[L. & M. 5,000-8-4-96.]

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 1104 Mr

DATED 3rd July 1896

[Despatch Abstract.]

Municipal Commission.

Recording resolution of the Municipal Commissioners recommending to Government the claims of M.R.Ry.P.Ramaswami Chettiyar Diwan Bahadur for the Acting Presidentship during the absence of Colonel Moore on leave.

BACK PAPERS.

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

FURTHER PAPERS.

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G. No. 145

MUNICIPALITY OF MADRAS.
General Department.

Madras, 16 June 1896.

From

LIEUT.-COL. G. M. J. MOORE, C. I. E.,

President, Municipal Commission.

To

The Chief Secretary to Government,

Fort Saint George.

SIR,

Enclosure. 1

I have the honor to forward herewith report of the Proceedings of a Special Meeting of the Commissioners held on 15th June 1896 for the information of Government.

2. The usual abstract proceedings of the same will follow.

I have the honor to be,

Sir,

Your most obedient servant,

Gm Moore Lt.Col.

President, Munl. Comm.

Proceedings of a Special Meeting of the Municipal Commissioners for the City of Madras, held at their Office premises No.22, Errabalu chetty Street, Black Town, on Monday the I5th June I896 at 5 P.M. under the Provisions of the City of Madras Municipal Acts 1 and VII of I884, and II of I892.

Present.

Lieut.Col.G.M.J.Moore, C.I.E., President.
H.Ormerod, Esq.
M.R.Ry.P.Theagaroya Chetty Garu.
" R.Balakistnama Chetty Garu.
" R.N.Pragasa Mudaliar Avargal.
" C.Yetherajulu Nayudu Garu.
Haji Mahamad Abdul Hadi Badsha Saheb.
M.R.Ry.P.V.Kistnasawmy Chetty Garu.
" M.Varadarajulu Chetty Garu.
" G.Subbarayalu Chetty Garu.
The Hon'ble V.Mahomed Sheriff, Khan Bahadur.
M.R.Ry.M.Ramakistnaiya Pantulu Garu.
" V.Varadappa Nayudu Garu.
" W.S.Venkataramanjulu Nayudu Garu.
" Rao Bahadur C.Kalyanasundaram Chettiyar Avargal.
" Rai Bahadur A.Dhanakoti Mudaliar Avargal.
" Rao Bahadur V.Krishnama Chariyar Avargal.
" M.O.Parthasarathy Iyangar Avargal.
Surgeon-Lt.Col. G.L.Walker.
M.R.Ry.V.C.Desika Chariar Avargal.

Questions and Answers.

The President:- Gentlemen this Special Meeting has been convened in accordance with a written requisition signed by ten Municipal Commissioners for the purpose of recommending to Government the claims of Dewan Bahadur P.Ramasawmy Chetty (Revenue Officer) for the Acting Presidentship during my absence on leave. Before proceeding to the business of the meeting, there are some questions put by Dr Varadapah Naidu. which have to be answered

The following are the questions and answers:-

Q. What are the respective salaries of Mr Ellis and Dewan Bahadur Ramasawmy chettyar ?

Ans. The Engineer draws Rs 900 and the Revenue Officer Rs 800 per mensem .

Q. Who is the senior of the two according to their respective salaries ?

Ans. Pay is not, so far as I am aware, a criterion of seniority.

Q. Does the Revenue Officer go out for out-door inspection ? If so from what date ?

Ans. Yes, he has always done so when he considered it necessary.

Q. What number of houses has he inspected up to date in the 2nd Division ?

Ans. I do not feel called upon to answer this question.

Q. Will the President be pleased to keep on the table the Revenue Officer's diary of inspections ?

Ans. I do not think it desirable to do so.

Q. Does he still complain that he is unable to do the out-door work

Ans. I have received no complaint from him.

The Revenue Officer.

The President:-- Now you come to the business of the meeting. Will any gentleman move a resolution.?

