Local & Municipal Dept.

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To the Prest. M. C., Madras. Issue with [illegible]

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Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 243 M

DATED 10th February 1896

[Despatch Abstract.]

Petition.

Informing the Manager of the Madura Mail that Government cannot accord sanction to prosecute some of the members of the Madura Municipal Council.

BACK PAPERS.

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

FURTHER PAPERS.

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

Confidential

No. 4

Municipal Office
Madura 17th January 1896

From

R. Fischer Esquire,
Chairman, Municipal Council,
Madura.

To

The Chief Secretary to Government,
Fort St. George,
Madras.

Through
The Collector of
Madura.

Sir,

Advertising to your endorsement No. 1831, dated 3rd December 1895, on the petition of M. V. Subramania Iyer, — Manager, Madura Mail Office, I have the honor to report that, I withdrew the written permission granted to the said Manager by one of my predecessors to attend the meetings of the Council, at the request of some of the Councillors. On the motion of the Manager, Madura Mail,

Mail, the subject came up before the Council with the result that my order was upheld in Resolution no. 62 dated 12th February 1895. The Editor of the paper then moved the Government to cancel the resolution in question; a report was called for and submitted and thereupon the Government declined to interfere in the matter as will be seen from G.O. no. 655 M. mis. dated 10th April 1895.

2. While the question was pending before it, M.R.Ry Sriraman Chettiar Avergal, one of the Councillors, brought forward a proposition to reconsider the aforesaid resolution; but as the final order of Government was subsequently received on the subject, I thought it inexpedient to lay the matter again before the Council. Some months thereafter, a requisition by 14 Councillors containing a similar request was sent to me and

this

this also, I refused to comply with for the reasons recorded in my proceedings of the 22nd October last (Copy enclosed) and for the chief reason which I shall presently advert to.

3. There is no doubt that incorrect reports and statements of facts relating to the proceedings of the Council found their way into the "Mail" and the petitioner without rendering an apology or at least expressing regret for what had occurred, strenuously endeavoured to have the resolution set aside, in orde to pave the way for the failing of a suit for damages against the Council. This contingency I had reason to apprehend and wished to avoid as far as possible, seeing that the Municipal Exchequer would eventually be made to bear the burden of any damages that may possibly be awarded to the petitioner in a suit of the kind, by reason of

the

the action of some of the Councillors who, unable to foresee the consequences involved therein, pressed for the cancellation of the resolution in question.

4. If the petitioner really felt aggrieved, he would have had immediate recourse to a Civil Court for obtaining redress, but not daring to do this, he bided his own time and when a favorable opportunity offered itself consequent on the disagreement among the members of the Council on various questions, he availed himself of the same by prevailing upon a few of them to espouse his cause and through their medium others also. Having ultimately found that all his efforts failed of the intended purpose, he has chosen to appear before Government again, in view to obtain their sanctions for a criminal prosecution in order to

bring

bring pressure to bear on the Council to cancel the said resolution.

5. Of the signatories to the requisition referred to in para 2 supra, Messrs. Reeves and Baudry attended the meetings of the Council very rarely and took no interest whatever in Municipal affairs, whilst Mr. MacMicheal had not attended even a single meeting since the date of his appointment in September 1895 when he signed the above requisition; nor was he in the Station when the reports &c. in question appeared in the Mail. I do not mean to insinuate anything against these gentlemen but to show that having had no opportunity of judging for themselves as to what transpired in the Council and as to what was reported by the petitioner in the "Mail", they had necessarily to trust to others for

their

their information. The same remark applies also to the Councillors M.R.Rys Venkataramier Avergal, Obla Munisawmi Iyer Avergal, V. S. Krishnasawmi Iyer Avergal and C. K. Veerasawmi Nayadu Garu who have been very irregular in their attendance and who have equally signed the requisition.

It was never intended to exclude from the meetings of the Council any other representative of the Mail, as the prohibition complained of was a personal one. As a matter of fact, some other representative was allowed to attend, but he has now ceased to do so, of his own accord.

Whatever may be the merits or demerits of the resolution itself, I believe that none of the Councillors who took part in it were actuated by any vindictive motives whatever and that they acted in perfect good faith, prompted by a desire to save the reputation of the Council and are therefore in my opinion entitled to the protection vouchsafed to all public bodies from frivolous and vexatious prosecutions.

Apart from this view, it appears to me that their action would fall under exceptions 1, 3 and 9 to Section 499 Indian Penal Code subject to certain limitations.

The petition under reference is herewith returned.

I have the honor to be
Sir,
Your most obedient Servant,

Chairman

Copied by A.L.

Proceedings of the Chairman Municipal Council, Madura, dated 22nd October 1895.

Read requisition signed by M.R.Ry Ananthakrishna Nayadu Garu and 13 other Councillors proposing the reconsideration of the resolution no: 62 dated 12th February 1895 and intimating their desire to bring the subject before the Special meeting to be convened on the 29th instant.

Read also G.O no: 655 M. Mis dated 10th April 1895 and other papers connected therewith.

The subject matter of the aforesaid resolution went before the Government and it has decided that the action of the Municipal Council was "not illegal".

