1897

Local & Munl. ~~(190)~~ Department.

PRINTED.

G.O., No. 2597 A M

DATED 24. 11. 1897

[Despatch Abstract.]

Rules for the interpellation of the Chairm
the Municipal Councillors.

Confirming with modifications the
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BACK PAPERS.

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

FURTHER PAPERS.

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

Government (1897) of Madras.

LOCAL AND MUNICIPAL.

Recd. } 1897. *Enclosures*
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READ—again G.O., No. 1465 M., dated 21st June 1897.

READ—also the following papers :—

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" " " Karúr " 21st " " No. 13.
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" " " Nellore " 26th " " " 927.
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(ii) *Rule* 3.—As regards the suggestion that there is no reason why the individual opinion of the Chairman should not be asked for by the councillors, it is observed that the object of interpellation is to afford facilities to municipal councillors for obtaining information on matters of fact relating to the administration of the municipality, and the Chairman's individual opinion is not within the scope of interpellation.

(iii) *Rule* 4.—The Municipal Council of Karúr suggests that the Chairman should be required to give reasons to the interrogating councillor in writing for disallowing any question put by him. It has also been suggested that the rule, which invests the Chairman with the arbitrary power of disallowing questions, should be omitted, but that, if it is thought necessary to empower the Chairman to disallow questions the answers to which may be prejudicial to the public interests, the exercise of the power should be safeguarded by providing that the questions disallowed and the reasons of the Chairman for disallowing them should be entered in, and published with, the proceedings of the council, and that the Chairman should answer a question if the majority of the councillors present at a meeting think that it can be answered without prejudice to the public interests. The Government, however, is unable to accept these suggestions. To require the Chairman to record his reasons for disallowing a question would probably defeat the object in view in declining to answer it. Moreover, such cases must be very rare. Nor is it necessary that questions disallowed by the Chairman should be entered in the proceedings of the council and so give room for dispute and recrimination. Nor can the suggestion be accepted that the Chairman should answer a question if the majority of the councillors present at a meeting think that it can be answered without prejudice to the public interests. Further, His Excellency the Governor in Council does not consider it necessary or desirable that there should be any appeal to the Collector or to the Government against the Chairman's decision disallowing a question, as proposed by some councils. Generally, the exercise of the Chairman's authority in matters relating to municipal administration can be brought under review in some mode provided by the Act, and as the municipal records are always open to inspection by the municipal councillors, there is no object in making the Chairman's discretion otherwise than final, especially as the rule will be applicable only in rare cases. Moreover, contumacious abuse by a Chairman of his powers is subject to control. In these circumstances, rule 4 will be retained as it stands.

(iv) *Rule* 5.—It has been suggested that in order to prevent the Chairman from postponing his answer to a question for an indefinite period without sufficient cause, the period to which he can extend the time for answering a question should be limited to the next ordinary meeting of the council and that the Chairman should be required to record his reasons for such postponement. As the time required for answering a question will depend upon the information to be collected and mastered and as occasionally it will not be possible to say when the information will be available, it is undesirable to lay down any hard and fast rule as to the period of extension; nor does the Government see any reason why the Chairman should record his reasons for postponing answers to questions.

(v) *Rules* 6, 7 *and* 8.—His Excellency the Governor in Council considers that the formality of asking questions at the meeting is unnecessary in a municipal council and that it is enough if the Chairman answers all questions which have been admitted and entered in the agenda paper, whether or not the interrogating member is present. It will also be provided that a councillor may withdraw any question and that a question so withdrawn need not be answered, subject to the proviso contained in rule 8, which will be inserted as a part of rule 6. Rule 6 has been amended accordingly and rule 7 omitted.

4. The draft rules, as now amended, are confirmed and the following notification will be published in the Fort St. George and the District Gazettes in English and in the vernacular language of the district :—

NOTIFICATION.

Under clause (*m*) of sub-section (1) of section 250 of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897, His Excellency the Governor in Council is pleased to make the following rules for the interpellation of the Chairman by the municipal councillors. These rules shall come into force three months after their first publication in the District Gazette in English and in the vernacular language of the district :—

Explanation.—In the following rules, "Chairman" includes the person for the time being in charge of the office of the Chairman under section 15 of the District Municipalities Act, as amended by Act III of 1897.

(1) No question shall be asked or answered at a meeting of the municipal council as to any matters or branches of the administration, other than those under the control of the municipal council, and no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts. Except as thus provided, any question may be asked by any councillor, subject to the following conditions and restrictions.

(2) A councillor who wishes to ask a question shall give at least seven clear days' notice in writing to the Chairman or the Secretary of the council, if any, submitting in full the question which he wishes to ask.

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(6) Questions allowed by the Chairman shall be entered in the agenda paper for the day, and the Chairman shall answer every question so entered, if not previously withdrawn by the member putting it, in the order in which it stands in the paper, before any other business entered upon at the meeting.

Provided that the Chairman may, at his discretion, on the ground of public interest, answer a question on the agenda paper, even though the question may have been withdrawn.

(7) No discussion shall be permitted in respect of an answer given to a question asked under these rules.

(8) The question asked and the answer given to it shall be entered in the proceedings of the council.

