—Gentlemen, now we come to the business on the Agenda. The first business is the G. O. No. 1651 M., dated 7th November 1894, passing orders on Mr. Cousins' scheme for the improvement of the drainage and water-supply of Madras and for the purification of the river Cooum. These papers have been circulated with the Health Officer's note; but since then, I have

received from Government the Sanitary Commissioner's note on Mr. Cousins' scheme on the 23rd instant. The Health Officer has sent in a further note, and as a matter of fact the Health Officer and the Sanitary Commissioner are practically at one as regards drainage and water-supply. I will just read you one extract from the Sanitary Commissioner's letter. I do not think you will be able to dispose of it now, and I would suggest that you should refer it to a Committee. The Sanitary Commissioner says:—"In verbally discussing these matters with the Acting Sanitary Engineer, Mr. Ellis, he made the suggestion that, in default of a complete scheme were the greater part of the main sewer—recognised in all schemes as requisite—laid down, there would be at hand a means of giving a considerable measure of relief, even were it necessary in certain areas to abide by the rough open drains now trusted to—which unfortunately often end 'nowhere.' This suggestion seems to me so well to meet the requirements of the case, that I would respectfully urge its consideration as a compromise of value." That is with reference to the total abandonment of the drainage. Since the receipt of this, I got papers which lay down proposals that 40 lakhs of rupees would give the improved water-supply—of course not in the mode suggested by Mr. Cousins; but I think that will give a very satisfactory improvement in the water-supply, and also practically give the drainage for the whole town. If Government would allow kerosine oil to be taxed, I think 40 lakhs will be met. By levying a tax of one anna per gallon we can derive an income of 2 lakhs of rupees. With regard to the tax on kerosine oil, I do not think it would be subject to the iniquities of the tobacco tax. It is the simplest tax to collect. I do not think it would be a hard one at all, as it would touch all people equally. You cannot possibly go into this matter to-day, and therefore you had better refer it to a Committee. In the first place, the Commissioners have not seen the Sanitary Commissioner's letter and the Health Officer's note on it, and the proposals to provide drainage and water-supply at a cost of 40 lakhs of rupees. These papers may be gone into by the Committee.

MR. SUPRAMANIA IYER:—I propose, with your permission, "that a Committee be appointed to consider the subject matter of the G. O., consisting of the following gentlemen: Mr. R. N. Pragasa Mudaliar, Surgeon-Major J. Maitland, the Hon'ble Mr. P. Rungiah Naidu, Dr. V. Varadappa Naidu, and the President." I shall only say that in view of the information you have been kind enough to give us after we came here, it is very necessary that a Committee should be appointed to consider the subject matter of this G. O., to consider the various aspects of the question, especially in view of the fact that the subject deals with two large schemes involving a large expenditure which we are not able to provide for with our ordinary income. I can only add that when the Committee considers the subject, it should not hesitate to recommend the schemes on the ground that they are expensive; while I hold there is room for considerable improvement in the supervision of the work of the Municipality, still large schemes cannot be undertaken without great enterprise on our part. Schemes such as these relating to the well-being of the posterity and of the living generation can very legitimately be provided for by large funds borrowed by the Municipality, if the Government would only give permission for us to borrow the amount of 40 lakhs of rupees which the President suggests might be necessary. I think we would be not only justified in providing, but we should consider it our duty to provide the funds necessary for the scheme towards the improvement of the sanitary condition of the city.

Mr. DeCaster seconded the proposition, which when put to the vote was carried.

Disposal of Rubbish.

THE PRESIDENT:—The next subject is the G. O. No. 1769 M., dated 19th November 1894, referring to the Sanitary Board for report the proposal of the Municipal Commission *re* disposal of rubbish in the Madras Municipality, and requesting the Accountant-General to forward his opinion on the proposals of the Committee to finance the Scheme.

The G. O. was recorded.

The Tramway Route.