Mr R.N.Pragasa Mudaliar I beg to move the following resolution

resolution " the Commissioners recommend to Government for its favourable consideration the appointment of Dewan Bahadur P. Ramasawmy Chettiar, Revenue Officer, to act for the President during his absence on leave" said :—

When the requisition asking the President to convene this special meeting came to me, I had some hesitation in becoming a signatory—not because of any depreciation in my estimate of the Revenue Officer—not because I had any grounds to appreuend, that the Commissioners who held him in the highest estimation and who supported him on various occasions, would not do so, on the present. Not because I had any reasons to fear, that Government who considered the Revenue Officer fit to act for the President on two former occasions, had changed their views. My hesitation was caused by a recent G. O N. (323 M.Mis., dated 13 th May, 1896) which had just then came to me in circulation, in which Government observes that in a matter like the one now before the meeting, the Commissioners are under a misapprehension as to their position, and that where the law permits Government, at its discretion, to do a certain act, the doing of that act is one entirely for the consideration and decision of Government, and that in the absence of a request for the opinion of the Commissioners, a recommendation from them, is beyond the functions of that body. This observation, seeming as it does, novel and unprecedented, I had to pause and consider. The more I read this G. O. along with the provisions of the Act, the more it seemed to me, that the principle enunciated in this G. O is not in consonance with the general scope and intentions of the Municipal Act. Whether the Act specially authorises the Commissioners, as in certain cases it does to make recommendation to Government, or whether it does not so specially authorise them, it must be remembered that any recommendation made to Government by the Commissioners, is neither dictatorial nor mandatory, but that it is nothing more than a simple suggestion, the right of deciding, being entirely vested in Government. I shall revert to this point later on. In moving the resolution to-day, I have to tread on the same grounds on which we passed a similar resolution in June last, when our President had obtained two months' privilege leave, which he has had since cancelled. For that resolution the Commissioners voted by an overwhelming majority, and as to the propriety of it. The Press was all but unanimous. It was then remarked by one or two Commissioners that that resolution would be *ultra vires*, as the appointment rested with the Governor in Council. I do not for one moment question the right vested in H E in Council by Sec. 45 or by any other similar section of the Municipal Act, but there is nothing to prevent our making suggestions for consideration in matters connected with the administration with which we are charged and intimately acquainted. It appears to me that the wording of Sec. 61 of the Act, is comprehensive and would be devoid of meaning, were such recommendations as are conducive to the interests of the Municipality and not contrary to the intentions of the legislature supposed to be prohibitory, because they are not specially authorised. Let us, for one moment see whether we had not been acting upon such an understanding of the Act, and whether our actions, based on the inference that such are the intentions of the legislature, have not hitherto been accepted by Government. Referring to Sec. 11 of the Act, we find that the framing, altering or cancelling of the rules for the conduct of election, is vested in the Governor in Council. Following then the dictum laid down in the recent G O I have referred to above, it is beyond the functions of the Commissioners, in the absence of a request from Government, to submit for their sanction draft rules for the election, or to suggest any alteration or cancelment in those rules. We find, however, that the Commissioners have

