

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 653 M

DATED 9th April 1896

[Despatch Abstract.]

Municipal Servants.

Informing the Chairman, Municipal Council Palni
that complaints against ---- can be entertained without the sanction of the Chairman and that the question of defending them when prosecuted in the execution of their duty is entirely in the discretion of the 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.

Municipal office. Palni
 16 March 1896
 From G. S. Ponnu Swami Pillai, General Secy
 Chairman, Municipal Council
 Palni

To The Chief Secretary to Government
 Madras
 Local and Municipal Department
 Through The Sub-Collector & Collector
 Madras

Sir,
 I have the honor to submit the following
 for the orders of Government

A bill Collector of this Municipality
 upon a warrant issued by the Chairman
 distrained the property of a man from his
 bazaar for the arrears due for his house,
 as there was no property in it (the house).
 This he did under the authority of Sec. 109
 of the Municipal Act. The defaulter, however,
 managed to get another man, and made
 him claim the distrained property as his.
 This new claimant put in a petition
 before me stating that the bill Collector's
 action was illegal and that the distrained
 property was his, and that the bill Collector
 made the distraint in spite of a notice
 given to him by him to that effect. The
 defaulter

defaulter also put in a petition stating that he paid away all the arrears, but that no receipts were granted to him, and that the new claimant he set up was his master in whose service he was to sell things in his bazaar, and that therefore the distraint must be released.

2. I enquired into the subject matter of these two petitions after obtaining the explanation of the Bill Collector and found that the distraint was a legal one and that the claimant is only a name lender who came forward to assist the defaulter in cheating the Municipality, if possible, and therefore ordered the sale of the distrainted property and communicated the fact to the petitioners.

3. Thereupon the new claimant preferred a Criminal Complaint of theft before the Sub. Magistrate against the Bill Collector, the Sanitary Inspector & others and cited the defaulter and two others as witnesses to prove his case. The Complaint was entertained by the Sub. Magistrate and summonses were issued to the Municipal Servants. Direct the Servants then represented to me about the matter, and requested that they be defended. The subject was placed before the Council and it was resolved that the Servants be defended at the cost of the Municipality.

Vide

(Vide Copy of resolution enclosed). I wanted to engage a good Vakil from Dinidighat as the Vakils of this place who are only law-torts cannot expound a question of law which was involved in the case. The case was posted for hearing for the 18th February and the resolution of the Council was passed only on the 15th; so I had no time to engage a good Vakil in time. I had asked the Servants to apply for an adjournment. However, the Sub. Magistrate enquired into the case on the day fixed for hearing and discharged the accused the same day. As he found on enquiry that the distraint was legal and the action of the Complainant vexatious.

4. The town Council of many pauper and vagabonds as is the case in general with several towns of pilgrimage, and as remarked by P. Rama Chandra Rao Esquire C.S. as Sub. Collector, Dinidighat in para 3 of his letter to Government No 285 dated 19th May 91, embodied in G.O. No 1067 M. L. dated 11th July 1891, the town is factious in the extreme. For instance, the Complainant in this Criminal Complaint is a paradisi having no home, and taking all sorts of intoxicating drugs or in other words a regular vagabond who lives on the Charities of others, and his first witness the defaulter is a regular pauper who is

is a drunkard and who has also been
Convicted previously for theft &c. These
men, I hear, are encouraged by some
from behind the Screen. Of Course for
the realization of the taxes, the Act has to
be enforced and people do not like it.
Some object. At present there is a
prosecution against a man for having
obstructed a legal dispoant and
assaulted a Municipal servant,
and I hear a charge has been framed
against him by the Magistrate. This
man, has also, I hear, preferred a
Criminal Complaint against some
of the Municipal servants, but that it
is not yet taken on file pending the result
of the Municipal prosecution against
him. Of Course by regularly enforcing
the provisions of the Act the servants
should become unpopular as remarked
by Mr. Jones in his manual

5. Under the Circumstances, stated
above, it is but just that the interests
of the Municipal servants must be cared
for, or else, I fear there will be much
difficulty in successfully carrying
out the provisions of the Act.

6. There is no clear provision in
the Municipal Act, to protect the Municipal
subordinates from these vexatious Complaints.
Section 261 says that no action shall be
brought

Am

brought against the Municipal Council
or their officers &c without notice, but
whether that section I do not know applies
to Criminal actions also, as its latter
portion speaks of plaintiffs, defendants,
Cause of action &c. Section 262 (3) is not
also very clear about Criminal prosecu-
tions against Municipal servants without
Sanction of the Chairman

7. I therefore request to be informed
whether any Criminal Complaint against
a Municipal servant for an act done
by him as such servant can be
(1) entertained without my previous sanction
and whether the servants are to be defended
by the Municipal Council or not after
(2) being satisfied that the action of the
servant is legal. I request an
authoritative order on this matter
as I see a tendency in the lower
ranks of this town to put every obstacle
in the way of enforcing the provisions of
the Act.