5. The Translators to Government will furnish the necessary translations of the above notification and the Superintendent, Government Press, will print the required number of copies in English and in the vernaculars and forward them to the Collectors concerned for publication. Each Collector will report the date of publication in the District Gazette.

6. The Sub-Collector of Tanjore suggests, and the Collector agrees with him, that, when the privilege of interpellation is introduced, the right of inspecting municipal records, conferred by G.O., No. 184 M., dated 22nd February 1888, should be curtailed and that any councillor who wishes to inspect the records, other than minutes of proceedings and assessment and account books which, under sections 31 and 250-A of Act IV of 1884, as amended by Act III of 1897, are open to inspection by any tax-payer, should be required to apply in writing to the Chairman, specifying the document he wants to see, and that it should be left to the discretion of the Chairman either to grant the request or to refuse it, subject to a reference to the Collector. He states that the present system of councillors' prying into every paper without reference to the Chairman is open to considerable abuse and acts prejudicially on the discipline and work of the clerks. The Government is, however, not disposed to alter the present rule, which on the whole tends to facilitate the intelligent disposal of business at the meetings of the municipal council and to minimise the necessity of interpellation. It is for the municipal councils to regulate the times and conditions on which access is to be had to the records so as to obviate any undue interference with the conduct of public business and with the discipline of the office establishment.

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Exd. A. F. Eccleston.

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1300/17/12

208

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Proof for approval

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struck off
corrected
18/12/97

Recd.	1897.	*Enclosures*
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Please print the name of Mr Forbes with the spare copies – Let the copies for signature "Ag Secretary" alone be printed.
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(8) The question asked and the answer given to it shall be entered in the proceedings of the council.

5. The Translators to Government will furnish the necessary translations of the above notification and the Superintendent, Government Press, will print the required number of copies in English and in the vernaculars and forward them to the Collectors concerned for publication. Each Collector will report the date of publication in the District Gazette.

6. The Sub-Collector of Tanjore suggests, and the Collector agrees with him, that, when the privilege of interpellation is introduced, the right of inspecting municipal records, conferred by G.O., No. 184 M., dated 22nd February 1888, should be curtailed and that any councillor who wishes to inspect the records, other than minutes of proceedings and assessment and account books which, under sections 31 and 250-A of Act IV of 1884, as amended by Act III of 1897, are open to inspection by any taxpayer, should be required to apply in writing to the Chairman, specifying the document he wants to see, and that it should be left to the discretion of the Chairman either to grant the request or to refuse it, subject to a reference to the Collector. He states that the present system of councillors' prying into every paper without reference to the Chairman is open to considerable abuse and acts prejudicially on the discipline and work of the clerks. The Government is, however, not disposed to alter the present rule, which on the whole tends to facilitate the intelligent disposal of business at the meetings of the municipal council and to minimise the necessity of interpellation. It is for the municipal councils to regulate the times and conditions on which access is to be had to the records so as to obviate any undue interference with the conduct of public business and with the discipline of the office establishment.

(True Extract.)

Ag. Secretary to Government.

To all Chairmen of Municipal Councils.
,, all Collectors.
,, the Tamil Translator to Government.
,, the Telugu Translator to Government.
,, the Malayalam Translator to Government.
,, the Canarese Translator to Government.
~~,, the Hindustani Translator to Government.~~
,, the Superintendent, Government Press.
Gazette.
Editors' Table.

Exd. A. F. Eccleston.

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2 Reading file Alls.

Local & Munl. (1897) Department.

CURRENT No. 2617 M

From The Chairman
Municipal Council
Anantapur

Order

Roc No. 253

Dated 15th July 1897
Received 19 JUL. 1897
Registered 19-7-1897
Enclosures Nil
Spare copies

SUBJECT.

Submitting Council's opinion on the question of appointing Secretaries & rules framed for the interpellation of the Chairman by the Municipal Councillors with reference to G.O. No 1465 M. dated 21-6-97

22/7

BACK PAPERS

G.O.	No	Department.	

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Extract from the Proceedings of the Municipal Council, Conjeevaram, at a meeting held on Tuesday the 15th July 1897 —

I Read G.O. No: 1466. M. dated 21st June 1897 requesting certain Municipal Councils, with remarks to submit their opinion on the question of appointing Secretaries as required by Section 39. A. of the District Municipalities Act IV of 1884 as amended by Act III of 1897, restoring to the Municipal Council of Trichinopoly the privilege of electing its own Chairman, requesting the Municipal Council of Conjeevaram, to state its objections, if any, to the restoration of this privilege to itself and ordering the publication in the Fort Saint George Gazette and all District Gazettes for information and criticism of certain draft rules framed under clause (b.) Sub section (1) of section 250. of the

Amendment Act for the interpellation of the Chairman by the Municipal Councillors.—

Resolution.— The Council have no remarks to offer.— The rules are accepted.—

(Signed) A. M. Hakim
Surgeon Major
Chairman.

(True Extract)

LOCAL & MUNL. DEPT.
CURRENT No. 2617 M

Rowl 258
15-7-97

Submitted to the Secretary to Government, Local and Municipal Department, Fort Saint George.

Ananthapur Municipal office
Dated 15th July 1897

Surgeon Major
Chairman

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19 [illegible]

Local & Munl. (1897) Department.

Abs

CURRENT No. 2648 M

Order

From Mr. E. S. Fernandez
Tellicherry

No.