hitherto taken action under this section unasked by Government, and no exception was ever taken to this course. I would next draw your attention to sec 36, which vests in the Governor in Council, the power of fixing or raising the salary of the President. You will remember that only, the other day, the Commissioners, who considered the President well deserving, unanimously recommended in the absence of a request from Government, the raising of his salary to Rs.2,000, the maximum under the Act. What is the result? The recommendation is accepted, and we were not told by Government that in making the recommendation the Commissioners have misapprehended their position. I would now call your attention to sec. 37 of the Act, under which the appointment and the fixing and the raising of the salaries of the officers appointed under that section is vested in the Governor in Council. It must be within your recollection, that when on the last occasion the Government raised the salary of the Health Officer, without any reference to the Commissioners, the latter protested against it at the general meeting held in July, 1892. On this, Government in their order No.1458, dated 8th September, 1892, observed that though the power of fixing the salary rests absolutely with the Governor in Council, yet they expressed a regret that the G O. of '88, was overlooked, and the Commissioners were not consulted while fixing the salary of the Health Officer. Then, again, in the case of Mr. Loane, you could not have forgotten that the Government, without the knowledge of the Commissioners, had appointed a man to act for Mr. Ellis, and that that person had actually come to take charge of the Office, but on the recommendations of the Commissioners Government cancelled their own appointment, and Mr. Loane was in deference to our recommendation appointed to act for the Engineer. There is yet another incident, which I cannot omit mentioning here. Only the other day Government was anxious to give the Engineer an increase of Rs.200 of to his present salary. Whilst it was competent for the Governor in Council to fix the salary of this officer under the power vested in him by the Act, Government thought it wise to leave the matter to the discretion of the Commissioners. What did the Commissioners do on this? They recommended an increase of Rs.100 only and this was simply sanctioned. I shall now draw your attention to sec. 45 of the Act under which the appointment of a person to act for the President is also vested in the Governor in Council. This section does not provide, (as the Act does not expressly provide in many other cases,) for any recommendation being made by the Commissioners, as regards the acting incumbent. We, however, find from past records that in 1888 when the President sent his application to the Commissioners for leave, he recommended Mr. Jones to act for him. In this the Commissioners acquiesced, and Mr. Jones was appointed to act for one month. In the same way, in sending his application for two months' leave in 1891, the President recommended Mr. Ramaswamy Chettiar to the Commissioners as his *locum tenens*, and this was accordingly sanctioned by Government. In like manner when the President applied to the Commissioners for two months' leave in 1893 Mr. Ramaswami Chettiar was again named by him as the acting incumbent, and this was approved of by the Commissioners and Government. I wonder under what law or express provision in the Act, such a course has been in vogue! and why we, as a body, should not make suggestions! Should Government not act upon them, it would be upon grounds of which we are not aware. We do not expect every suggestion or recommendation of ours to be adopted, for many have been our suggestions and recommendations that have not been accepted by Government. It is noteworthy, however, that our recommendation of June last urging upon Government to appoint the Revenue officer to act for our President, during his then intended absence on leave was indeed viewed by Government with favour. By way of analogy I shall lastly refer you to sec. 47 under which it is vested in the President to appoint persons for the performance of the duties of officers absent on leave. What is the practice, I would ask, observed in this Municipality in regard to the appointment of acting incumbents? Don't the immediate heads of the Departments, when forwarding to the President application for leave of subordinates, also recommend in the natural course the person who may be appointed to act? This, of course, is an everyday occurence. I do not think that any of you would have ever heard the President taking his stand on this sec. 47 and pointing out to the head of the Department concerned, as the Government has remarked in the recent G.O., that in the absence of a request from him (President) for such an opinion, the recommendation on behalf of the acting man was beyond the functions of that departmental head. I am positive there was never a case of this kind. Referring now to the recent G O itself, in which our recommendation, in a matter like the one now before this meeting, is characterised by Government as *ultra vires*. I must observe, with every deference, that the arguement contained in the G.O. is hair-splitting. Government says that when the Act does not expressly authorise the Commissioners to recommend their doing so is beyond their function. In the same breath the G. O. says, that the Commissioners may recommend in such cases, on the *request of Government*. If the action of the Commissioners in submitting a recommendation, where the Act does not expressly authorise them to do so, is *ultra vires*, the action of Government in *requesting the Commissioners* for an opinion where the Act does not expressly provide for it, must equally be *ultra vires*, and I think that arguing in this strain would only lead [illegible] one absurdity to another.

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The President (Interrupting):-- I think Mr Pragasa Mudaliar you are discussing the G.O and not the question of the Revenue Officer.

Mr Pragasa Mudaliar:-- The present resolution depends a great deal upon that G.O. If ~~you~~ we are snubbed a second time and told that we cannot make a resolution what are we to do.?

The President:-- ~~You~~ We are not now discussing the G.O. The whole of what you said has only reference to the G.O.

Mr Pragasa Mudaliar:-- ~~Because that~~ The G.O. says that unless we are asked by Government, we are not authorized to make a recommendation. If the Commissioners are prepared to accept that view then this resolution is ultra vires .

The President:-- The question before you is not the G.O. but the resolution recommending Mr Ramasawmy chettyar.

Mr Pragasa Mudaliar:-- We are not in a position to recommend unless we feel that in doing so we are regular.

Rao Bahadur V.Krishnamacheriar:- I think that your objection is quite right sir, because you have put down this Government ~~for~~ Order for the next meeting for consideration.

Mr Pragasa Mudaliar:-- I do not know if Mr Krishnamacheriar is right in intervening at this stage.

The President:-- I think you are going out of the actual discussion before the meeting.