2. There is no doubt that incorrect versions of the Municipal proceedings appeared in some issues of

of the Madura Mail and it seems inexpedient for obvious reasons to reopen the question which has once been finally disposed of by Government. The public are, as a matter of fact, being allowed free access to the meetings of the Council and all its proceedings are being openly conducted.

3. For these and other reasons the undersigned declines to lay the subject again before the Council as requested.

(Signed) R. Fischer
Chairman

(True copy)

S. Thangaj Naidu

Municipal Office
Madura 17th January/96.

Chairman
Delegate

Copied by

of the Madura Mail and it seems inexpedient for obvious reasons to reopen the question which has once been finally disposed of by Government. The public are, as a matter of fact, being allowed free access to the meetings of the Council and all its proceedings are being openly conducted.

3. For these and other reasons the undersigned declines to lay the subject again before the Council as requested.

(Signed) R. Fischer
Chairman

(True copy)

Municipal Office
Madura 17th January/96.

Chairman
Delegate

Copied by

ENCLOSURE NO. 1

In a letter

FROM,

THE CHAIRMAN,

MUNICIPAL COUNCIL,

MADURA.

No.

Dated 17th January 1896.

No. 4

Copy of proceedings of the Chairman, Municipal Council, Madura, dated 22nd October 1895

Local & Municipal Dept.
CURRENT No. 3566 M

TO

THE CHIEF SECRETARY TO GOVERNMENT,
JUDICIAL DEPARTMENT,
MADRAS.

The humble petition of M. V. Subramania Iyer, Manager, Madura Mail Office, Madura, presented under Section 197 of the Code of Criminal Procedure,

MOST RESPECTFULLY SHEWETH :—

1. That, in his letter No. 42 of the 19th January 1895, the Chairman of the Madura Municipality informed petitioner that the permission, if any, given to him by previous Chairmen to attend the meetings of the Council was withdrawn and cancelled at the request of some of the Councillors.

2. That, in his letter No. 35 of the 23rd January 1895, petitioner invited the Chairman's attention to G. O., No. 591 M. Local and Municipal, dated 8th May 1894, ruling that the meetings of Municipal Councils and Local Boards being public bodies should be open to the public, and claimed his right as a member of the public to attend every meeting of the Council not held with closed doors in the public interest for some special reason.

3. That, in his letter No. 167 of the 13th February 1895, the Chairman communicated to petitioner a copy of the resolution of the Council No. 62 of the 12th February 1895, confirming his previous order withdrawing the permission given to petitioner for attending the meetings and asked him not to attend them in future.

4. That the reason assigned in the above resolution for such prohibition was that the G. O. quoted by petitioner "does not, as stated by six Councillors in their letter to the Chairman, dated 18th January 1895, apply to the case of *a person who wilfully and intentionally publishes incorrect reports and garbled statements of the Council's proceedings with the view of producing a wrong impression on the mind of the public.*"

5. That, in that letter, the six Councillors stated that "they were obliged to take the step *by the false and incorrect statements wantonly and mischievously published* in the recent issues of the paper about the deliberations and resolutions of the Council regarding the Park Establishment."

6. That the six Councillors were,

1 M. R. Ry. P. R. Venkatesalu Naidu Garu,
2 „ G. Subbarayalu Naidu Garu,

3 „ T. Jambu Chettiar Avergal,
4 „ R. Muthusami Pillai Avergal,
5 „ Syyed Gulam Ali Sahib Avergal,
6 „ Selvaraj Naidu Garu,

7. That these Councillors, with the exception of No. 5, were the very Councillors that, with another, M. R. Ry. Allu Seetharamier Avergal, formed the majority at the Council's meeting of the 12th February 1895 and passed the resolution No. 62 referred to above.

8. That the said meeting of the 12th February 1895 was attended by 12 members and the dissentients were,

1 R. Fischer Esquire,
2 A. S. Preston Esquire,
3 M. R. Ry. M. Alagirisami Naidu Garu,
4 „ M. Ananthakrishna Naidu Garu,
5 „ M. Subba Naidu Garu,

and M. R. Ry. Syyed Mahomud Ibrahim Sahib did not vote.

9. That the words printed in italics in paras 4 and 5 supra fall clearly within the definition of defamation under Section 499 of the Indian Penal Code, the imputations conveyed by them being of a libellous character and liable to harm the reputation of petitioner, besides affecting his professional honesty and operating as a bar to his future prospects; and petitioner is therefore constrained to vindicate his character and establish his innocence.

10. That how baseless and false the imputations are would appear to have been proved to demonstration by the statement of so many as fourteen Councillors, *viz.*,

1 M. R. Ry. M. Ananthakrishna Naidu Garu,
2 „ V. C. Sriraman Chettiar Avergal,
3 „ M. Subba Naidu Garu,
4 „ R. Venkataramier Avergal,
5 „ T. Jambu Chettiar Avergal,
6 „ Obla Munisami Iyer Avergal,
7 „ T. Ramachandra Iyer Avergal,
8 „ V. S. Krishnasamy Iyer Avergal,
9 „ M. Alagirisami Naidu Garu,
10 „ Syyed Mahomud Ibrahim Sahib Avergal,
11 „ C. K. Veerasami Naidu Garu,
12 G. E. Baudry Esquire,
13 N. Macmichael Esquire,
14 Surgeon Major F. C. Reeves,

contained in their letter to the Chairman, dated 5th October 1895, proposing, under Section 29, Clause 2, of the Municipal Act, the cancelment of the Council's resolution No. 62 of

the 12th February 1895, and among these M. R. Ry. T. Jambu Chettiar Avergal needs special mention as he is one of those that signed the letter of the 18th January 1895 and passed the resolution in question.

