22/3/07 5

L. & M.
3.000—19-11-06.

INDEXED.

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 1194 M

DATED 14-5-97

DESPATCHED

[Despatch Abstract.]

Munl. Council.

Directing the Collector of South Arcot
to obtain and submit any explanation
which M.R.Ry. Kolandaivelu Nayanar,
member of the Tiruvannamalai Munl.
Council, may have to offer in regard to
his conduct in the Kilnathur rioting case.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go	275 M of 98						

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[5]
300—6-4-96.

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Current No 1651 M of 1897, dated 11th April 97 from the Collector of South Arcot

Current No. of 189 , dated from the

Mis Order. No 1194 M. mis. dj 14-5-97

Before passing orders on the Collector's recommendation for the removal of M.R.Ry. Kolandaivelu Nayanar from the Tiruvannamalai municipal council, His Excellency the Governor in Council desires to be informed whether the said councillor has any explanation to offer in the case & if so what. The Collector of South Arcot will obtain & submit any explanation that may be forthcoming ~~accordingly take the necessary steps and resubmit the case~~ for the orders of Government.

(From orders)

14/5

To

The Collector of South Arcot. 130

Desp. 19/5/97

Again G.O., dated 1899, No.
Current No. 165-1M of 1897, dated 11th April from the Collector of South Arcot.
Current No. of 189 , dated from the

FOR ORDERS.

It does not appear that the "perfidious conduct" of Kolandavalu Nynar, a member of the Municipal Council of Tiruvannamalai, in the Kilnathur rioting case, is a sufficient ground for removing him under Section 19 (1) (iii) of the District Municipalities Act IV of 1884, as recommended by the Chairman. But as he has clearly acted against the interests of the Municipality, it is for consideration whether he may not be removed under Section 19(1) of the District Municipalities Act, as amended by Act III of 1897, on the ground that his continuance in office is likely to bring the Municipal administration into contempt. But before this is done, he will have to be given an opportunity of explaining his conduct as required by the proviso to his Section.

P.T.O

V.A.
7/5/99.

But the conduct complained of was in Jan 1897 before the Amending act came into force.

10/

H.M.

I dont think that as the case stands the Councillor can be removed under the old law (sec 19 Act IV of 1884) which applies to the case. The case *may* however be resubmitted *if* a conviction is had against him for gross neglect of duty; it may perhaps be that such conduct in a Village Headman, as is complained of, may be considered such a defect of character in ~~to~~ a person in that responsible position as to unfit him to be a Councillor. It is however a very doubtful question. And it is for orders whether the Collr. shd be asked to resubmit the case or not, if a conviction is had.

G.S.
10/5/97

There was a copy of the new Act in the other file in the box. From this it appears that S. 19 (iv) now reads "The G. in C. may remove . . . . . if his continuance in office is likely to bring the Munl. Admin. into contempt" — I dont see how there can be any doubt as to this in this case. It doesn't matter that the ~~action~~ facts on which the opinion of the G. in C. is based ~~took~~ occurred before the new Act came into force. The question is Is this man's continuance in office likely to? — There can be but one answer to this, vizt. "Yes" — Let him be called on for explanation

12/5/97

I presume of course that the new Act has come into force —

yes

Local & Munl. (1897) Department.

CURRENT No. 1651-M.

Order.

From The Collector of South Arcot.

Ref. on Regr. No. **No.** 301 of 1897.
Eng.

Dated 11th April 1897.

Received DESPATCHED 16 APR. 1897

Registered 17-4-97 14 APR. 97

Enclosures (1).

Spare copies

SUBJECT.

Recommending the removal of M. R. Ry Kolandavêlu Nayinar from the Tiruvanna-malai Municipal Councillorship for the reasons set forth in the accompanying Proceedings of the Sub Collr

a/5/5/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

South Arcot
No B/1

Sub Collector's Office
Dated 8th April 1897

From,

Mahammad Razakhan Esquire
Sub Collr. & Ex: Officio Chairman of the Tiruvannamalai Municipality

To,

The Collector of South Arcot.

Sir,

In forwarding herewith a copy of my Proceedings dated 19th March 1897 No. 553/Dis. dismissing Kolandevalu Nynar from the Village Munsiffship of the Tiruvannamalai Kusba, I have the honour to request you to be pleased to recommend to Government his removal from the Office of Municipal Councillor Tiruvannamalai under sec: 19 clause iii. of the District Municipalities Act IV of 1884 owing

owing to his perfidious conduct in the Kilnathur rioting case.

I have &c.

(Sd.) Mahd. Razakahu

Sub. Collr. & Ex-officio

Chairman.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1651. M

True copy submitted to Government in the Local and Municipal Department.

2. Kolandavelu Nynar has by his conduct in the case referred to by the Sub Collector shown himself to be unfit to be a Municipal Councillor or other public servant. He acted against the interest of the Municipality by himself being in arrears and failed to do his duty otherwise. His removal from the Councillorship is necessary in the public interests. He is being called upon to show cause why he should not be prosecuted for his neglect of duty as a village-magistrate and headman.

Camp.
Dated 11th April 1897.