Dated 19-7-1897
Received 21-7-1897
Registered 21-7-1897
Enclosures
Spare copies.

SUBJECT.

Submitting certain objections for consideration regarding the draft rules framed by Govt. under Clause m of Sub section 1 of section 250 of the Dt. Municipalities Act as amended.

24/7

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2646 M

Tellicherry 19th July 1897.

To,
The Secretary to Government,
Local and Municipal Department,
Madras

Sir,

Referring to the draft rules framed by Government under Clause m. of Subsection 1 of Section 250 of the Dist: Municipalities' Act as amended, I beg respectfully to submit the following objections which occur to me as requiring the consideration of Government.

2. Rule 2 requires that 10 days' clear notice should be given for asking a question. I submit this is too long a time. Under Sec: 23 of the Act, only 6 days' notice is required to call a meeting and I think this period would be ample to give notice of a question which may in the ordinary course not require more than a few hours to answer.

3. Rule 4 gives the Chairman power to disallow any question without giving any reason therefor. I, for one, am strongly opposed to such absolute power being vested in the Chairman, especially in a Mofussil Municipality. The rule as it stands gives no remedy to the interpellating member in case the Chairman declines to answer a question. According to the rule, it is the opinion of the Chairman that prevails; but what if the opinion is perverse? I would therefore propose that the rule may be altered to the following effect.

"The Chairman may disallow, with

the consent of the Council, any question which in his opinion, cannot be answered consistently with the public interests, and in such cases, the question and the decision of the Council shall be entered in the proceedings of the Council."

4. Rule 5. To make this rule correspond with Rule 2, I would substitute "six" for "ten" days. In this same rule 5, no limit has been imposed for the time within which a question should be answered. As it stands, the Chairman, if he choses, can frustrate the object of interpellation by putting off his answer ad infinitum. I would therefore limit the time to 30 days within which to answer the question. The rule as proposed would run as follows.

"The Chairman may, if he thinks fit, allow a question to be asked with shorter notice than 6 days and may in any case extend, if necessary, the time for answering a question, but not exceeding 30 days."

5. Rule 6. Here, for reasons given in para 3, I would propose that all questions, of which notice has been given, be entered in the agenda paper for the day, instead of only such questions as have been permitted to be asked.

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

E.L. Fernandez

Municipal Councillor.

2 1 JUL. 1897

7 [illegible]

Ans

Local & Munl. (1897) Department.

CURRENT No. 2657 M

Order.

From,

The Chairman
Municipal Council
Karur

No. 13.

Dated 21st July 1897.

Received 22 JUL. 1897

Registered 22-7-1897

Enclosures (1) one.

Spare copies

SUBJECT.

Submitting the views of the Council as regards the draft rules contained in G.O. No. 1465 M. dated 21st June 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

8

Karur Municipal Office,

Dated 21st July 1897.

LOCAL & MUNICIPAL DEPT.
[illegible] 2657/M

No. 13.

FROM

M. R. Ry. V. Subbaraman avl. B.A.
CHAIRMAN, MUNICIPAL COUNCIL,
KARUR.

To,

THE Secretary to Government,
Local and Municipal Dept.
Fort Saint George
Madras.

Sir,

With reference to the draft rules for the interpellation of the Chairman by Municipal Councillors circulated for opinion with G.O. No. 1465 M. dated 21st June 1897, I have the honor to submit herewith copy of the resolution of the Council suggesting that whenever the Chairman disallows a question, reasons should be stated in writing by him and communicated to the Councillor, who puts the question.

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

V. Subbaraman
Chairman.

Proceedings of the general meeting of the Municipal Council Karur held on Thursday the 15th July 1897.

× . × × × ×.

7(i) Read;

G. O No. 1465. M dated 21st June 1897 containing among others draft rules for interpellation.

The Council resolves by a majority to suggest, that Rule 4. may be so amended as to require the Chairman to give reasons to the Councillor in writing for disallowing a question put by him.

× × × ×

(Signed) V. Subba Rau
Chairman.

(True extract).

Karur Municipal office
21st July 1897

V Subba Rau
Chairman.

1/2657

10

4 [illegible] Ans.

Local & Munl. (1897) Department.

CURRENT No. 2695/M

From

The Chairman
Municipal Council
Madura

Order

No. 34

Dated 23rd July 1897.

Received 26 JUL. 1897

Registered 26-7-1897

Enclosures /

Spare copies

SUBJECT.

Forwarding copy of Resolution No. 274 dated 20th July 1897 and stating that the Council has no suggestions to offer to the draft rules contained in G.O. No. 1465 M. dated 21st June 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

11

Municipal Office
Madura, 23rd July 1897.

No. 34
Enclosures one.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2895M

From,

R. Fischer Esquire
Chairman, Municipal Council
Madura

To,

The Secretary to Government
Local and Municipal Department.
Madras.

Sir,

Adverting to G.O. No. 1465 M dated 21st June 1897, I have the honor to state that the Municipal Council has no suggestions to offer to the draft rules therein contained.

A copy of Resolution of the Council No. 274 dated 20th July 1897 is also enclosed for the information of Government.

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

23.7.
23.7.97

Extract from the Proceedings of the Municipal Council, Madura, passed at its meeting held on the 20th July 1897.