11. That, in his letters Nos. 37, 38 and 43, dated 20—2—95, 2—3—95 and 20—3—95 respectively, petitioner applied to the Chairman for particulars of "the incorrect reports and garbled statements" alleged to have been published by him but the Chairman has not complied with his request; nor have the Councillors specified them either in their letter of the 18th January 1895 or in their subsequent proceedings of the 12th February 1895 and thus petitioner has been given no opportunity of explaining himself with reference to the serious allegations made against him.

12. That it will not be out of place to state here that the prime mover in the whole proceedings and the first signatory to the letter of the 18th January 1895 and the proposer of the resolution No. 62 of the 12th February 1895 is M. R. Ry. P. R. Venkatesalu Naidu Garu, who owes a grudge against petitioner and the *Madura Mail* in which office the said Councillor was for a time employed before petitioner and who as the clerk or agent of the Chairman exercises abundant influence over him which, as already brought to the notice of Government by some members of the Council themselves, and for reasons stated in the petitions to Government and the Collector of the Editor of the *Madura Mail* dated 28th February 1895 and for some other reasons which petitioner thinks it unnecessary to detail here, has enabled him to form, for the carrying out of his proposals, a party who, petitioner submits, are Ward Councillors delegated with some powers and more or less under obligations to him on that ground.

13. That petitioner begs respectfully to represent that this clique of Councillors make it a point to attend almost all meetings and especially those in which they are individually or collectively interested for good or evil, while the rest consisting of gentlemen of business find time to attend only some meetings and thus reduce themselves to a minority leaving the voice of the majority to prevail.

14. That in this connection petitioner begs leave to point out that among the gentlemen who have requested the Chairman in their letter of the 5th October 1895 to cancel the resolution passed against petitioner are to be found

G. E. Baudry Esquire, District Superintendent of Police,
Surgeon Major F. C. Reeves, District Medical and Sanitary Officer,
N. Macmichael Esquire, Assistant Collector and
M. R. Ry. M. Alaghirisami Naidu Garu, District Board Member and President of; the Union Club,

to whom reference may, if deemed necessary, be made.

15. That petitioner prays that under these circumstances the Government will be

graciously pleased to accord to petitioner sanction under Section 197 of the Code of Criminal Procedure for the prosecution of

1 M. R. Ry. P. R. Venkatesalu Naidu Garu,
2 ,, G. Subbarayalu Naidu Garu,
3 ,, T. Jambu Chettiar Avergal,
4 ,, R. Muthusami Pillai Avergal,
5 ,, Syyed Gulam Ali Sahib Avergal,
6 ,, Selvaraj Naidu Garu,
7 ,, Allu Seetharamier Avergal,

against whom he is advised to prefer a criminal complaint under Section 500 of the Indian Penal Code.

16. That the delay on the part of petitioner in applying for sanction to institute legal proceedings against the above six Councillors that have defamed him is due to the fact of there having been a probability of the resolution being reconsidered and cancelled at the instance of a Councillor who brought forward a proposal for the purpose singly and also at the instance of fourteen Councillors who, as stated in para 10 supra, sent another proposal later on to the Chairman under Section 29, Clause 2, of the Municipal Act; but the Chairman has declined to lay it before a meeting of the Council in direct contravention of the clear provisions of that Section which does not give power to him to exercise his discretion in the matter.

17. That, solicitous as petitioner is for the fair name and smooth working of Municipal institutions which are among the greatest blessings vouchsafed to the nation by the benign British Government, he finds he has no other alternative than that of appealing to that Government for protection from deliberate attacks made by interested persons under cover of their position as Municipal Councillors with the object of tarnishing his honor, reputation and character and petitioner trusts that the Government will protect as much the rights and privileges of individuals as of corporate bodies.

Copies of the several papers adverted to in the preceding paragraphs are submitted herewith for reference.

Petitioner shall, as in duty bound, ever pray.

Madura Mail Office,
13th November, 1895.

M. V. Subramania Iyer
Manager, Madura Mail.

Victoria Press, Madura—15—1895.

ENCLOSURE.

I.

MUNICIPAL OFFICE, MDDURA.
19th January 1895.

From
The Chairman, Municipal Council, Madura.

To
The Manager, Madura Mail, Madura.

DESPATCHED 19TH JANUARY 1895.

No. 42.

The Manager is informed that the permission, if any, given to him by previous Chairmen to attend the meetings of the Council, is hereby withdrawn and cancelled at the request of some of the Councillors.

R. FISCHER,
Chairman.

II.

To
The Chairman, Municipal Council, Madura.

No. 35.

Sir,

With reference to your letter. No. 42, dated 19—1—95, I have the honor to draw your attention to G. O. No. 591 M, Local and Municipal, passed by the Government on a reference made by the Chairman of the Bezwada Municipality, as to admitting Press representatives to meetings of Municipal Councils.

In that G. O. "the Government considers that, as municipal councils and local boards are public bodies, their meetings should be open to the public, provided that the presiding member should be invested with a discretionary power of excluding the public on occasions when it is in his opinion for the public interest that the meeting should be held with closed doors".