THE PRESIDENT:—The next subject is the G. O. No. 1943 M., dated 14th December 1894, ordering with remark, the publication in the *Fort St. George Gazette*, of a notification proposing to make a certain alteration in the order, dated 6th April 1892, authorising the construction of Tramways in Madras, and stating that any objection which any person may desire to make with respect to the above alteration will be considered if submitted on or before the 31st January 1895.

The G. O. was recorded.

Hydraulic Survey.

THE PRESIDENT:—Now we come to the G. O. No. 4 M., Mis., dated 8th January 1895, deputing Mr. R. E. Ellis on his relief by Mr. J. A. Jones, to prepare the Estimates for Mr. Cousins' new water-supply scheme, and informing him that his salary for the period of his deputation will form a legitimate charge on Municipal Revenues. The Government referred to the Commissioners the proposal of the Chief Engineer, that Mr. Ellis on his return to the Municipality should be put on special duty to carry out the hydraulic survey of the city, and that the Municipality should pay for it. The question is, whether the Commissioners will sanction the necessary staff and await Mr. Ellis' return, to see whether it is necessary that we should have anybody at all on special duty, because Mr. Ellis thinks that the work can be done without his being on special duty, or whether the Commissioners would like to put him on special duty. If the Commissioners decide the latter, Mr. Ellis would not object to it. The question is what the Commissioners intend doing in the matter.

MR. THEAGAROYA CHETTY:—I should like to have some information before we have any proposition regarding this subject. In the year 1891-92 a question arose as to the Municipal Engineer not check-measuring works done. Will you please tell us what the reply of the Commissioners was?

THE PRESIDENT:—We said that it would interfere with his work, but you must remember that was a permanent addition to his work.

MR. THEAGAROYA CHETTY:—Is it because that the Engineer had no time to do it or he was not willing to do the work?

THE PRESIDENT:—It was a question of time. He had enough work as Engineer, but in the case of hydraulic survey it is only a work of supervision.

MR. VARADAPPA NAIDU:—Will Mr. Ellis be a Municipal servant?

THE PRESIDENT:—Yes.

MR. VARADAPPA NAIDU:—When he was appointed Sanitary Engineer did he obtain the permission of the Municipality?

THE PRESIDENT:—Yes.

THE HON'BLE MR. RUNGIAH NAIDU:—I propose "that the proposals of the Government be accepted." Mr. Ellis' undertaking to do both the duties will not benefit the Municipality. On the other hand, it will cause a great deal of delay in carrying out these schemes which Mr. Loane has proposed about the extension and increase of water-supply. Mr. Ellis says that if he were allowed to do both the duties he would let the scheme be put off for some time. But I do not think we can afford to put the scheme off for some time, because there is a loud cry of insufficiency of water in some places, and of no water at all in other places. Also the Government has sanctioned the raising of the loan and I do not see why we should delay the raising of the loan and delay the carrying out of the work. I am sure that many persons are awaiting our notification for subscribing for the loan. Further Mr. Ellis wants an additional establishment; he wants an Assistant on Rs. 150 besides surveyors. If he were allowed to do the work independently he would not require the assistant on Rs. 150, and therefore that will be a saving. Even Mr. Ellis once said that he was not able to do the work of checking the estimates and of testing all the works, owing to want of time. If he were not able to do it, I do not know how he would now do this additional work. The only consideration that can induce us to ask Mr. Ellis to look after both the duties is a saving of Rs. 200 or Rs. 220 at the most a month. I think if he were allowed to do the survey work only he would be able to finish it within 6 months, but if he were allowed to do both the works I do not think he would be able to finish it even within a year. On the whole I think it is much better to allow the present establishment to carry out the water-supply scheme and other works.

Mr. Lavery seconded the proposition.