H. Subbarayangar
For Collector.

Proceedings of the Sub Collector of South Arcot
Dated 19th march 1897

Read again the following papers:—

i Occurrence report of the Trinomalai Kasba Pol dated 30th january 1897 with the Endorsements thereon by the Tahsildar and the stationary Submagistrate.

ii This office order thereon dated 2d February 1897

iii Collector's Proceedings No 93/English dated 29th january

IV. Trinomalai Tahsildar's Arzi No 271/Current dated the 10th march 1897 and the connected papers therewith received.

Order

Trinomalai was in may last Constituted a municipality and Kilnathur an adjoining village was included in it. The people of the latter village have frequently assumed a hoste attitude having been set up by some of the Trinomalai Kasba wire-pullers by fomenting an agitation amongst tax-payers to resist the legal attempts of the municipality in Collect its legitimate taxes and to obstruct the municipal servants in the discharge of their duties.

2. I went to Trinomalai on the 21st january last for Conducting the annual arrack sale of that Taluq. Immediately after my arrival there at 6.30 A.m., the chairman-delega waited on me, and I questioned him as to the progress made in Collecting taxes on houses and animals and whether he had

reported to be the house of the monegar's own Cousin. The monegar was then ordered to go

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to [illegible], on the day of the

s desired by [illegible], proceeded agai
nder section 103 of the District Municipalities Act.
e replied that he thought it inexpedient to
do so just then as he was trying to go on
iietly in the matter, and that he was then to
to Kilnathur — a troublesome village for Collection
urposes.

3. In view of the fact that my presence
used always to simplify and settle matters
moothly in places where Revenue and other
ollections had been unsatisfactory and also
here disputes existed, I, as suggested, proceeded
thither immediately in advance of the
Chairman-delegate.

4. On approaching Kilnathur, I noticed
a crowd of about 40 people on the road
side near the street. I alighted from the
carriage and enquired them whether
they wanted anything from me. They
said that they required no municipality
and that I should exempt them all
from payment of taxes. I told them that
their request was not in order, that the
municipality was constituted for their own
benefit as it was found absolutely necessary
to safe-guard their health and lives by
much-needed sanitary reforms, that in view
of the fulfilment of this object, the yoke of taxation
was made as light as possible and that
they should remember the Collector's kind
advice to them not to resist the legitimate
efforts of municipal employees to collect from
them the taxes duly sanctioned by the
legislature. However as they appeared to be
very contumacious, I said I could no longer
hear them and that they should withdraw.

5. Shortly afterwards, there arrived the
Chairman-delegate, the Tahsildar and the
Police Inspector, and the Chairman-delegate
proceeded to collect the taxes then due in
that village. The 1st house was, I understood,
that of the monegar of Trinomalai,
Kolandavelunainar, now under suspension;
he was also a municipal councillor. He came in
reluctantly after he was twice or thrice sent for
from Trinomalai. He had not paid his house-tax
due as told to me by the chairman-delegate. I
then ordered the Tahsildar to deduct the amo
from his next salary. The second ~~door~~ house whose
door was open when the above referred forty
mob met and represented to me just a few
minutes before that they wanted no municipality
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and fetch him; after great reluctance he went into his own house and came out into the street by opening the door of the said house. His cousin was reported to be in arrears to the extent of 4Rs to the municipality which was demanded but was refused; thereupon the distraint was executed and property attached by the chairman-delegate which was put in a municipal cart. The next house was that of the own uncle of the monegar who was directed to go and call him but he would not do so. The other servants were sent to call him. By this time, the villagers had assembled in large numbers in and near that house, and I was informed that they were resolutely opposing those servants who were endeavouring to collect the taxes due from his uncle. I at once walked up to the spot and seeing the monegar quietly going away into another street I called him out, but he would not come; I again called him out, he then came with reluctance. When I twice asked him what the matter was, he would not reply. I then found that by a pre-concerted arrangement a mob of 300 people gathered in and near that house to resist the municipal servants and to impede the collection of taxes. I also saw that they had hemmed in the municipal servants, one of whom was pinioned by the arms by one Kilnatturian and being assaulted by another stalwart individual of the same village; I forthwith directed the mob

to report the occ

to disperse and asked the said individual not to touch the municipal servant which he would not do; I then directed the monegar to seize him but he would not and the man continued assaulting him; I then at once arrested him and separating him from the crowd dragged him out and turning round to the monegar close by directed him to take him under his custody, but he stood quiet and would not do anything. Meanwhile, 2 other persons pulled him away by his waist cloth and he with others decamped. I asked the monegar what his name was, he would not answer me though the said individual was reported to be a resident of Kilnattur. Immediately the Inspector rushed in and took steps to arrest the parties. They were subsequently apprehended and charge-sheeted before the Assistant Magistrate who convicted and sentenced them to rigorous imprisonment under sections 143[+] and 147[⊗] I.P.C. Some of these were reported to be the blood relations of the monegar.

6. The monegar whose bounden duty it was as a public servant responsible for the preservation of the peace, to furnish his immediate superiors the Tahsildar and the stationary Submagistrate with previous information of the existence of any intention on the part of the residents of his village who were his relations and neighbours to cause a disturbance of the public peace did not intimate either of them; nor did he submit any report of the occurrence either to the Police or the Submagistrate despite repeated orders at the spot

[+] Punishment for being a member of an unlawful assembly.

[⊗] Punishment for rioting.

1/1651·M·997

When given for copying 16/5
When copied 18/5
When examined 18/5
When signed 18/5
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

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