So, as a member of the public, I shall claim the right to attend every meeting of the Madura Municipal Council which is not held with closed doors in the public interest for some special reason.

Madura Mail Office,
23—1—95.

I have the honor to be,
Sir,
Your most obedient servant,
M. V. SUBRAMANIA IYER,
Manager.

III.

Municipal Office, Madura.
13th February 1895.

From
The Chairman, Municipal Council, Madura.
To
The Manager, Madura Mail, Madura.

Despatched 13th February 1895.
No. 167.
(Enclosure 1).

Sir,

With reference to your letter, dated the 23rd Ultimo, I have the honor to enclose herein for your information copy of resolution of the Municipal Council affirming my previous order withdrawing the permission given to you to attend the meetings of the Council and to request that you will be good enough not to attend the meetings in future.

I have the honor to be,
Sir,
Your most obedient servant,
R. FISCHER,
Chairman.

Extract from the Proceedings of the Madura Municipal Council passed at its meeting held on the 12th February 1895.

* * * * *

62.—Read letter from the Manager, *Madura Mail*, Madura, drawing attention to G. O., No. 591 M, dated 8th May 1894, regarding publicity of municipal meetings and claiming his right as a member of the public to attend the meetings of the Council.

Proposed by Mr. Vencatesalu Naidu and seconded by Mr. Subbarayalu Naidu that the order of the Chairman, dated 19th January 1895, withdrawing the permission given by his predecessor to the Manager of the *Madura Mail* to attend the meetings of the Council, be affirmed for the reasons stated in their letter of the 18th idem, as the G. O. quoted by the Manager does not, in their opinion, apply to the case of a person who wilfully and intentionally publishes incorrect reports and garbled statements of the Council's proceedings with the view of producing a wrong impression on the mind of the public.

Carried by a majority of 6 against 5, one not voting.

Those dissenting were the following :—Messrs Preston, Ananthakrishna Naidu, Alagirisami Naidu, Subba Naidu and the Chairman.

* * * * *

(True Extract),

R. FISCHER,
Chairman.

Madura Mail office,
13th November 1895

(True Copy)
M. V. Subramania Iyer
Manager, Madura Mail

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3576 M of 95

Victoria Press, Madura—25—1895.

IV.

No. 37.

The Madura Mail Office, Madura.
20th February 1895.

To
The Chairman, Municipal Council, Madura.

Sir,

With reference to your letter, No. 167, dated the 13th February 1895, I have the honor to request you to furnish me with a copy of the letter to you of Messrs. Venkatesalu Naidu and Subbarayalu Naidu, dated the 18th January 1895, and reffered to in the resolution No. 62 of the Municipal Council copy of which you have been good enough to send to me.

I have the honor also to request you to send me a list of all the "incorrect reports and garbled statements", which have been published in the *Madura Mail* and which have formed the basis of the Councillors' remarks in the resolution in question as well as in their letter to you on the subject.

I have the honor to be,
Sir,
Your most obedient servant,
M. V. SUBRAMANIA IYER,
Manager.

V.

Municipal Office, Madura.
26th February 1895.

From
The Chairman, Municipal Council, Madura.
To
The Manager, Madura Mail, Madura.

Despatched 27th February 1895.
No. 229.
(Enclosure 1.)

Sir,

With reference to your letter, No. 37, dated the 20th Instant, I have the honor to enclose herein copy of the letter of Messrs. Venkatesalu Naidu and Subbarayalu Naidu and 4 others, dated 18th January 1895, as requested by you.

2. I am surprised to see that you should ask me to furnish you with a list of the incorrect reports and garbled statements when you must be in possession of particulars concerning them, having been present at the meetings of the Council, when some of the Members referred to them at some length.

I have the honor to be,
Sir,
Your most obedient servant,
R. FISCHER,
Chairman.

MADURA.
18th January 1895.

To

The Chairman, Municipal Council, Madura.

Sir,

We have the honor to invite your attention to the fact that the Manager of the *Madura Mail* has been allowed into the meeting-hall for the purpose of reporting the Proceedings of the meeting, apparently without the sanction of the Council. We are of opinion that the permission alleged to have been granted by your predecessor, Mr. M. Tillainayagam Pillai, is not valid not having been ratified by a resolution of the Council. We now propose therefore that the said permission be withdrawn. We are obliged to take this step by the false and incorrect statements wantonly and mischievously published in the recent issues of the paper about the deliberations and resolutions of the Council regarding the park establishment. We may also add that the reporter has not been regularly attending the meetings except those at which such matters, in which the *Madura Mail* party is interested, are posted for consideration. Should however you do not choose to comply with our request, we beg that you will be pleased to lay this before the next meeting.

We have the honor to be,
Sir,
Your most obedient servants
(Sd). P. R. Venkatesalu Naid
„ G. Subbarayalu Naidu.
„ T. Jambu Chettiar.
„ R. Muthusami Pillai.
„ சைய்யது குலாமலி சாயபு.
„ Selvaraj Naidu.

(True copy).
R. FISCHER,
Chairman.

VI.

THE MADURA MAIL OFFICE, MADURA.
2nd March 1895.

No. 38.

To

The Chairman, Municipal Council, Madura.