Mr R.N.Pragasa Mudaliar continuing said:-

Considering the question, even from a common sense point of view, it appears to me that there could possible be no harm whatever, by such recommendation being submitted to Government by the Commissioners, because they could neither be detracting to the prestige of Government, nor the position of the Commissioners. If such recommendations are received and considered by Government, whatever may be the ultimate result, it would be an impetus to the Commissioners taking a greater interest and share in the administrative duties with which they are entrusted, and they must be calculated to strengthen the hands of Government, for they will be in a better position, having before them all sides of the question under discussion to arrive at a correct decision. The question is a serious one. I am certain that you are not prepared to admit that it is not within our province; as Commissioners, to convey our views to Government in matters affecting the Municipal administration of the city, without being asked do so. If this is once admitted, you may rest assured that the axe is laid to the root of the tree. We can then no longer be true to our trust as Commissioners. We can no longer, as the representatives of the rate payers, hold or utter any views furthering the interests of the tax paying public. I hope we shall not be drifting to that stage. If you are convinced that the remark made by Government is reasonable, and is in accordance with the intentions of the Act, we shall not be justified to stand against it. But if it is otherwise we shall not be justified to swallow the remark quietly. If we are convinced that it is a duty imposed on us as Commissioners, to express our views to Government from time to time, whether asked or unasked, let us continue to do so, and absolve ourselves from the responsibility. If our views and recommendations are not agreeable to Government, they may be set aside, and then the responsibility would be shifted from our shoulders. To wind up my observation, I think it must be conceded, that Government as the chief controlling authority and the Commissioners as the administrative body, are jointly responsible for the due and proper management of the Municipal affairs of the city. It follows, therefore, that for the proper discharge of the responsibility devolving on both, the Commissioners should freely express their views to Government to obtain the benefit of their superior advice, and their assistance cannot be secured unless the Commissioners are allowed to express their views freely and Government favour them with their advice freely as well. If the views expressed on the recommendations made by the Commissioners, are such as are conducive to Municipal interests, Government must only be too glad to co-operate with them. For securing such a co operation, what is the necessary course? If the Commissioners' recommendations are either illegal or unreasonable, or if the carrying out of such recommendations would be detrimental to Municipal interests, the same should be pointed out, and then the Commissioners would be satisfied with the decision of Government. What I do not understand is that Government should tell us that where the law does not expressly provide, the Commissioners should make no recommendation unless they are asked to do so. Of course, as I have already said, all of our views and recommendations need not necessarily be binding on Government. Turning now to the substance of the resolution now before you, it is very essential that looking to the importance of the duties of the President, that the post should be occupied, if possible, by one who has had vast and varied exprience of the working of this office in all its branches, and is physically and mentally capable of discharging his duties efficiently. Such a person we find in the Revenue Officer, on whose physical and mental capacity I need not dwell, as Government has satisfied itself on that point, in extending his term of office. The Revenue Officer acted for Mr. MaCartie once, and for Col. Moore more than once while on leave on their own nomination, rendering universal satisfaction.

As to his capabilities I need scarcely refer you to the highly appreciative terms in which he was spoken of by the successive Presidents from 1869 when he joined the Municipality as Asstt. to the President and as such gained a considerable intimate acquaintance with the working of the various departments of this Office and introduced reforms therein. I would not take up your time in reciting the numerous records which testify to his

intelligence, ability, zeal, integrity, astuteness, acumen, and usefulness. But to give you an idea as to how ~~this Council~~ his Counsel and services have been availed of from time to time for the general benefit of all the departments of this office, I will quote extracts from a few of such records. In the Administration Report for 1869 Col.Denison the then President says "I have to tender my colleagues my best thanks for the very great and cheerful assistance I have derived from them in carrying on the arduous and responsible duties of my office and in the executive portion of which I have been most ably seconded by my assistant Mr P.Ramasawmy chetty whose name I have often had the pleasure of bringing prominently to the notice of Government" In the report for 1875-76 Mr Burrows the then President observes " In Mr Ramasawmy chetty, the Assessor the Commissioners possess a most valuable officer. Besides ~~doing~~ doing his own departmental work thoroughly well, he gave material assistance in arranging a better system for collecting the trade and the wheel taxes".

Surgeon Lieut.Col.Walker:-- We have always admitted the ability of Mr Ramasawmy chettyar.

Mr Pragasa Mudaliar:-- That does not prevent me for, the quoting some of the testimonials touching on the point, sir. If every one of the Commissioners present here is prepared to admit his ability I have no objection to omit reading them.