Present;—

1.		R. Fischer Esquire.	Chairman
2.	M R Ry	R. Ramachandra Rao Avargal. B.A.	Councillor
3.	Rev.	C. T. Vaughan.	Do.
4	M R Ry	P. R. Venkatesalu Nayudu Garu.	Do.
5	"	P. Selvaraj Nayudu Garu.	Do.
6	"	T. Jambu Chettiyar Avargal.	Do.
7	"	G. Subbarayalu Nayudu Garu.	Do
8	"	Saiyid Muhammad Ibrahim Sahib Avl.	Do
9	"	E. S. Subrahmaniya Aiyar Avargal.	Do
10	"	S. Ramachandrayya Avargal.	Do.
11	"	Sriraman Chettiyar Avargal.	Do
12	"	M. Anantha Krishna Nayudu Garu.	Do
13	"	Soma Sundara Nadar Avargal.	Do

x x x

274. Read G. O. No. 1465 dated 21st June 1897, ordering among others the publication in the Fort St George and in all District Gazettes for information and criticism of certain draft rules framed under clause 24 Sub Section 1 of Section 250 of the amended Act for the interpellation of the Chairman by the Municipal Councillors.

No Suggestions to Offer.

x x x

(Signed) R. Fischer
Chairman

(True Extract)

R Fischer
Chairman

M 23.7. Cl 23.7.97

ENCLOSURE No. 1

In a letter

FROM,

THE CHAIRMAN,
MUNICIPAL COUNCIL,
MADURA.

No. 34

Dated 23rd July 1897.

No.

Copy of Resolution No. 274
dated 20th July 1897.

1/2695 M. of 1897

13

5 [illegible]

Local & Munl. (1897) Department.

CURRENT No. 2735 M

Order.

From The Chairman
Municipal Council
Nellore.

No. 927

Dated 26th July 1897

Received 28 JUL. 1897

Registered 28-7-1897

Enclosures 1

Spare copies

SUBJECT.

Submitting Council's Resolution in reply to G. O. No. 1465 M dated 21 June 1897 regarding interpellation of the Chairman by the Municipal Councillors.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

EXTRACT FROM RESOLUTION BOOK OF THE NELLORE MUNICIPALITY

No. 96 dated 23rd July 1897

Subject or Proposition Read G. O No 1465 M dated 21 June 1897 framing rules regarding the interpellation of Chairman by Municipal Councillors and requesting remarks thereof if any.

Resolution No suggestions to make

(Signed) D. V. Venkataramaiah
Chairman Delegate

(True Extract)

Chairman Delegate

4
26/7

1
2735 M of 1897

FORM No. 11/MUN.

No. 927/MUN.

NELLORE MUNICIPAL OFFICE,
Dated 26th July 1897.

27 JUL 97

LOCAL & MUNICIPAL DEPT.
2735 M

Enc. 1

From Mr. D. N. Vencatramaiah Garu B.A. B.L
Chairman, Delegate Municipal Council,
Nellore.

To

The Secretary to Government,
Local and Municipal Department,
Madras.

Sir,

With reference to G.O. dated 21 June 1897, No. 1465 M, I have the honor to submit herewith Copy of Council's resolution on the subject.

I have the honor to be
Sir
Your Most obedient Servant
D N Venkatramaiah
Chairman Delegate

U
26/7

S.R.V. Press,
Nellore.

66 [illegible]

Local & Munl. (1897) Department.

Ans

CURRENT No. 2752 M.

Order

From
Muhammad Habibullah Saheb
Chairman Municipal Council
Vellore

No. 875 of '97

Dated 29th July '97

Received 30 JUL. 1897

Registered "

Enclosures two

Spare copies

SUBJECT.

Forwarding suggestions of the Municipal Council, Vellore, as to Rules 3, 4, 5 and 7 of the Draft Rules for the interpellation of the Chairman by Municipal Councillors with reference to G.O. No. 1465 M dated 21st June 1897.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

67

Vellore Municipal Office:
Dated, 29th Jul 1897

No. 875 of 97 From

Muhammad Habibullah Saheb,
Chairman, Municipal Council,
Vellore.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2752h

To

The Secretary to Government,
Local and Municipal Departments,
Fort St. George.

Enclosures. two

Sir,

With reference to G.O. No 1465 M dated 21st June 1897 I have the honor to state that the Draft Rules for the interpellation of the Chairman by the municipal Councillors was referred by the Council to a Sub-Committee. The latter having submitted their Suggestions, the Same were placed before the Council at their meeting held on the 27th Instant and adopted in tact.

2- A copy of the report of the Sub-Committee and the Resolution of the Council adopting the Same is herewith Submitted for the Consideration of Government.

I have the honor to be
Sir
Your most obedient Servant

Chairman

Proceedings of the Sub-Committee appointed under Resolution I (3) of the meeting held on 15th July 1897.

Present

Reverend D Wilson Kidd

Reverend W I Chamberlain M A

M R Ry A. Sabaperumal Chettiar avergal

Considered Rules of Interpellation as given in G O No 1465 M dated 21st June 1897.

In the opinion of this Sub-Committee the rules on the whole will be advantageous in the administration of municipal matters. The only suggestions which the Sub-Committee feel called on to make are as follows:—

1 In Rule 7 it does not appear how the wishes of an absent member, who has given notice of a question, may be known. This would be obviated if the words "in writing" were inserted after the words "if he so desires" in the Rule.