Sir,

I have the honor to acknowledge your letter, No. 229, dated the 26th February 1895, and request to be informed with reference to para 2 of the same whether "the incorrect reports and garbled statements" complained of by the Council were only those contained in the speeches of the Councillors who spoke on the resolution No. 62 at the Council's meeting of the 12th February 1895, which, so far as I was able to gather, were as follow :—

1. The *Mail's* editorial note of the 2nd February 1895 on "Municipal Affairs" states that the "proposition to enclose the Anthikadai Pottal and put up a fountain and a few crotons there was *withdrawn*." The correct version was at the meeting stated to be that the proposition was *adjourned*.
2. The *Mail's* report of the 9th February 1895 regarding the Madura Municipality states in respect of the resolution to choose a site in the park for the S. P. C. A. Infirmary that "the name of Mr. R. Muthusami Pillai *who had offered himself* was added to the Committee for the place vacated by Mr. Syed Mahomud Ibrahim Sahib." It was stated at the meeting *that he had not offered himself*.
3. The *Mail's* report of the 9th February 1895 regarding the Madura Municipality states in respect of the resolution to sanction Rs. 2,000 to the S. P. C. A. Infirmary that "the proposal to contribute Rs. 2,000 was carried." It was stated at the meeting that the Municipal records add *nem con* at the end of the sentence.

I request you will be good enough to let me know whether these are all "the incorrect reports and garbled statements" or there are any more. In the latter case, I request you to furnish me with a full and authoritative list of all "the incorrect reports and garbled statements" with particulars as to the accurate version.

I have the honor to be,
Sir,
Your most obedient servant,
M. V. SUBRAMANIA IYER,
Manager.

VII.

THE MADURA MAIL OFFICE, MADURA.
20th March 1895.

No. 43.

To

The Chairman, Municipal Council, Madura.

SIR,

I have the honor to remind you of this office letter, No. 38, dated 2—3—95, and request you will be good enough to reply to the same by return of post.

I have the honor to be,
Sir,
Your most obedient servant,
M. V. SUBRAMANIA IYER,
Manager.

(True Copy)
Madura Mail office,
13th November 1895 }
M. V. Subramania Iyer
Manager, Madura Mail

Victoria Press, Madura—12—1895.

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MEMO.

Names of Councillors present at the meeting of the Madura Municipal Council held on the 12th February 1895 when the Resolution No. 62 was passed.

1 R. Fischer Esquire, Chairman.
2 A. S. Preston Esquire, Councillor.
3 M. R. Ry. M. Alagirisami Naidu Garu, Councillor.
4 „ M. Ananthakrishna Naidu Garu, „
5 „ M. Subba Naidu Garu, „
6 „ P. R. Venkatesalu Naidu Garu, „
7 „ G. Subbarayalu Naidu Garu, „
8 „ T. Jambu Chettiar Avergal, „
9 „ R. Muthusami Pillai Avergal, „
10 „ Selvaraj Naidu Garu, „
11 „ Allu Seetharamier Avergal, „
12 „ Syyed Mahomud Ibrahim Sahib Avergal, Councillor.

Names of Councillors who voted for the proposal.

1 M. R. Ry. P. R. Venkatesalu Naidu Garu.
2 „ G. Subbarayalu Naidu Garu.
3 „ T. Jambu Chettiar Avergal.
4 „ R. Muthusami Pillai Avergal.
5 „ Selvaraj Naidu Garu.
6 „ Allu Seetharamier Avergal.

Names of Councillors who voted against the proposal.

1 R. Fischer Esquire.
2 A. S. Preston Esquire.
3 M. R. Ry. M. Alagirisami Naidu Garu.
4 „ M. Ananthakrishna Naidu Garu.
5 „ M. Subba Naidu Garu.

Name of Councillor who did not vote.

1 M. R. Ry. Syyed Mahomud Ibrahim Sahib Avergal.

The proposal was therefore carried by a majority of 6 against 5.

Madura Mail office,}
13th November 1895}

R. V. Subramania Iyer
Manager, Madura Mail.

Victoria Press, Madura—15—1895.

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The following is taken from a letter, dated [illegible] October 1895, addressed by Mr. V. C. Sriraman Chettiar, a Municipal Councillor of Madura, to the Chief Secretary to Government, Madras :—