DEWAN BAHADUR RAGOONATH ROW:—I entirely agree with the Hon'ble Mr. P. Rungiah Naidu that this hydraulic survey ought to be done as a special work and not in addition to the Municipal work, and the reasons given by him are, as borne out from our experience, very sound. If the great scheme of Mr. Cousins is to be carried out, I believe it should not be a Municipal work but an Imperial work; perhaps the Government may ask us for some grant and the Commissioners may be disposed to give some, but the whole expenditure of Mr. Cousins' scheme should not be thrown

on the shoulders of the Municipality. We cannot say now whether this Hydraulic survey could be of great use to us independent of that scheme, and therefore I think to call upon us to pay these charges now is not very fair. The Government must wait and see whether the whole work is not to be done as an Imperial work. If so, we would not have to pay anything; if not, if the work is to be done with Imperial, Municipal and Provincial funds, then we must bear our share. I think it is rather premature for Government to ask us whether we are willing to bear the expenditure, and for us to say we will. That matter, I should think, must be kept in abeyance until Government passes final orders on the whole scheme.

MR. SUBRAMANIA IYER :—I think that as far as the Government is concerned, the payment to Mr. Ellis is a legitimate charge on the Municipal Revenues. Therefore I do not think it is open to us to go to Government with an assumption of doubt about the charge being a legitimate one.

DEWAN BAHADUR RAGOONATHA ROW :—If I was incorrect, pardon me. If you have made up your mind so, it is all right. The question I submit is : it is premature for us to say, that it is a legitimate charge on the Municipality. The Government thinks so, and has stated so ; and has helped us by giving us their opinion. But we have our opinion ; and if that is not quite in accordance with that of Government, I am sure that the Government will allow us to have our say on the subject.

MR. THEAGAROYA CHETTY :—Everything that has to be said has been said by the previous speakers ; but I will only add one word more. It is a fact well known, that the Municipal Engineer has sufficient work here, which does not allow him to attend to any other thing. There are the additional Water Works proposed, which will throw an additional amount of work on him, so that the Engineer will be very heavily burdened with work. It will be quite impossible for him to conduct the hydraulic survey along with other works ; and I think that in the interests of the Municipality and in the interest of Mr. Ellis himself, it will be better for him to take up one work and do it satisfactorily, leaving other things *statu quo*.

THE PRESIDENT :—Then will Mr. Rungiah Naidu move “ that the proposals of Government be accepted as to the employment of Mr. Ellis on special duty.”

THE HON'BLE MR. RUNGIAH NAIDU :—Yes.

MR. SUBRAMANIA IYER :—I cannot see the propriety of this resolution. When we accept the proposal to appoint a certain gentleman on special duty, I think it implies the acceptance of the financial consequence also. Apart from that, I do not see how we can look upon this hydraulic survey as not connected with Municipal interests. The whole of Mr. Cousins' scheme relating to water-supply and drainage is the concern of the Municipality ; and as regards the improvement of the Cooum, I think the expenses ought to be borne by Government. So far, therefore, the line of cleavage has been entirely drawn. The interests of the town involving other than Municipal interests are to be undertaken by Government ; the expenses in connection with the improvement of the water-supply and drainage, are to be undertaken by the Municipality. I think the division is a legitimate one. The hydraulic survey relating as it does to the improvement of water-supply, has everything to do with Municipal interests ; and I do not think it is proper for us to go to Government and say that “ we will have the privilege of appointing Mr. Ellis on special duty, and you must take the responsibility of paying him.” I think the whole proposal must either be accepted as one or rejected as one. I for one think that the proposal is very proper and the cost of the hydraulic survey whatever it may be, must be borne by the Municipality.

THE HON'BLE MR. RUNGIAH NAIDU :—I should like to know who paid Mr. Cousins for the whole scheme.

THE PRESIDENT :—Government.

DEWAN BAHADUR RAGOONATHA ROW :—Is the hydraulic survey a part of the scheme.

THE PRESIDENT :—No.

MR. VENKATRAMANJULU NAIDU :—I think we may accept the G. O. asking the Government to bear the expenditure, bringing to their notice the poverty of the Municipality.

MR. SUBRAMANIA IYER :—I propose an amendment “ that words ‘as to the employment of Mr. Ellis on special duty’ be omitted,” so that the proposition will run thus :—“ That the proposals of Government be accepted.”

THE HON'BLE MR. RUNGIAH NAIDU :—That is my original proposition.

MR. VARADAPPA NAIDU :—I second the amendment.