Mr V.C.Desika chariar:-- I think so.

Rao Bahadur V.Krishnamachariar:-- The question is whether it is not one of appreciation or no appreciation but is one of principle.

Mr Pragasa Mudaliar:-- That is another matter. If you say that you appreciate it and it is unquestionable, I will omit it. I think I would have gone through the whole of my extracts by this time. Our President in his sympathetic and commendable review so late as in February last, of the Revenue Officer's protest against Mr Varadapah Naidu's acquisation against him, remarks "Mr Varadapah Naidu is perhaps not aware of the amount of office work which the Revenue Officer has to do, but he obtains the necessary information regarding assessment and when necessary goes out. I am satisfied that he works at his own house. I can only say that the Commissioners are perhaps better aware of the good work that has been done by the Revenue Officer durin his long connection with the Municipality than I am ". Having the knowledge we possess and for which our President has rightly given us credit of the meritorious services rendered to this Municipality by Dewan Bahadur P. Ramaswamy chettyar during the past 27 years in various capacities and having regard to his physical and mental fitness it would be an act of simple justice in his interests no less than in the interest of this Municipality to bring his case on the present occasion of our President's leave prominently to the notice of the Government with view to his being appoint

to act for him once again. and I have no doubt you will fully share with me in all I have said and trust also that you will see fit to support me.

Mr C.Subroyalu chetty seconded the resolution.

The President:-- I am not going to enter into any discussion on this subject, because it is not a matter in which I have any thing to say. In regard to what Mr Pragasa Mudaliar said about Section 11 I think he forgets that it is the Government itself that asked the Commissioners to submit revised bye-laws for elections. With regard to the Health Officer it was entirely a new appointment when it was made. As regards section 44 and the fact of my having made recommendations, it is true that I recommended more than once. But since then I learnt wisdom and [illegible] unless I am asked to recommend I do not recommend.

Mr Pragasa Mudaliar:-- In regard to section 11 you must remember that it was only when I brought up an amendment in regard to certain matter the Government asked us to forward revised bye-laws.

The President:-- Even before that the Government asked us about it.

Mr Pragasa Mudaliar:-- Even about the Health Officer's pay the Government expressed regret.

The President:-- That is owing to an order of §38.

Surgeon Lieut.Col.Walker:-- In rising to propose an amendment to the resolution which Mr Pragasa Mudaliar has so eloquently proposed and at such great length, I trust that I shall not occupy your time to such an extent though I would have to refer to the G.O once or twice as he has dwelt on it at some length