The facts connected with the exclusion of the reporter to the "Madura Mail" (a local weekly English newspaper) from the meetings of the Council will sufficiently appear for purposes of this correspondence from a perusal of G. O., No. 655 M. Mis., dated the 10th April 1895, and of the several papers embodied therein. Shortly after the resolution of the 12th February 1895, No. 62, was passed by the Council and apparently before the subject was disposed of by the Government, I brought forward a proposal for reconsidering and cancelling the resolution in question on the broad principle underlying the Local Self Government Scheme that the proceedings of local bodies should be conducted openly in order to ensure the esteem and confidence of the public at large and also on the ground that, if any member of the public abused this privilege and made false reports of the proceedings, the remedy clearly lay otherwise as in such a case legal proceedings might be taken against him. The proposal was included in the list of subjects posted for consideration at the meeting fixed for the 28th March 1895 and at some other meetings but was adjourned for want of the requisite quorum prescribed in Section 30 (5) of the Act. As soon however as the order of Government which does not set the question at rest was received, the said proposal was, of course, of the Chairman's own free-will and without any consultation with me eliminated from the Agenda lists of the meetings held subsequently. On the 3rd May 1895, I addressed a letter to the Chairman expressing my surprise at the elimination of my proposal for the first time from the Agenda list of the meeting of that date and clearly pointing out that, even though the Government had not expressly declared that the resolution was illegal, they had not approved of it either, as the action of the Council had been held to be against their opinion recorded in G. O., No. 591 M., dated 8th May 1894. I concluded the above letter with a request to have the subject posted for the next meeting at least and let me know if he had any objections to do so. It will surprise the Government to be informed that my letter remains up to date unanswered and the subject has not been laid at the meetings till now. I am not unaware that under Section 29 (2) of the Act the Chairman is bound to convene a meeting for any particular purpose at the requisition of one-third of the total strength of the Council. But what I want to press to the notice of Government is that in such trivial matters it will not be convenient to get up a requisition of the sort and that common courtesy would suggest better treatment at the Chairman's hands of the communications sent to him by individual Councillors. It is requested in these circumstances that the Chairman be called upon to re-include the proposal in the Agenda lists of the future meetings.

Madura Mail office }
13th November 1895 } (True Copy)

R. V. Subramania Iyer
Manager, Madura Mail

Victoria Press, Madura—12—1895.

4/3566 ma 95

To

The Chairman, Municipal Council, Madura.

Sir,

We have the honor to propose that the resolution of the Municipal Council, No. 62, dated the 12th February 1895, forbidding the representative of the "Madura Mail" from attending the meetings of the Council be re-considered and cancelled not only because the proceedings of such local bodies should in all fairness be conducted openly to secure the confidence of the rate-payers (inasmuch as if meetings be held within closed doors the proceedings are liable to be misjudged) but also because there is a distinct course open to the Council to take legal proceedings against any person that may be found guilty of making false reports of the proceedings. It may be mentioned here that, when the subject was lately taken to the notice of Government, they have clearly stated that the exclusion of the representative of the Mail from the meetings is against the spirit of a previous order of theirs. Further, as far as we are aware, we have not come across any "incorrect reports and garbled statements of the proceedings wilfully and intentionally made with the view of producing a false impression on the mind of the public." We request the Chairman will be so good as to place this our proposal before the meeting of the Council, under Section 29 (2) of the Municipal Act, to be fixed for the 29th Instant.

(Sd.) M. Ananthakrishna Naidu.
,, V. C. Sriraman Chetty.
,, M. Subba Naidu.
,, R. Venkataramier.
,, T. Jambu Chetty.
,, Obla Munisami Iyer.
,, T. Ramachandra Iyer.
,, V. S. Krishnasamy Iyer.
,, M. Alaghirisami Naidu.
,, Syyed Mahomud Ibrahim Sahib.
,, C. K. Veerasami Naidu.
,, G. E. Baudry.
,, N. Macmichael.
,, F. C. Reeves.

5th October 1895.

Madura Mail office,
13th November 1895 } (True Copy)

S. V. Subramania Iyer,
Manager, Madura Mail

Victoria Press, Madura—12—1895.

5/3566 M of 95

[illegible] 658 M / 10-4-95

To

THE CHIEF SECRETARY TO GOVERNMENT,

Fort Saint George.

Sir,

In submitting the enclosed correspondence, for the consideration of Government, I beg to request that the Government you will be pleased to cancel under Section 35 of the District Municipalities Act the order of the Chairman, Municipal Council, Madura, dated the 19th January 1895, No. 42, and the resolution of the Council, dated the 12th February 1895, No. 62, forbidding the Manager of the *Madura Mail* from attending the meetings of the Council.

2. Since the elections in July last and more especially since the resolution of the Council abolishing the Park Establishment, the *Madura Mail* has, in the exercise of its public duty, had to criticise strongly on various occasions the policy and resolutions of the Madura Municipal Council and some of its Members.

3. This has induced several Councillors to at first influence the Chairman and afterwards pass a resolution to forbid our Manager from attending the meetings of the Council, though they have tried to mask the truth by bringing a false and libellous accusation against our Manager.

4. The resolution is clearly illegal and directly sets at naught the order of Government, dated the 8th May 1894, No. 591 M., which runs as follows :—

> The Government considers that, as municipal councils and local boards are public bodies, their meetings should be open to the public, provided that the presiding member should be invested with a discretionary power of excluding the public on occasions when it is, in his opinion, for the public interest that the meeting should be held with closed doors.

5. The position of the Government that Municipal Councils are public bodies and that their action should have the fullest publicity is borne out by the District Municipalities Act itself. The Act provides, among other things, that the resolutions of the Council and the annual report should be published in the Gazette (Ss. 31 and 252) ; that draft of all proposed bye-laws should be published before they are passed and the public given an opportunity of making objections or suggesting alterations and amendments ; that the minute books, lists of tax-payers and assessment books should be open to the inspection of all tax-payers free of charge at all reasonable hours (Ss. 31, 52 and 70). If it is incumbent on the Council to make its proceedings known to the public and have its books open to their inspection, it *a fortiori* follows that the public has the right to know the proceedings of the Council by attending its meetings.