2 As to Rule 5 (latter part) there is no limit as to the "longer notice" or "extension of time" within which a question shall be answered by the Chairman

3. In the opinion of the Sub-Committee it would be most desirable that questions disallowed by the Chairman under Rules 3 & 4 should be entered on the Proceedings of the meeting at which they would have otherwise been asked. As the Rules stand there is no possibility of appeal to Government by the Council from a Chairman's decision

as to whether a question is argumentative, hypothetical, defamatory (Rule 3) or inconsistent with the public interests. (Rule IV)

(Signed) D. Wilson Kidd
(") W. I. Chamberlain
(Signed in Tamil) A. Selvaperumal.

(True copy)

by Chairman

2752M97

No. 16

Extract from Proceedings at a GENERAL ~~SPECIAL~~ Meeting of the Municipal Council for the Town of Vellore,
dated 27th July 1897.

PRESENT.

Muhammad Habibullah Sahib Chairman
Surgeon-Lieutenant Colonel John Lancaster M.B.
M.R.Ry. T. Pennialoti Mudaliar avergal
" V. Eswarappa Mudaliar avergal
" A. Selvaperumal Chettiar avergal
" R. Ragagopal Naidu Garu
" P. Camoo Chettiar avergal
" V. Subroya Chettiar avergal
Subadar-Major Syed Sulaiman Sahib

-

1 Read report of the Sub-Committee on draft rules, framed under clause (m) of sub-section (1) of Section 250 of Act No IV of 1884, as amended by Act III of 1897, for the interpellation of the Chairman by the municipal Councillors.

The Suggestions of the Sub-Committee are approved and will be submitted to Government for consideration.

(Signed) Muhammad Habibullah
Chairman

(True Extract)

by Chairman

2
2752M97

21

Ans

Local & Munl. (1897) Department.

CURRENT No. 2755M.

From

The Chairman
Municipal Council
Cocanada

No. 553

Order

Dated 26th July 1897

Received 30 JUL. 1897

Registered "

Enclosures /

Spare copies

SUBJECT.

Submitting a copy of the Council's resolution regarding para 2 of G.O. No. 1465 M., dated 21st June 1897

BACK PAPERS.

G.O.	No	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No. 553

Municipal office
Cocanada 26th July 1897

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2755 M

From
M.R.Ry K. Perraju garu
Chairman, Municipal Council
Cocanada

To
The Secretary to Government
Local and Municipal Department
Madras

Sir,

With reference to para 2 of G. O. No. 1465 M., dated 21st June 1897, I have the honour to submit herewith a copy of the council's resolution passed at the meeting held on 24th July 1897.

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

K Perraju
Chairman.

26/7/97

Extract from the Proceedings of the Municipal Council, Cocanada,
passed at its Meeting held
on Saturday **the**
24th July 1897.

PRESENT:

* * * *

1 M R Ry K. Perraju garu Chairman
2 Do G. VenkataRatnam garu Councillor
3 Do Rao Bahadur D. VenkataRatnam garu } Do.
4 Do M.V. Somayajulu garu Do.
5 Nakhoda Dada Sahib garu Do
6 Revd H. H. Laflamme Do
7 Captain G. W. Wicks Do.

5. Read G.O No. 1465 M. dated 21st June 1897 regarding District Municipalities Act Amendment Act 1897

The council approves of the scale of salaries for the post of Secretary. As to rules on interpellation, substitute 'five' for 'ten' in rule (2), substitute 'five' for 'ten' in rule (5). In all other respects the council approves of the rules.

(Sd) K. Perraju
Chairman
Municipal council
Cocanada

(True Extract)

Municipal office
Cocanada 26th
July 1897 }

Perraju
Chairman

26/7/97

BACK PAPERS.

G.O.	No.	Department.	Date.
G.O.	1465 M.	L & M.	21st June 1897.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL & MUNICIPAL DEPT
CURRENT No. 2787 M

No. 300

Municipal Councillors office
Erivangam. 31st July 1897.

From

M.R. Ry. K. Seshadriyengar Avergal,
Chairman,
Municipal Council,
Erivangam

To.

The Secretary to Government
Local & Municipal department
Madras.

Sir,

Adverting to the notification embodied in G.O. No. 1465 M. dated 21st June 1897. inviting objection or suggestion in respect of certain draft rules framed under clause (m), sub-section (1) of Section 250 of the Madras district Municipalities Act IV of 1884, as amended by Act III of 1897, for the interpellation of the Chairman by the municipal Councillors, I have the honor to submit herewith an Extract from the Proceedings of the Council passed at its meeting of to-day expressing its views on the Subject.

I have the honor to be,

Sir,

your most obedient servant,

K. Seshadriyengar

Chairman

KR

Extract from the Proceedings of the Municipal Council, Srirangam at the meeting held on the 31st July 1897.