8. I further beg to state that if
Criminal Complaints against
Municipal servants are to be entertained
without my sanction there will be
many such frivolous Complaints against
them simply with a view that the servants
may be unnecessarily dragged to Court
every

every how and then, and I fear the
municipal work will thereby suffer.
Besides the Council will have to spend
their money in defending the Swamps.
It may be argued that Sanction may
be obtained against the Complainant
and they may be prosecuted for false
charge, but there is also difficulty in
obtaining the Sanction, and the Cost of
conducting the prosecution will have to
be borne by the Municipality.

Have the honor to be
Sir
Your most obedient Servant
G. S. Ponnamballi,
Chairman

Proceedings passed by the Municipal
Council, Palani, at a meeting held on the
15th February 1896

Present: M. R. R. G. S. Ponnuswami: Vice-Chairman
 " C. Ranga Rao: Vice-Chairman
 " S. Raghunath Jinnal Aol "
 " Mohamed Hussain Renter Aol "
 " Sivagurunatha Kandaswami Aol "
 " Mohamed Badriddin Sahib Aol "
 " Vaidichelalan Aol "
 " Venkataswami Aol "

No 184. Read report of Sanitary Inspector
and Bill Collector stating that a
Criminal Complaint has been lodged
against them in Connection with a
disturbance made by Bill Collector
Winstanagar, and requesting that they
may be defended.

The Servants will be defended at
the Cost of the Municipality - two of the
Councillors dissenting.

(Signed) G. S. Pommeroy
Chairman

(True Extract)

G. S. Pennabazzi,
Chairman

Local & Municipal Dept.
CURRENT No. 1002

Current No. 7328
Date 20. 3. 96.

From

The Chairman
Municipal Council
Palni

The Chief Secretary to Govt.

Local & Municipal Department

Through the Sub. Collector
and Collector of Madras

Dated 16

Respd 16

Recd 16

March 96

CHIEF SECRETARY
No 3499 MAR 96
25. MAR. 1896
COLLECTOR'S OFFICE

Requesting to be informed
whether Criminal Complaints
against Municipal Servants
Can be entertained without
the sanction of Chairman,
and whether the Servants
are to be defended by the
Municipal Council after
being satisfied that their
action is legal.

1007
E.C. No. 732 of 96
of 20. 3. 96.

COLLECTOR'S OFFICE
21 MAR 96

Forwarded

2. Then ~~seem to be~~
provision for obtaining
sanction for such proce-
dures.

3. Secs 76 & 79, ^{I.P.C.} seem to
protect municipal
servants in such cases.
A little ~~forwards~~ on the
part of the Local Submag-
istrate would soon put
a stop to such frivolous
and vexatious complaints.

W. M. Muttu
as sub Coll.
20. 3. 96

N.D. No. 1355 of 96.

Forwarded.

2. It is submitted that the provisions
of the Penal & Criminal Proc. Codes
are amply sufficient for the
purpose if properly worked.
3. The Divisional Magistrate is
being requested to give his
attention to the matter.

21. 3. 96
1/3 Madras
Collector

LOCAL AND MUNICIPAL DEPARTMENT.

[5]
809-27-5-95.

Papers to be read in Proceedings:—

Again G.O., dated

189 , No.

Current No. 1002 of 189 6, dated 16th March from the Chairman, M.C. Palni.
Current No. of 189 , dated from the

Order. No. 653 of 9. 4. 96.

The ^{first} questions raised by the
Chairman in para. 7 of his letter will
be answered in the affirmative.
2. With reference to para. 8,
the Chairman's attention will be
drawn to the remarks of the Sub
Collector and the Collector in their
endorsements.

V.R.
4/4/96

W.D.
7.4.96
S. J. Sub

To The Chairman, M.C. Palni.
Dated 11/4/96

Prosecution of municipal servants.

Police municipality.

1002 m

Cl.
misc.

633 m

BACK PAPER, No.

OF 189

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

FURTHER PAPER, No.

OF 189

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

STATEMENT WITH DITTO.

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Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

G.O., DATE: 7-4-96

No. 653 m.

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[Despatch Abstract.]

Municipal Servants

Informing the Chairman,
Mun. Council, Palni, that
complaints against Municipal
servants can be entertained
without the sanction of the
Chairman and that the question
of defending them when pro-
secuted in the execution of
their duty is entirely in the
discretion of the Council.

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189.

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.

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