6. At any rate there is the Government order, and it is not open to the Councillors to set it aside. The Government has clearly power under the Act to frame rules " for the guid-

ance of the Municipal Council," "in all matters connected with the carrying out of this Act." (Section 250 (1) m). And such rules have the force of law, under Section 250, Clause (3).

7. Only one exception is recognised by the G. O. to the right of the public to attend the meetings of Municipal Councils; and this is when the *presiding member* thinks in his discretion that public interest will suffer by discussing a subject openly. The discretion to exclude the public is thus wisely confined to the discussion of a particular subject or subjects, and is not extended to all subjects so as to nullify the general right of the public enunciated in the general rule. The discretion is in consequence rightly vested in the presiding member for the time being. The action at first of the Chairman and afterwards of the Councillors in arrogating to themselves a power which is conferred only on the presiding member for the time being and extending the power so as to disable the *Madura Mail's* representative from attending all meetings of the Council is clearly opposed to the G. O., both in its letter and spirit.

8. The Chairman has formally recorded his dissent to the resolution of the Council. It is not clear why he at first surrendered his judgment to the dictates of a few Councillors and then placed our Manager's reply before the Council which had no power to consider the subject.

9. Further, though the Act gives power to the Government and to the Council to frame general rules, it does not give any power to the Chairman or the Council to pass orders or resolutions affecting individuals without reference to general rules. This is the only principle on which public bodies can safely and ought to act. The G. O. quoted above recognises this principle even in the exception and gives the presiding officer discretion to hold meetings within closed doors in certain cases, so as to exclude *the public*. It does not give him or the Council power to exclude *an individual*—which is what the Madura Municipal Council has done in the present case.

10. The reason given by the Council for the exclusion, as already stated, is a false reason intended to cover an act done, I believe, with ulterior motives. But, assuming it to be true, it is obvious that there are proper and legal modes available to the Councillors of setting themselves right. The necessity for the public or a representative of the press attending the meetings of the Council is to watch its proceedings. Where there is a conflict between those that watch and those that are watched, it is dangerous to allow the latter to assume the role of judges and exclude the watchers from watching.

12. The necessity for the public watching the proceedings of the Madura Municipal Council, as it is at present constituted, has grown all the greater, because the provisions of the Act with regard to the sending of the resolutions of the Council in English and Vernacular to the Divisional Officer within three days for publication in the next issue of the Gazette are flagrantly violated,—so much so that we find the proceedings of all the meetings held from May to July last year published once for all in the District Gazette for September 1894 and the proceedings of the remaining months of the year are published all together in the District Gazette for January 1895. When the Council defeats the object

with which Section 31, Clause (2), has been enacted by publishing its resolutions months after they are passed and long after all interest in them has ceased, it is all the more necessary that a vigilant eye should be kept by the public on its proceedings.

13. In conclusion, I request that the letter of the Chairman, dated 19th January 1895, No. 42, and the resolution of the Madura Municipal Council, dated 12th February 1895, No. 62, may be cancelled by Government under S. 35 (1) of the District Municipalities Act 1884 on the grounds (1) that they are illegal and (2) that the execution of the order and resolution will lead to obstruction, injury and annoyance to a person lawfully employed.

I beg to remain,
Sir,
your most obedient Servant,

Madura,
28th February
1895.

(Signed) A. Rajaram,
Editor, Madura Mail.

(True Copy)

Madura Mail Office
13th November 1895.

S. V. Subramania Ayer
Manager, Madura Mail

Victoria Press, Madura—25—1895.

6
358 M of 95

To

THE COLLECTOR,

Madura.

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13. In conclusion, I request that the letter of the Chairman, dated 19th January 1895, No. 42, and the resolution of the Madura Municipal Council, dated 12th February 1895, No. 62, may be cancelled by you under S. 35 (1) of the District Municipalities Act 1884 on the grounds (1) that they are illegal and (2) that the execution of the order and resolution will lead to obstruction, injury and annoyance to a person lawfully employed.

I beg to remain,

Sir,

Your most obedient Servant,

Madura,
28th February
1895.

(Signed) A. Rajaram,
Editor, Madura Mail.

Madura Mail office,
13th November 1895

(True Copy)

M. V. Subramania Iyer
Manager, Madura Mail

Victoria Press, Madura—25—1895.

LTM
18/11

I beg to remain,

Sir,

Your most obedient Servant,

(signed) A. Rajaram,

Editor, Madras Mail

Madras,
28th February
1895.

CHIEF SECRETARY
16. NOV. 1895
GOVERNMENT OF MADRAS

(True copy)

Madras Mail Office
13th November 1895

[illegible]

Manager Madras Mail

7
3588 m of 95

9/10 Jur
18/11

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

Local & Municipal Dept.
CURRENT No. 35 bb M

From

M.V.Subramania Aiyar,
Manager,Madura Mail Office,
Madura.

No.

Dated 13-11-95

Received 18-11-95

Enclosures 7

SUBJECT

Praying that in the circumstances stated Govt.may be pleased to accord sanction for the prosecution of certain Councillors of the Madura Municipality.

(with an endt.)

1183 hh 24-7-95
856 hh 20-5-95
655 hh 10-4-95
591 h 8-5-95

R.F.
RECEIVED
24 DEC 95

C.S.

No. 1831

Referred to the Chairman municipal Council, Madura, for remarks, which should be submitted through the Collector.