Mr. PRESIDENT, I beg to propose that the resolution be amended by the addition of the following words immediately after the words "on leave," viz, 'but that such recommendation be deferred until asked for by Government.' In proposing this amendment, I need hardly observe that I am not influenced by any feeling whatever, as regards Rai Bahadur P. Ramasawmy Chetty whom I doubt not would act as President for three months to the satisfaction of the majority of the Commissioners. My amendment is simply a protest against the Commissioners putting themselves for the second time, within a few months, in the invidious and false position of going beyond their functions in making a recommendation to Government unasked, on a matter which is entirely for the consideration and decision of Government, especially in the face of G. O No 823, dated 13th May, 1896, which has only just been circulated to the Commissioners. Should the Commissioners persist in the recommendation proposed, their action would be similar to that of an obstinate and evil-disposed child, who repeats an offence immediately after punishment, for the sake of opposition; well he gets spanked again, but I don't know what would happen to the Commissioners in a similar case; their position, however would be an undignified one, and would, moreover show ingratitude, as Government have been particularly liberal to the Municipality of late in a financial direction. Bear with me for a few moments whilst I remind you of the incidents connected with the first occasion recently, in connection with which the Commissioners misapprehended their position and overstepped their functions in a similar case, and for which they have just been brought to order by Government At the Municipal Meeting of the 12th February last, it was proposed by Mr. Pragasa Mudaliar, and seconded by Mr. Theagaroya Chettiar, "that the Commissioners very strongly recommend to Government the retention of the services of Rai Bahadur P. Ramasawmy Chetty, Revenue Officer, for a further period of 2 years;" to this, Mr. Varadappa Naidu proposed a certain amendment, which I suggested should be altered to the following, viz, "that in view of the fact that the post of Revenue Officer to the Municipality is a Government appointment, the Commissioners defer their recommendation until it is asked for by Government." Mr. Varadappah Naidu accepted my modification of his amendment. I then became its seconder, and I made the following remarks, viz:—"I think the Municipal Commission would place itself in a very invidious position, if Government should in reply to their recommendation, say:—"When your opinion is asked for you can give." No doubt Government would put it courteously, but it is pretty certain that that would be the tenor of their reply, and I do not think it would accord with the dignity of this Commission to be placed in such a false position." Mr. President, our amendment was unfortunately lost, and Mr. Pragasa Mudaliar's resolution, strongly recommending to Government an extension of two years to the Revenue Officer, was carried. The G. O. on the subject, and on that deliberate resolution of the majority of the Commission present, has just been circulated to the Commissioners let us refer to it. The G. O states:—"The Government observes that, in this matter, the Commissioners appear to have been somewhat under a misapprehension as to their position. The law permits the Government at its descretion to remove the Revenue Officer, and therefore the question whether he having attained 55 years of age is mentally and physically fit for the duties of his office and should be retained therein, is one entirely for the consideration and decision of His Excellency the Governor in Council, and, in the absence of a request for the Commissioners, a recommendation in his behalf was beyond the functions of that body." You will perceive that the view of the case advocated by me, is precisely that which has been adopted by Government by whom the Commissioners are practically reprimanded and snubbed; they are told that it is not the part of privilege of the Commissioners to make such recommendations, that matters relating to Government appointments in the Municipality are for the consideration and decision of Government, and that, in fact, the Commissioners should not give advice or opinion, or recommendation on such subjects unless asked for it by Government. I think the G. O. I have just quoted to you should prevent the Commissioners falling into a like error again, and especially repeating it immediately after receipt of the G. O. in which latter case the repetition would not only be an error but would constitute deliberate opposition to the expressed opinion of Government. It is surprising to me, that old Municipal hands, some of whom have spent many years previously in Government service, should fall into the error of offering advice to Government about Government appointments, until such advice is asked for.

By the way Mr Pragasa Mudaliar is an old Municipal hand and in his case I am all the more surprised

As regards the several points raised by Mr. Pragasa Mudaliar, I think they can be answered and the President has mostly answered them. One thing he dealt upon was that the President, while sending up his application for privilege leave on previous occasions, named his *locum tenens*. He has done so in the past in error, but he would not, I imagine, do so in future in the face of the G. O. just received. Mr. Pragasa Mudaliar also says that the Government took no objection to the Commissioners forwarding a modification of the rules for the conduct of elections, though under the Act they have not been empowered to do so; but it must be remembered that the Government in the first instance requested the Commissioners to make suggestions themselves in respect of modifying the rules. He has also mentioned the case about the recommendation for the increase of pay to the President. The increase to the President's salary being an increase in Municipal expenditure must go up to Government in the revised estimate and must, therefore, be supported by the Commissioners. With regard to the increase to the Engineer that also comes exactly under the same heading, *viz.* it had to go in the Budget Estimate and required the support of the Commissioners. ~~While Mr. President~~ I would not detain you and the Commissioners any longer, I now beg to propose a resolution that I quoted in the beginning of my remarks, and I trust that for the dignity of this Council it will be carried by a large majority.

Mr. V. C. Desika Chariar said:—

Mr. President and Brother Commissioners:—I have great pleasure in seconding that amendment. I do not want to take up the time of the Commissioners by making any elaborate remarks by way of appreciation of the services of Mr. Ramasawmy Chettiar. I do not think there will be two opintons on that; but yet I am not prepared to say whether the construction put upon it by the Government is the correct one or the construction put upon it by Mr. R. N. Pragasa Mudali is correct. It is quite useless that we should now sit and consider it, especially as from what appeared in this morning's papers we shall have an opportunity to express our opinion in it on a future occasion. It may be unfortunate that this proposition should have come in advance of that. There is no pressing our interpretations on the Government when it deliberately interprets it in one way. In my mind the amendment ought to satisfy us as much as the resolution itself. I presume that every resolution of ours is communicated to the Government. If it is for the information of Government if they are going to attach any weight to our opinion, by all means the amendment, if carried, does the same effect. The amendment simply says that we do defer our recommendation until we are asked and that amendment ought to commend itself to you. We should not put ourselves in a position of getting snubbed a second time, as Mr. R. N. Pragasa Mudaliar said that there is every probability of being so snubbed a second time. Mr. Pragasa Mudaliar said that we shall not be doing our duty if we did not pass this resolution. I do not see how we shall be doing our duty by passing that resolution. It is possible that this recommendation of ours may spoil all chances of success of Mr. Ramasawmy Chettiar. He may say "save me from my friends." It will be quite dignified on our part to pass an amendment such as the one proposed by Dr. Walker.