DEWAN BAHADUR RAGOONATHA ROW :—I do not understand what is meant by “special duty.” Is Mr. Ellis to be our Engineer, doing a special work of ours or is it an appointment by Government. This question did not strike me until it was brought forward by Mr. Subramania Iyer. Government suggested that Mr. Ellis was the proper man to be put on it. There are two propositions by Government that is to undertake the survey and in undertaking it to put Mr. Ellis on duty. Our position is : whether we undertake the survey, and accede to the recommendation of Government that Mr. Ellis be appointed to it, he being the proper man. Is that our position ?

THE PRESIDENT :—Yes. The Government would not object, if you said, “no, we would appoint somebody else.” All that they say is that Mr. Ellis will be free after being relieved of the Sanitary Engineer's office, and he might be asked to conduct the survey. But whoever may be appointed, he should be paid by the Municipality. They suggest that things should go on as usual, and Mr. Ellis may do this work.

MR. VENKATRAMANJULU NAIDU :—Is there any provision for his extra salary being paid.

THE PRESIDENT :—We should get the permission of Government. If the Commissioners will pass this, the Government will sanction it.

THE HON'BLE MR. RUNGIAH NAIDU :—If it is the sense of the meeting that the expenses must be borne by us, I would withdraw my amended proposition. I will simply move my original resolution.

THE PRESIDENT :—Then you had better withdraw your amendment.

MR. SUBRAMANIA IYER :—Yes, I am quite ready.

The original proposition was then put to the vote and carried.

Our Water-supply.

The G. O., No. 16 M., Mis., dated 8th January 1895, sanctioning the proposal of the Commissioners, to raise a loan of four lakhs of rupees, was recorded.

Proceedings of the Standing Committee.

The Proceedings of the Standing Committee, dated 21st December 1894, and 11th January 1895, were recorded.

The Powers of the Standing Committee.

MR. PRAGASA MUDALIAR then said :—You are aware, gentlemen, that at the last November meeting I took exception to the disposal of certain subjects by the Standing Committee and asked the President if subjects, such as these come within the powers and duties of the Standing Committee as conferred by the Act. The President, whilst expressing an opinion that he certainly thought so, suggested that I should move a resolution on the subject if I thought otherwise. The consideration of the Proceedings of the Standing Committee, Nos. 13 and 14, dated the 19th October, and of Proceedings, No. 10, of the 2nd November 1894, were accordingly deferred, and when I wanted to move the resolution, it was suggested that I should do so after giving notice. This I have done, and I now move the following resolution :—

The Commissioners are of opinion that the proceedings of the Standing Committee, Nos. 13 and 14, of the 19th October, and No. 10, of the 2nd November 1894, are *ultra vires*, inasmuch as the subjects disposed of therein do not come within the scope of the “powers and duties” conferred on it by the Act, and further that there is no provision empowering the Commissioners to impose on the Standing Committee duties other than those contemplated by the Act or to interfere with the proceedings of that Committee generally by way of rejection or confirmation except in accordance with the provisions of the Act.

The subjects disposed of by the Standing Committee to which I took exception are :—

1. Letter from the Agent and Manager, M. R. C., charging an enhanced rent for certain lands belonging to the Railway Company and occupied by the Municipality for stacking laterite thereon.

2. An application from Mr. Davies for compensation on account of injury to a pony which put its foot into a hole in a Municipal drain running across Randall's Road.

3. Removal of a certain fountain from its present site to another on the same road.

Though perhaps the disposal of as much work as possible by the Standing Committee is a great convenience rather than by the general body of the Commissioners, yet I question on principle the right of the Standing Committee in disposing of the subjects under reference, and whilst doing so I do not for one moment question the correctness of its decision.

