

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 278 M

DATED 17th February 1896

[Despatch Abstract.]

Placing of a proposal at a Meeting of the Council.

Suggesting
the procedure to be adopted by Municipal Councillors when intend-
ing to bring forward a certain proposal at a meeting of the Coun-
cil.

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Municipal Dept.
CURRENT No. 354874

FROM

V. C. SRIRAMAN CHETTIAR,

MUNICIPAL COUNCILLOR,

MADURA.

TO

THE CHIEF SECRETARY TO GOVERNMENT,

MADRAS.

SIR,—With due deference, I beg to submit that, on or about the 5th October 1895, fourteen Councillors of the Madura Municipality including myself sent to the Chairman a proposal (Enclosure I) under Section 29, Clause 2, of the Municipal Act, for re-considering and cancelling the resolution of the Council No. 62 of the 12th February 1895, regarding the exclusion of the *Madura Mail's* representative from the meetings of the Council and this requisition became necessary since the Chairman had eliminated from the agenda paper a similar proposal brought forward by me as stated in para. 3 of my letter to Government dated the 4th October 1895 (Enclosure II).

2. Quite surprised at the Chairman's omission to lay the proposal before the special meeting held on the 29th October 1895, when a proposal for the appointment of a paid Chairman sent to the Chairman a few days previous and under the same proviso was laid, Councillor Mr. Ananthakrishna Naidu and myself took the matter to the notice of the Collector (Vide letter, dated the 26th October 1895,—Enclosure III). The Collector has, however, informed us that "he sees no occasion to intervene" with a remark that "it is open to petitioners to raise the point at the meeting." (Vide Collector's endorsement—Disposal No. 3867, dated the 30th October 1895,—Enclosure IV). I respectfully beg to point out that the above endorsement has not solved the difficulty, the complaint itself being that the Chairman would not place before the meeting a proposal sent to him by 14 Councillors. When no meeting is held for the consideration of the proposal, I do not know how it is possible for any Councillor to raise the point, as suggested by the Collector. Further, according to the practice in vogue in this Municipality, no Councillor is allowed to speak at a meeting on a subject unless it has been already included in the agenda paper and duly circulated among the members.

3. Learning that the Chairman had passed proceedings declining to lay the proposal before the meeting, I applied for a copy of the said proceedings in my letter of the 28th October 1895 (Enclosure V), with a view to ascertain the grounds for the Chairman's decision in the matter. But the Chairman has, in his letter No. 1111 of the 31st October 1895, refused to comply with my request (Enclosure VI).

4. I beg to point out that the Section of the Act under which the requisition was made is imperative and gives no choice to the Chairman to keep it back for any reason; nor has he any power to dispose of it in the manner he has done, the utmost he could do, under the circumstances, being simply to give his opinion on the proposal at a meeting and vote on the question one way or the other. If this view be not correct, Section 30, Clause (5), of the Act would be meaningless and serve no purpose, though they have been apparently framed by the Legislature in view to enable Councillors to modify or cancel their decisions when better counsels may prevail. I may also mention that a reference to the proceedings of the Council passed during the past years will show that resolutions were modified and cancelled even in matters of a trivial nature.

5. I beg further to point out that the Chairman should have of his own accord furnished to the proposers or at least to any one of them a copy of his proceedings in order that they may know what has become of their proposal. The Chairman's proceedings is no more than an order or endorsement and, while ordinary parties are entitled to and are, as a matter of fact, allowed copies of the orders or endorsements passed on their petitions, to refuse a copy of the proceedings to the Councillors themselves and especially to those directly concerned seems at once unjust and improper.

6. I, therefore, request that Government will be pleased to pass an authoritative ruling on the point for the guidance of Municipal Councils in such cases and to direct the Chairman in the present instance to conform strictly to the provisions of the Act and treat communications addressed to him by Councillors with better consideration.

I have the honor to be,

Sir,

Your most obedient servant,

[Signature]
Councillor.

Merchant, Yanaikal Street, Madura.

Madura,

15th November 1895.

Enclosure I

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.

" Oble 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.

(True Copy)

[Signature]
Councillor

Enclosure II

The following is taken from a letter, dated ⁶~~2nd~~⁴ 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.

(True Copy)

(Signed) V. C. Sriraman Chettiar,
Councillor.

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(Signed) V. C. Sriraman Chettiar
(True Copy)

ENCLOSURE III.

Madura, 26th October 1895.

To

The Collector of Madura.

Sir,—We have the honor to bring to your notice that, on the 5th October 1895, fourteen of the Councillors of the Madura Municipality sent to the Chairman a proposal (copy enclosed) for reconsidering and cancelling the Council's resolution No. 62, dated the 12th February 1895, forbidding the representative of the *Madura Mail* from attending the meetings of the Council. This requisition was made under Section 29, Clause 2, of the Municipal Act IV of 1884 and the meeting for considering the proposal, fixed for the 29th October 1895. A few days before this, eleven of these had sent a proposal under the same Section for the appointment of a paid Chairman, which has been posted by the Chairman for the meeting of the 29th October as requested by them. We have been not a little surprised to see that, while the Chairman has chosen to circulate one of the proposals, he has neglected the other subsequently sent to him for reasons which cannot be fathomed. Though today is the 26th October, the notice has not come to us. We beg to observe that such a procedure of the Chairman is irregular and arbitrary adopted in defiance of the clear provisions of the Act and in disregard of the status and dignity of the Councillors. It is requested that due notice be taken of the matter.