Rai Bahadur V Krishnama Chari said:—I remember having read the G. O of the 13th May in circulation and I can say, as an old Commissioner, about the Corporation having been never called upon to swallow such bitter remarks as that contained, and I am sure that the other Commissioners here have still some pleasant memory of those remarks to realise how little it was to their taste, Though some gentlemen seem to think nothing of it. I cannot understand the propriety of our considering a recommendation which the G O. quoted says is utterly beyond the function of the Commissioners under the law. The recommendation before the meeting does not concern public health, or any needs or wishes of the ratepayers or any bye laws concerning the interests of property or any other questions of public convenience, but only the interests of a certain Municipal Officer in regard to whose retention or promotion no proposition has emanated from the public. Mr. Pragasa Mudaliar says that because we have often gone out of our way and made recommendations which have received some consideration at the hands of Government, there would be no harm in making one more recommendation; but I would remind him of the case of Oliver Twist who for asking more and more got a terrible snubbing at last. Let us, therefore, be cautious and not make any trial of strength. I consider the Resolution before the meeting altogether wrong on principle, and altogether inconsistent with the dignity of the Corporation.

Mr. P. V. KRISHNASAMI CHETTY said :—It appears difficult to my mind to see how this amendment could be supported. It is one thing to say that in view of the G. O. the recommendation is inexpedient, and it is quite another thing to say that this amendment on that account is one that should be carried. The effect of this amendment appears to be that we do make some recommendation, but that we should stay our hands till we are asked to make it. That means that the labours of this evening are fruitless. Supposing the Government does not ask for any recommendation, what is the use of our solemnly and deliberately passing a recommendation, and holding our hands till the request is made by Government to forward it? Make up your minds either to make this recommendation in view of the duty which you conceive and which you owe to the Municipality and ratepayers, or do not go in for it because Government has expressed an opinion adverse to your having any authority to make such recommendation. No doubt, as has been hinted by Mr. V. C. Desika Chari, either the Government is right or we are right. It may be that we have got power, it may be that the Government has misapprehended our power, or that we have misapprehended our own functions. If, for any reason, you are not prepared to make a recommendation, by no means carry this resolution. Do not say that we recommend, but we wait for the Government to ask for it. That appears to be introducing a precedent, that is to say put something on the paper which we are not prepared to carry out, but which we wait to be able to carry out until some contingency arises. That seems to be the effect of this amendment. Therefore I think the amendment appears to be one which is altogether—if Dr. Walker will pardon me—useless. It must simply be absolute waste of time. We must address ourselves to the question whether we had the power to recommend, whether we, under the present circumstances, on the receipt of the orders in our hands can make a recommendation, whether this is the expedient time for making a protest against the view of the Government, or sometime hence. When that G. O. is to be considered we should be able to express our views, if possible our dissent. If time has not arrived for discussing the merits of the G. O., it would not be presumptuous on our part to do it. Because the Government said that it was not our duty, we should not shut up and hold still in discharging our duties. It may be that the present is inopportune to consider that question. Whatever that may be "aye" or "nay" has to be returned as an answer to this resolution. This amendment appears to be altogether a useless one. I don't see how it can be supported.

the merits of the resolution

Dr Varadapah Naidu:-- I strongly support the amendment, because we have simply to obey the orders of Government. Of course if we oppose them, they will simply send another reprimand. It is merely a waste of time to go over the matter again and forward the resolution of Mr Pragasa Mudaliar. I think it is better that we all agree in the amendment of Dr Walker and support it.