Present

M.R.Ry. K. Seshadriyengar avergal Chairman

„ „ „ S. Ramanuja aiyengar avl. Councillor

„ „ „ S. R. Rungasawmi iyengar avl. „

„ „ „ S. Subramania Sastriar avl. „

„ „ „ R. Viraraghava aiyar avl. „

„ „ „ S. Srinivasalu Naidu Garu „

„ „ „ S. Muthusawmi Pillay avl. „

„ „ „ Shanmugam Pillay alias
Muthusawmi Pillay avl. „

× × × ×

Para 2 – Read G. O. No. 1465 M., dated 21st June 1897, ordering, among others, the publication in the Fort St. George and all district Gazettes for information and criticism of certain draft sub-rules framed under Clause (m), Sub-Section (1) of Section 250 of the Madras

District Municipalities Act IV of 1884 as amended by Act III of 1897 for the interpellation of the Chairman by the municipal Councillors:—

Rule 4 provides (a) the Chairman with power to disallow any question without giving any reason therefor other than that, in his opinion, it cannot be answered consistently with the public interests, and also states (b) that in such cases the question shall not be entered in the proceedings of the Council.

The Council agrees with part (a), but as to part (b), it begs to remark that the entry of the fact in the proceedings of the Council that a question was asked and disallowed, will have the salutary effect of preventing the Chairman from the abuse of the privilege and therefore the Council suggests

Suggests that this part be removed an the necessary changes in Rules 6 & 10 a indicated below, be made.

In Rule 4, the last 16 words be omitted

In Rule 6, instead of the first 11 words, the words "all questions" be substituted.

In Rule 10, the following be added at the end.

"and when the question is disallowed under rule 4, the fact that it was disallowed shall also be entered in the proceedings of the Council."

(Signed) K. Seshadriyenga
Chairman

(True copy)

K. Seshadriyenga

Chairman

1/2787 M of 1897

30

Akeveypet

M/S

Local & Munl. (1897) Department.

CURRENT No. 2793 M

From The Chairman, Municipal Council Ongole.

Order

No. 311

Dated 21. 7. 1897

Received 2. 8. 1897

Registered 2. 8. 1897

Enclosures 1

Spare copies.

SUBJECT,

Submitting copy of Council's resolution regarding the question of appointing secretaries &c.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

EXTRACT FROM THE PROCEEDINGS OF THE MUNICIPAL COUNCIL, ONGOLE, PASSED AT A MEETING HELD ON Saturday THE 24th July 1897, AT 7 A.M. IN THE MUNICIPAL OFFICE.

* * * * *

177 READ:— G.O. No 1465 &c dated 21st June 1897 requesting certain Municipal Councils, with remarks to submit their opinion on the question of appointing Secretaries &c and ordering the publication in the Fort St George &c for information and criticism of certain draft rules framed under clause (m) Sub Section (1) of Section 250 of the amendment Act for the interpellation of the Chairman by the Municipal Councillors.

The Council considers no criticism is necessary - nor has it any objections.

× × ×

(True Copy and Extract)

Municipal Office
Ongole 27th July 1897

Chairman

1/2798 M of 1897

No. 311

Municipal Office, Ongole,
dated 26th July 1897.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2798 M

From

M. R. Ry. C. Lakshminarasimha Row Pantulu Garu,
Chairman Municipal Council,
Ongole.

To

The Secretary to Government,
Local and Municipal Department,
Madras.

Sir,

With reference to G. O. No. 1465 M dated 21st June 1897, I have the honor to submit herewith a copy of the Council's resolution No. 177 dated 24th July 1897.

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

Chairman

Encl

From
The Chairman,
Municipal Council,
Ongole.

To

The Secretary to Government
Local and Municipal Department
Madras.

Dated 26th July 1897
Despatched 28th July do
No. 311 2 AUG. 1897
Enclosures One

SUBJECT.

Submitting Copy of Council's resolution No 177 dated 24th July 1897 for the information of Government

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10 heading off

Ans

Local & Munl. (1897) Department.

CURRENT No. 2823 M

Order

From
The Chairman,
Municipal Council,
Madura.

No. 38.

Dated 31st July 1897.
Received 4 AUG. 1897
Registered 4-8-1897
Enclosures — Nil.
Spare copies

SUBJECT.

Submitting the letter from Councillor M.R.Ry P.R. Venkatêsalu Nayudu Garu offering certain Suggestions to the draft rules published for the interpellation of the Chairman by Municipal Councillors.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

35

RECEIVED
30 JUL 7
R.F.

Madura, July 29, 1897

LOCAL & MUNICIPAL DEPT
CURRENT No. 2823 M

From

P. R. Venkatésalu Naidu
Municipal Councillor
Madura.

To

The Secretary
Local and Municipal Department
Government of Madras
Fort St George.

Through

The Chairman
Municipal Council, Madura.

Sir,

With reference to para 5 of G.O., No 1465, M., dated 21st June 1897, I have the honor to offer the following suggestions on the draft rules for the interpellation of the Chairmen by the Municipal Councillors.

Rules 1, 9 & 10. — These rules commend themselves to me.

Rule 2. — The period of ten days fixed for the giving
of notice, may, I think be reduced to five days with
advantage to the querists, and without any incon
-venience to the office. It should be remembered
that the questions are to be confined to matters
under the control of the Municipal Council, and, if
so, the information required ought to be forthcoming
in the majority of cases from the records of the
Municipal Office itself. Further, no harm can
possibly arise by shortening the period, for

under Rule 5, the Chairman can extend the time for answering a question, if he thinks fit to do so.