We have the honor to be,

Sir,

Your most obedient servants,

(Sd.) M. Ananthakrishna Naidu.

„ V. C. Sriraman Chetty.

Madura, 28th October 1895.

ENCLOSURE IV.

To

M. R. Ry. Sriraman Chettiar Avergal, Municipal Councillor, Madura.

Disposal No. 3867 of 1895:—30—10—95.

Endorsement on petition from Ananthakrishna Naidu and Sriraman Chettiar of Madura dated the 26th October 1895.

Petitioners are informed that the undersigned sees no occasion to intervene. If notice as required by the Act has not been given, it is open to petitioners to raise the point at the meeting.

Despatched

3rd November 1895.

(Signed) C. SUBRAMANIA IYER,

For Acting Collector.

(Sd.)

(Sd.)

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ENCLOSURE V.

To

The Chairman, Municipal Council, Madura.

Sir,—I understand that you have passed certain proceedings on the proposal brought forward by me and 13 other Councillors for reconsidering and cancelling the Council's resolution No. 62, dated the 12th February 1895, and sent to you on or about the 5th October 1895. If so, I have the honor to request you will be good enough to order copies of the proposal and the proceedings in question to be furnished to me at an early date.

I have the honor to be,

Sir,

Your most obedient servant,
(Sd.) V. C. Sriraman Chetty.

Municipal Office,

ENCLOSURE VI.

To

Madura, 31st October 1895.

M. R. Ry. Sriraman Chettiar Avergal, Municipal Councillor, Madura.
No. 1111.

Sir,—With reference to your letter, dated 28th October 1895, I have the honor to state that copies therein referred to cannot be furnished, but that you can refer to the original papers in the council-hall, if you desire to do so.

I have the honor to be,

Sir,

Your most obedient servant,
(Sd.) R. Fischer,
Chairman.

(True copies)

(Signature)
Councillor.

from the bad inform. The signatories say they have the honor to propose so & so & request the Chairman to lay their proposal before a meeting to be held. But it is not the business of the Chairman to lay other people's proposals before the meetings, nor can proposals be made in letters addressed to the Chairman. The proper course is for a Councillor who wants to make a proposal is for him to give notice that at such & such a meeting he will make it, in which case the Chairman would not be justified in excluding the motion from the Agenda paper, as long as it is germane to the business of the Council or the welfare of the town. Or if a special meeting is to be called under S. 29(2) the requisition to call the meeting should state that it is for the purpose of moving such and such a resolution, or as the case may be.

RS

6/2/96

Local & Municipal Dept.

CURRENT No. 3578M

From

M.R.Ry.V.C.Sriraman Chettiyar,

Municipal Councillor,

Madura.

H. M.

Misc.

Order

The Chairman has no power to refuse to lay before the Municipal Council any proposition made by a Councillor.

PR

30/1/96

WWS

31.1.96

No.

Dated 15-11-95

Received 18-11-95

Enclosures 3

SUBJECT

Bringing to the notice of Govt. the irregular procedure of the Madura Municipal Chairman with regard to a requisition made to him under Sec. 29(2) of the Dt. Municipalities Act.

The above is too wide. The Chairman in ordinary course is not bound to bring before the M.C. a resolution regarding e.g. the conduct of the King of Dahomey. It must state it be in some way relevant to the powers & constitution of the M.C. or to the conduct of its business or to the objects recited in the preamble to the Act under which the M.C. sits. The Chairman is justified in refusing to place on the agenda paper a proposal not so conditioned. But any proposal may be brought before a meeting called under S.29(2) if the Chairman is that 1/2 of the members must agree in calling it, which we may safely assume they will not do unless there is some relevancy. The present complaint is in respect of the neglect of the latter duty.

Note. The Chairman's explanation of his action in connection with this affair is contained in his report in C.No. 269M of 1895.

& the repl may be.

"On a requisition duly made under S.29(2) of the Act the Chairman is bound to convene a meeting of the Munc. C. & to lay before it any proposition for the consideration of which by the C. the requisition was made. If at such a meeting a resolution is passed, which is ultra vires of the Council, then the Chairman, M.C. member, has the power to refuse to place it on the agenda paper."

The requisition of the Petitioner. 1895. The requisition of the Petitioner. 1895.

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1,000-17-11-95.

LOCAL AND MUNICIPAL DEPARTMENT

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Current No.

of 189 , dated

from the

Order. No. 278 dated 17.2.96

The Government observes that the procedure adopted by the petitioner in sending in the requisition with the letter of 5th October last under Section 29(2) of Act IV of 1884, signed by himself and thirteen other Councillors, does not appear to have been altogether correct in form, for in the letter the signatories request the Chairman to place their proposal before the meeting of the Council, which it is not his business to do. The proper procedure for Municipal Councillors to adopt in such a case is to inform the Chairman that they intend at such and such a meeting to bring forward a certain proposal or under Section 29(2) of the Act to request him to convene a special meeting for the purpose. The proposal should then be entered on the agenda paper by the Chairman, its introduction at the meeting being left to one of the original proposers, but it is not the duty of the Chairman to introduce the proposal or place it before the meeting.

WWS
14.11.96

S. 2. 14.2.6.

To The Chairman M.C. Madura Ho

The M.C. of Madura 18/2/96

Selection of Indian ...
to be ...
Madras Municipal Council

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Cs [From order]

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

CURRENT No.

ENCLOSURES TO O. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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IN ORIGINAL.

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