Sections 78, 79 and 80 define very clearly the powers and duties of the Standing Committee, and in my reading of Section 81, the Standing Committee is not entitled to exercise powers or discharge duties not vested in it by the Act. This section authorises the Standing Committee to appoint a Sub-Committee out of its number and to delegate to such Sub-Committee all or any of the powers vested in it by the Act. It naturally follows that unless these powers and duties are clearly defined by the Act and understood by the Standing Committee it is practically impossible to delicate to the Sub-Committee all or any of such powers and duties. I must here specially call your attention to the wording of the Act in defining the powers and duties of the Commissioners and those of the Standing Committee. In the former case Section 61 says:—"The following are among the powers and duties of the Commissioner," clearly indicating that the enumeration of the duties is not exhaustive. In the latter case no such expression is used, and the inference, therefore, to be drawn is that the powers are limited, and that the Standing Committee cannot exercise powers or undertake duties not expressly conferred by the Act. The powers and duties conferred by the Act on the Standing Committee are:—

1. Shall have access to all the accounts of the Municipality, and the President shall furnish any explanation which it calls for as to the receipts and disbursements of the Municipal fund. Section 78.
2. Shall have power to conduct a monthly audit of Municipal receipts and disbursements, and shall be bound to check the monthly abstract of such receipts and disbursements furnished by the President. Section 79.
3. Shall see to the due appropriation of the Budget grants for works with reference to the Progress Report of work done and the expenditure incurred on each work. Section 80, Clause 1.
4. Shall hear appeals as provided by the Act. Section 80, Clause 2.
5. Shall dispose of all applications for pensions and gratuities. Section 80, Clause 3.
6. Shall consider contracts and compositions as provided in Sections 51, 53, 143, 155 and 175. Section 80, Clause 4.
7. Shall assist the President in acquiring and disposing of lands and buildings. Section 80, Clause 5.
8. Shall attend to such other duties as are in accordance with the provisions of the Act, Section 80, Clause 6.

Of the foregoing duties No. 4, viz., that relating to appeals, requires a little consideration. When it is laid down that the Standing Committee "shall hear appeals as provided by the Act," what does it mean? Surely it does not mean that wherever the Act provides for an appeal the Standing Committee has the power to hear such appeals, for there are certain classes of appeals which have to be disposed of by the President assisted by two Commissioners, and there are others to be heard by the Magistracy. It plainly means that the Standing Committee shall hear only such appeals as the Act expressly says shall be heard by it. As for instance (1) Appeals from Municipal servants on Rs. 50 and upwards suspended or dismissed by the President. Section 44. (2) Appeals from parties carrying on offensive and dangerous trades, whose license may have been refused, cancelled or suspended. Section 332. (3) Appeals on the President's order on the erection of machinery or steam boilers by private individuals. Section 334, and (4) Appeals from stable-keepers, timber merchants and baker house, &c., keepers dissatisfied with the order of the President refusing, cancelling or suspending licenses. Section 342.

A similar construction should be placed on the last clause of Section 80, which says "shall attend to such other duties as are in accordance with the provisions of the Act." This likewise

means nothing more than that the Standing Committee shall attend to such other duties as are expressly invested in it by the Act.

The President stated at the last meeting that the Standing Committee acted under the provisions of this clause in disposing of the subjects to which I took exception. The expression that the Standing Committee "shall attend to such other duties as are in accordance with the provisions of the Act," appears at first sight to be very vague and indefinite, though it is no doubt very comprehensive. It therefore becomes necessary to see what are those "such other duties" invested in the Standing Committee by the Act, besides those expressly enumerated in Sections 78, 79 and 80. If we carefully peruse the Act we find that there are various other duties imposed on the Standing Committee by the Act, and though tedious, I am obliged to refer to them all so that you may be in a position to say whether that clause shelters the Standing Committee in regard to the three cases in question. The following are the duties coming under the last clause of Section 80:—