__Rule 3.__— I do not see why the opinion of the Chairman should not be asked for by Councillors. In several cases, the Chairman himself might desire to express his own opinion, especially when that opinion has been over-ruled by a majority of the Councillors or by the authorities, and so long as he has the power of vetoing any question without assigning any reason therefor, there can be no danger in permitting Councillors to interrogate him about his opinion. He is of course not at liberty to disclose any official secrets.

__Rule 4.__— The first part of the rule is commendable, but I object to the second part. I think that the question ought to be entered in the Proceedings of the Council, and that the Government should have the power to order, either of its own motion or on the motion of the Collector of the District, that the question be answered, if it thinks fit to do so in the interest of the State or of the public. This provision, if approved, will be a wholesome check on the arbitrary exercise by the Chairman of the power of veto. I do not, of course, object to the clause, "without giving any reasons therefor", but it is obvious that a question which appears to the Chairman to be objectionable ought to appear so to the Government too.

__Rule 5.__— This is a very good rule.

__Rule 6.__— I see no objection to the procedure laid down herein.

__Rule 7.__— This will greatly facilitate the disposal of business.

__Rule 8.__— This is a very beneficial provision.

I have the honor to be
Sir
Your most obedient Servant
P. K. Venkatesan
Municipal Councillor,
Madura.

No. 38 dated 31st July 1897.

Submitted

R. Fischer

Chairman

Municipal Council

Madura

30 July 1897

✓ Miscellaneous

A/S

Local & Munl. (189) Department.

CURRENT No. 2836 M

Order.

From
The Chairman
Municipal Council
Vizagapatam

No. 316.

Dated 2d August 1897

Received 5 AUG. 1897

Registered 5-8-1897

Enclosures 1

Spare copies

SUBJECT.

~~Stating that the~~ Council has no remark to offer regarding the draft rules for the interpellation of Chairman by Municipal Councillors

10/8

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No 316

39

OFFICE OF THE MUNICIPAL COUNCIL.

Negapatam 2d August 1897.

From M.R.Ry. Ratnasabapathipillai avl

Chairman, Municipal Council,

Negapatam.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2834

To

The Secretary to the Government of Fort Saint George,

Madras,

Local and Municipal Department,

~~Through the Head Assistant Collector and the Collector of Tanjore.~~

Sir,

Adverting to G.O. No 1465 M dated 21st June 1897 Circulating Certain draft rules for the interpellation of Chairman by Municipal Councillors, I have the honor to enclose an extract from the proceedings of the Council dated 29th July 1897, and to state that the Council has no suggestions to offer on the subject.

I have the honor to be

Sir

Your most obedient servant

Chairman

1

Enclosure No 1 to letter No 316 2-8-97

Extract from the proceedings of the Municipal Council Negapatam at a Meeting held at 5. P. M. on Thursday the 29th July 1897.

Present.

M.R.Ry. P. Ratnasabapathi pillai avergal Chairman.

2. J. J. Cotton Esquire. Ag. Head Assistant Collector & Ex. officio Councillor.

3. Captain J. P. James.

4. M.R.Ry. N. Mohomed Oosman Sahib avl S.B

5. Revd. J. J. Lewis

6. M.R.R. Mayandi chettiar avl

7. " P. S. Kristnasami Naidogaru.

8. " V. Chinna Maricar avl S.B.

9. " M. K. Vappakandu Maricar avl S.B.

10 " S. Alia Maricar avl S.B.

11. " C. R. Kunjithapatham Iyer avl

12. " N. Letchoomana Naidugaru

13. " M. G. Ramasami pillai avl.

14. " A. R. N. Gurusami pillai avl

15. " S. Soobramania Iyer avl

16. " S. Chinnathambi Maricar avl S.B.

17. " M. Othman lebbai Maricar avl S.B.

× ×

n dated 21

1897

41

— circulating certain draft rules for the interpellation of the Chairman by the Municipal Councillors.

Resolution:— The Council has no remarks to offer.

True Extract

Chairman

283 Lm 1897

---

42 / 12 headings only

A18

Local & Munl. (1897) Department.

CURRENT No. 2861 M

Order

From The Chairman
Municipal Council
Tirupati

Dis **No.** 418/M of 1897

Dated 5th August 1897.
Received 6 AUG 1897
Registered 6-8-1897
Enclosures one
Spare copies

SUBJECT.

Forwarding Extract from the Minutes of Proceedings of the Municipal Council, Tirupati, containing certain suggestions in reference to the draft rules appended to G. O. No 1465 M. dated 21st June 1897.

BACK PAPERS

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Extract from the Minutes of Proceedings of the Municipal Council, Tirupati, passed at its Special Meeting held on the 31st July 97.

Present.

M. R. Ry. C. Krishnaswamy Aiyar Avergal.
" B. Laul Singh garu.
" C. Krishnamachariar Avergal.
" V. Sundaram Aiyar Avl.
" Kotigari Munasamy Chetty garu.

3. Read G.O. No 1465. M. dated 21st June 1897, requesting to submit opinion on the question of appointing Secretaries, ~~resorting~~ restoring to certain Municipal Councils the privilege of electing their own chairman, and ordering the publication in the Fort St. George Gazette, &c for information and criticism of certain draft rules for the interpellation of the Chairman by Municipal Councillors.