(By order)

21/12/95

W. W. Phillips
Ag. Assistant Secreta

3/12/95

Fort St. George
23rd December 1895

To,
The Chairman, M.C., Madura

22/11

ENCLOSURE NO. 2.

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No.

Dated 17th January 1896.

No. 4

Petition of M. V. Subramania Iyer, Manager, Madura Mail with all its enclosures.

Current No. 277 of 1896.
Genl.
Date 20-1-96
1896.

Da.

LOCAL AND MUNICIPAL DEPARTMENT.

Local & Municipal Dept
CURRENT No. 269 M

FROM
THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No.

ENCLOSURES Two

Dated 17th January 1896.
Received

COLLECTOR'S OFFICE
20 JAN 96
MADURA

No. 4

SUBJECT.

Reporting on the petition of M. V. Subramania Iyer, Manager, Madura Mail, requesting sanction to prosecute some of the members of the Municipal Council.

CHIEF SECRETARY
24 JAN. 1896
GOVERNMENT OF MADRAS

E.C. No 277 Genl. of 96

Forwarded

2 It is unnecessary for me, I believe, to urge the inadvisability of granting petitioner's request for sanction to prosecute.

3 The Chairman's action in refusing to place before the Council the proposal to reconsider the Resolution of 12th Feby. 1895 appears to be of doubtful legality as well as injudicious.

J. Twigg
Collector

20.1.96
Madura

9/27/1/96

---

[5]
500—27-5-95.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.

Current No. 3566 M of 1895, dated 13th November from ~~the~~ M. V. Subramania Aiyar, Madura
Current No. 269 M of 1896, dated 17th January from the Chairman, M.C. Madura

Order. No. 243 Muni. of 10.2.96

The petitioner's request cannot be complied with.

~~[2. The Chairman's attention will be drawn to the Collector's remarks in para 3 of his endorsement.]~~

VR
30/1/96

WWD
31.1.96

S. R.

Hm.

In the linked file there is the draft of a reply to a petition against the Chairman's action in refusing to place before a meeting convened under s 29 (2) the proposals for the discussion of which it was requisitioned. Para. 2 of the above draft may be omitted as the subject is dealt with in the linked file: & is not quite relevant to the point raised in the present petition

JB
6/2/96

I see the Chairman ~~again~~ mentions Dr. Keane's irregular attendance — Did not some orders issue about this a short while ago.

The Asstt. Collr. also seems to be irregular in attendance. Draw the Collr's attention to this do. — It is important that young officers should get a knowledge of Muni. work

WS

Yes — especially as I don't think the order proposed in the linked file puts the matter quite in the right way

WS

Issue the office

To the petitioner (Para. 1 only)
" Chairman, M.C. Madura thro' the Collector

Desp. 12/2/96

Petition from the manager of the "Madura Mail"

3566 269 M

H.M / Misc.

Note ~~for~~ -

Please see G.O. No $\frac{753\ M}{3.5.95}$, in which the question of Surg. Maj. Reeves' irregular attendance at council meetings is dealt with. The chairman, Madura M.C., in the present [illegible] E. No. 3566 M refers to Surg Maj. Reeves' irregular attendance in rather a vague way, & it is not very clear whether he refers to his attendance before May '95 or since. i.e. whether or not ~~the~~ the G.O. $\frac{753\ M}{3.5.95}$ has been disregarded.

WWD
10.ii.96.

The draft ~~xxx~~ W.O. may issue with the addition about Reeves. There is no need to trouble the H.M. farther with this matter.

S.K. 10/2/6

Petition from Manager Ma. Mail

M.H.S

Note ~~[illegible]~~

Issue the D.O. as well as the G.O.

10.2.6

Desp. 12/2/96

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

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

BACK PAPER, No. of 189

FURTHER PAPER, No. of 189

cied by M.H.

mined by

Petition from Manager Madras Mail

[7]

INDEXED.

Miscellaneous.

Local and Municipal Dept.

G.O., dated 10-2-96
No. 243 M.

When given for copying.

[Despatch Abstract.]

Petition

Informing the manager of the Madras mail that Government cannot accord sanction to prosecute some of the members of the Madras municipal council

---

When given for copying
When copied
When examined
When signed
189

Read again G.O., No. dated
189 .

Current No.

Enclosures to C. No.

Order of Government .. .. .. A A A A A A A

Letter of Government.

Statement with ditto.

Letters not filed up, being meant for despatch in original.

N.B.—
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Petition from Manager Ma mail

[illegible]

Note for ~~[illegible]~~

Issue the 20. as well as the 200.

W.F. 10.2.6

Despd. 12/2/96

BACK PAPER, No. of 189

FURTHER PAPER, No. of 189

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

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT.

STATEMENT WITH DITTO.

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mined by

Petition from Manager Ma. Mail

[illegible]

Note ~~[illegible]~~

Issue the D.O. as well as the G.O.

[illegible] 10.2.6

Despd. 12/2/96

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

Enclosures.

Current No.

Statement with ditto.

Order of Government

Statement with ditto.

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

Back Paper, No. of 189

Further Paper, No. of 189

N.B.—

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

ied by

mined by

Petition from the manager of the "Madura mail"

~~3566~~ 269 M

H.M / Misc.

9/2/96

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