1. Standing Committee shall recommend what parts of the city shall be declared by the Governor in Council to be "populous parts of the city" for the purposes of water-taxes. Section 3, and Section 138.
2. Standing Committee shall pass estimate for works which President proposes to carry out other than on contract. Section 49.
3. Two members of the Standing Committee shall be present and sign their names to instruments to which the common seal of the Commissioners has to be affixed. Section 52.
4. Standing Committee shall approve the budget before its publication in the *Fort St. George Gazette*, and circulation to Commissioners. Section 85.
5. Standing Committee shall approve supplemental budget before its submission to the Commissioners. Section 89.
6. Standing Committee may recommend increase or reduction of expenditure under any head of the budget or its transfer from one head to another. Section 90.
7. Standing Committee shall sanction contracts for the supply of water for other than domestic purposes. Section 143.
8. Consent of Standing Committee necessary to refuse permission for the building of thus. Section 271.
9. Concurrence of the Standing Committee necessary for appointing the time before which private receptacles for the deposit of night-soil in houses shall be in readiness for the contents being removed by Municipal servants. Section 311.
10. Concurrence of the Standing Committee necessary for granting, refusing or suspending license for Markets. Section 362.
11. Sanction of Standing Committee necessary for withholding or refusing license for Markets until improvements suggested by the President are carried out. Section 364.
12. Sanction of Standing Committee necessary to prohibit sale of articles in public streets. Section 366.
13. Consent of the Standing Committee necessary for providing and maintaining conveyance for patients. Section 370.
14. Consent of Standing Committee necessary to provide places for the disinfection of infected clothing, &c. Section 373.
15. Sanction of Standing Committee necessary for closing burial or burning ground that has no owner. Section 380.
16. Concurrence of the Standing Committee necessary to stop burying or burning in burial or burning grounds if they are dangerous to health or when others have been provided. Section 388.

You will thus see, gentlemen, that there is no section in the Act, at least so far as I was able to find out, which gives the Standing Committee jurisdiction in the cases in question. On the contrary it seems to me that in the matter of closing of the fountain and its removal to another site the Standing Committee has assumed a power specially vested in the Commissioners. Turning to

Section 224 you will observe that the President shall maintain all works for the supply of water, such as public tanks, pipes, fountains, &c., and this section further goes on to say "or he may, with the consent of the Commissioners and the sanction of the Governor-in-Council close any such works." So far as I am able to see the Standing Committee has committed a glaring mistake in disposing of this subject; and I think the President ought to have brought the subject before the Commissioners and not before the Standing Committee. I do not at all, as I said before, question the correctness of the order of the Standing Committee, but I question the legality of the procedure.

It was urged by the President the other day that there could possibly be no harm in the Standing Committee getting through all the routine work as the Proceedings of that Committee are placed before the Commissioners when it is open to them to confirm them or reject such as they do not approve. As regards the power of the Commissioners to confirm or vest all the Proceedings of the Standing Committee I have serious doubts, and it would be well to take this opportunity to see whether the Commissioners possess that power absolutely under the Act.

From the sections of the Act which I have already quote it would be seen that the Standing Committee is vested with specific powers and duties, and there are indications in the Act from which one may naturally and fairly draw the inference that it was the intention of the legislature to circumscribe its powers and duties and also to define the extent to which the Commissioners may interfere with the Proceedings of that Committee. There is no doubt that the Commissioners in whom is vested the administration of Municipal affairs possess more extensive powers, and that by right of such administrative power they are entitled to direct and regulate the Municipal affairs of the city, but at the same time it appears to me that the Act does not contemplate the interference of the Commissioners with the duties expressly conferred on the Standing Committee by the Act, unless the contrary intention appears from the context.