Surgeon Lieut.Col.Walker:-- I only wish to say that it is not a waste of time to consider my amendment, for if the amendment is carried it carries the resolution with it - that the

Commissioners are willing to recommend Mr Ramasawmy chettyar but that in deference to the opinion of Government conveyed in that G.O. they will wait to give effect to that recommendation until they are asked for by Government to do so. I do not see how that is a waste of time.

The amendment was put to the vote and lost, 6 voting for and 9 against it.

The President:-- Now you come to the original resolution.

Surgeon Lieut.Col.Walker:-- I simply propose "the original resolution be not carried."

The President:-- You cannot do that, you can vote against it if you like.

Rai Bahadur C.Kalianasundaram chetty:-- What is the doubt that must have given room for all this - that the Government will not appoint Mr Ramasawmy chettyar. ?

Mr Pragasa Mudaliar:-- That is an other question.

Rai Bahadur C.Kalianasundaram chetty:-- Suppose the President's post becomes permanently vacant, will you recommend a man ?

Mr W.S.Venkatramanjulu Naidu:-- That is an other question too.

Rai Bahadur C.Kalianasundaram chetty:-- I say the appointment of a permanent person or an Acting incumbent rests with Government. Why should we waste time in submitting a resolution when no resolution on the subject is necessary. ?

The original proposition was then put and carried.

Surgeon Lieut.Colwalker supported by Dr Varadapah Naidu demanded a poll which was taken with the following result:-

For:-

1 Mr W.S.Venkataramanjulu Naidu,
2 The Hon'ble Mr M.Mahomed Sheriff Khan Bahadur,
3 Mr M.Ramakistna Pantulu,
4 Rai Bahadur A.Danakoti Mudaliar,
5 Mr R.Balakistnama Chetty,
6 Mr R.N.Pragasa Mudaliar,
7 Mr G.Subroyalu chetty,
8 Mr Hajee Mahomed Abdul Hadi Badsha Saib,
9 Mr P.Theagaroya chetty,
10 Mr M.varadarajulu chetty and
11 Mr C.yethirajulu Naidu.

Against:-

1 Rai Bahadur C.Kalianasundaram chetty,
2 Mr M.O.Parthasarathy Iyengar,
3 Mr V.C.Desika Chariar,
4 Mr P.V.Kristnasawmy chetty,
5 Rao Bahadur V.Krishnamachariar,
6 Surgeon Lieut.Col.Walker,
7 Mr H.Ormerod, and
8 Dr Varadapah Naidu.

The Meeting then terminated.

Problem Book 1

Gen. Deptt.
18

1896. 1709 M.

Madras Municipality.

From

The President,

Municipal Commission,

MADRAS.

To

The Chief Secretary
to Government
Fort St. George

G. No. 145

Dated. 16
Despd. } June 1896.
Recd. 16

Enc./.

SUBJECT.

Forwarding for the information of Government the report of the proceedings of a Special Meeting of the Commissioners held on 15th June 96.

1896

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., dated 189 , No.

Current No. 1709 M. of 1896, dated 16th June '96 from the President, M.C. Madras

Current No. of 189 , dated from the

FOR ORDERS.

Should simply "lodge" this or should it be "record" it without remark

BS
28/6/96

I think it need be recorded without remark.

JS
28/6/96

A.H
1.7.96

The appointment of Mr. Ellis to act for Colonel Moore has been published in the Fort St. George Gazette of the 16th instant.

2. It is to be regretted that, in spite of the remarks of Government in para 2 of G.O. No. 823 M. Misc, dated 13th May 1896, a majority of the Commissioners who met on the 15th June should have resolved to send up this recommendation to Government, which is entirely beyond their function. It is submitted that the letter may be recorded with a remark to this effect.

V.R
17/6/96

WWD
20.6.96

This might perhaps be recorded without remark.

There has been a good deal of check of the G.O. on the facts enumerated that the making of unmarked recommendations is beyond the

functions of the Commrs and that allowing them to make them will cause a big part of the loss of time claiming & recommend -ing nominate another person to appointments which now are entirely in the hands of God. They are people to whom of no such a power they will take any oil.

LO
26/6/96.

A.N.

Order. No. 1104 Immig 3.7.96

Recorded
(Immig)

Ltr
1.7.96

FOR ORDERS.

When given for copying ____
When copied ____
When examined ____
When signed ____
} 189

L. & 2,000-3-

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

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.								

N.B.—
A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.