Reading through the Act carefully we find that it provides with the greatest nicety a division of labour for carrying out the various purposes of the Act. Thus there are duties devolving (1) on the President alone, (2) on the President and Government, (3) on the President and the Standing Committee, (4) on the President, Standing Committee and Government, (5) on the President, Standing Committee, and Commissioners, and (6) on the President, Commissioners and Government. In the case of the duties vested in the President alone it is too well known that neither the Standing Committee nor the Commissioners have a right to interfere. So that in the case of (1) overcrowded buildings, sec. 323, cl. 2; (2) prohibition to fishing in the Coom River, sec. 330; (3) granting or refusing license to burial or burning grounds, sec. 380, cl. 3, and (4) burial in existing vaults, sec. 367, cl. 1, in all of which the Act authorises the President to take action with the sanction of Government; it is a fact that neither the Standing Committee nor the Commissioners were consulted nor have the Standing Committee or the Commissioners thought it was their duty to interfere with the action of the President in such cases. That it is the intention of the Act to keep distinct the duties assigned to each of the bodies named above, and that the duties of the S. C. are intended to be distinct from those of the Commissioners will be seen from the following sections: (1) Section 44 provides for an appeal to the Standing Committee from servants in receipt of salaries of not less than Rs. 50 per mensem suspended or dismissed by the President. I would ask whether the Commissioners have the power of interfering with an order of the Standing Committee in the matter. I think not, and this is clear from what follows in the same section, viz., "and any such servant in receipt of salary of not less than Rs. 200 per mensem may further appeal from the order of the Standing Committee to the Commissioners." It is clear then that only in the case of servants drawing Rs. 200 and more the Commissioners could interfere with the Proceedings of the Standing Committee and not in the case of servants drawing a less salary. (2) Under sec. 80, cl. 5, it is the province of the Standing Committee to "assist the President in acquiring and disposing of lands and buildings." In matter like this we find that under sec. 61, cl. j, and sec. 444 the Act confers on the Commissioners the right of intervention to sanction such acquisition or the disposal of such lands and buildings. (3) It is the duty of the Standing Committee under sec. 84, cl. c, to approve the raising of loans. Sec. 61, cl. e, empowers the Commissioners to sanction or not the raising of such loans. (4) Under sec. 85 and 89 it is the duty of the Standing Committee to approve the budget or supplemental budget submitted by the President. Under sec. 61, cl. a, the Commissioners are empowered to pass them or to reject any item or to refer them back to the Standing Committee for fur-

ther consideration. (5) It is the province of the Standing Committee under sec. 90 to recommend a reduction or increase of expenditure under any head of the budget or to transfer monies from one head to another. Under sec. 61, cl. b, and sec. 90 the Commissioners are empowered to consider such recommendations, and, lastly, (6) In the case of private markets, the discrimination of the powers of the Standing Committee and of the Commissioners is most striking. In the matter of the establishment of private markets, power is conferred on the Commissioners to sanction their establishment or not, and a similar power is reserved to them under sec. 362, cl. 3, if any such market is to be permanently suppressed. But under secs. 362 and 864 power is conferred on the Standing Committee to sanction or not the proposal of the President to suspend or withhold the license pending the execution of works deemed to be necessary.

I must ask you to note here that in the case of markets a certain power is especially conferred on the Commissioners, and certain other powers on the Standing Committee; and I need hardly mention what must have been the intention of the legislature in making this distinction. It must further be pointed out that if the legislature intended that the Standing Committee is to undertake and perform all the duties imposed on the Commissioners by the Act, there would have been an express mention of it. In the case of executive duties which the Act directs to be done by the Commissioners, we find the President does it all, just as the Standing Committee is now performing the duties expressly invested in the Commissioners. In the former case, however, the President is perfectly justified for clause 2 of section 34 authorises him to do so, "unless contrary intention appears from the context." The absence of a similar provision in the latter case leads to the presumption that the Standing Committee is not justified in following suit.

Well, then, gentlemen, we see on the one hand that the Act expressly confers various duties on the Standing Committee, and on the other we see, too, that the Commissioners are empowered in certain cases only to approve or not approve the decision of the Standing Committee; what then, is the inference to be drawn? The one that naturally suggests itself to my mind is that the Standing Committee can no more undertake the discharge of duties not expressly conferred on it by the Act, than the Commissioners can interfere with the Proceedings of that Committee unless there is anything to the contrary expressly provided by the Act, for if considerations such as convenience, expediency or dispatch of business are to prevail, we may as well ignore the Act altogether.

In the remarks I have already made I have raised an important question, viz., if the Standing Committee can exercise powers or undertake or discharge duties not conferred by the Act, and whether you decide the question in the affirmative or negative, I should like to take this opportunity of raising another question, viz., whether the Commissioners are legally competent to impose any duty on the Standing Committee for the purposes of the Act? I raise this question as I find that not unfrequently the Commissioners call upon the Standing Committee to inquire into and report on various matters connected with the Act. Reading through the Act carefully I find that there is but one section which authorises the Commissioners to make a reference to the Standing Committee. It is section 87, which provides that it shall be discretionary with the Commissioners to refer the matter to the Standing Committee for further consideration. Besides this I am unable to find any other section authorising a reference.

You will remember that I brought forward a resolution the other day for the appointment of a Committee to look into the election rules, and to see if there was any room for modification, and that an amendment was brought and carried requesting the Standing Committee to undertake the duty. So far as the result is concerned it made no difference which Committee revised the election rules, but I seriously think that the reference to the Standing Committee was not strictly legal, for in the first place, as I have already stated, a duty such as this does not come within the scope of "the powers and duties of the Standing Committee," as conferred by Sections 78, 79, and 80, and in the next place there is no section in the Act legalising such a reference to the Standing Committee. Section 77 provides that "the Commissioners may from time to time appoint from among their number such Committees consisting of such number of persons as they think fit for the purpose of enquiring into and reporting upon any matter connected with the purposes of this Act." I would ask you to say whether this section contemplates the appointment of the Standing Committee for the purpose specified. I do not believe that there is any one in this hall that would stretch the meaning of this section to that extent. The expression Commissioners may appoint such Committees from time

to time sufficiently indicates taking a common-sense view, that a Committee other than the Standing Committee was intended by the framers of the Act, for if the Standing Committee was intended there was no occasion to appoint it for the purpose, as it is an existing Committee under Section 67.

It is not my object, gentlemen, to curtail the powers of the Standing Committee. All I wish is, that our action, be it of general body of the Commissioners or that of the Standing Committee, is perfectly legal, and as there are able and experienced members on this Board. I have no doubt that the questions raised by me would receive due consideration. I must assure you that I have not raised these questions from any complacent confidence in my own views, but only with the object of ascertaining the legality or otherwise of our actions. I may be right or I may be wrong. If you decide that I am wrong in my views nothing would give me greater satisfaction than to correct myself; but if you think that my views are correct, we shall have the satisfaction of seeing that our proceedings are regular and legal.

Mr. Varadarajulu Chetty, seconded the proposition.

MR. SUBRAMANIA IYER:—I must congratulate Mr. R. N. Pragasa Mudaliar upon his exhaustive and able address on the constitution of the Municipality. He has appealed to the Commissioners to take the views that he has put forward into their consideration, and if the Commissioners thought that his conclusions were right he appealed to them to approve of his views. I think in view of the importance of the question raised, and in view of the doubts that he has thrown upon many aspects of it, I for one, at all events, feel diffident in coming to a conclusion upon these matters at once. I dare say there are other Commissioners also whose feelings are the same as mine, and therefore it will be well if we adjourn this meeting and consider the matter on some other day, when all of us may come prepared in regard to the important question raised in his very able address.

MR. VENKATRAMANJULU NAIDU:—I second this proposition, and I would suggest that this proposition of Mr. R. N. Pragasa Mudaliar might be deferred to the next general meeting.

MR. SUBRAMANIA IYER:—I have no objection to it. I therefore propose "that the consideration of this subject be deferred till the next General Meeting."

The proposition was then put to the vote and carried.

The meeting then terminated.

G. No. 34

MUNICIPALITY OF MADRAS.
General Department.

Madras, 10 April 1895.
LOCAL & MUNICIPAL DEPT.

From

LIEUT.-COL. G. M. J. MOORE, C. I. E., No. 127/1895

President, Municipal Commission.

To

The Chief Secretary to Government,
Fort Saint George.

SIR,

I have the honor to submit herewith for the information of Government full proceedings of a General Meeting of the Commissioners held on 28 January 1895 together with a copy of Abstract proceedings of the same date.

I have the honor to be,
Sir,

Your most Obedt. Servant,
W. H. C. C. C.
President, Municipal Commission.

Enclosures
2

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189

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189

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STATEMENT WITH DITTO

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