The Council considers, (a) that the period of 10 days required by rule 2 of draft rules under Section 250 (1) is unnecessarily long and that it can be conveniently cut short to 3 days, and,

(b) that it is necessary that a provision should be added to rule 4 of the said draft rules to enable the councillor whose question has not been answered by the Chairman on the ground of its not being consistent with public interest to appeal within a week to the Collector of the District for a final verdict.

verdict:

(True extract)

K. Gopalachari
5/8/97
Chairman

1/2861 M of 1897

---

13 headings

Tirupati Municipal Office,

Dated 5th August 1897.

Dis No. 418 M of 1897

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2861 M

Enclosures one

From

M. R. Ry. K. Gopalachariar Avergal
Row Sahib
CHAIRMAN, MUNICIPAL COUNCIL.
TIRUPATI,

To
The Secretary to
Government,
Local and Municipal Department,
Madras.

Sir,

With reference to G. O: No 1465. M. dated 21st June 1897 ordering the publication in Fort St George Gazettes of certain draft rules for information and criticism, I have the honor to forward herewith an extract from the minutes of proceedings of this council containing certain suggestions in respect of some of them.

I have the honor to be
Sir
Your most obedient servant
K. Gopalachari
Chairman 5/8/97

114 [illegible]

Local & Munl. (1897) Department.

CURRENT No. 2866 [illegible]

Order

From

M. R. Ry. T. V. Narasayya
Pantulu Garu & other
Municipal Councillors
Bezwada

No.

Dated 31-7-1897
Received 7-8-1897
Registered 7-8-1897
Enclosures
Spare copies.

SUBJECT.

Expressing their views regarding the draft rules regulating the exercise of the privilege of interpellation in the Municipal Councils

10/8

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL & MUNICIPAL DEPT.
CORRESPONDENCE 2866M

CHIEF SECRETARY * GOVERNMENT OF MADRAS *
-1 AUG. 1897

To

The Secretary to the
Government of Madras

Sir,

We, the undersigned representative Municipal Councillors Bezvada beg to express our views with regard to the draft rules published by the Government, regulating the exercise of the privilege of interpellation in the Municipal Councils. Although these draft rules were sent by Government to the various Municipal Councils for the expression of their opinion, our Chairman, as is usual with him in regard to all the G. Os sent to the Council, has not been pleased to place them before the Council up to date to elicit any opinion of the Councillors on the subject. We ourselves have therefore resolved to forthwith lay our views before the Government as there is very little time to be lost, the date fixed by the Government for the consideration of these draft rules being near at hand.

2. In our humble opinion, ten da notice fixed by Rule 2. is too long. The object of giving notice to the Chairm or the Secretary, as we understand und this rule, is to allow an opportunity and time to the Chairman to gather the necessary information to prepare himself to give replies to the questions submitted. As the required information is to be gathered from the records in his office or from the Servants that are always found in the Municipal Town itself and moreover, the Chairman has power to extend the time under Rule 5, in case he requires more time to collect information, we submit in our humble opinion, notice of four clear days will answer the purpose.

3 Rule 4 invests the Chairman with the Arbitrary power of disallowing questions without giving reasons and proves a very effective provision and a dangerous weapon in the hands of many a Municipal Chairman to make the newly granted and much desired privilege a mere nullity in practice. As the Subjects that are

to

the interpellated upon, are merely o
local importance and interest —
relating to a Municipality and no
relating to State Policy or State Secre
We think this Rule may altogether be don
away with. If the Government thinks
that the retention of some provision
to disallow questions, the answers
of which, as the Government considers,
may be prejudicial to the public
interests ^is necessary we submit some safeguards
may be introduced into this Rule
so that the Chairman may not abuse
the power vested in him and much
valued privilege of interpellation may
not exist simply in name. The safe
guards we propose are:-

(a) The question and also the reasons
of the Chairman but not a mere
statement that the Public interests
will suffer, for his disallowing the
question, shall be entered in
and published with the Proceedings.,

(b) In case the majority of the Councillors
present at the meeting, think that
the question can be answered
without prejudice to the public
interests, the Chairman shall answer
the question.

W E J —

4 We also propose to have a clause added to this Rule enabling the interpellating Councillor to put forth his own reasons in asking the question when he (the councillor) wants to divide the Council as proposed in Clause (h). By this means, the Council will be able to know both sides of the question and decide whether the question can be answered consistently with the public interests.

5 Rule 5 also requires modification. It lays down that the Chairman may "require longer notice if he thinks fit" "or extend it — if necessary the time" "for answering a question". The words "require longer notice if he thinks fit or" may entirely be omitted as the Chairman can "extend the time if necessary for answering a question". We think it also necessary to fix the period to which the Chairman can extend the time for answering a question. If it is not so fixed, an unscrupulous Chairman

may put off answering a questio to any indefinite length of time. To avoid this contingency and al to prevent the Chairman from postp questions without sufficient cause, we wish to add the words "to the next ordinary meeting only recordi his reasons in the Proceedings for so doing" after the last word "question" in this Rule. When we use the words "Ordinary meeting" we mean to exclude special meetings convened for special purpose and include only meetings convened for transaction of General business. The time generally intervening between Ordinary meetings will not be less than 15 days and thus the Chairman will have ample time and opportunity to prepare himself for his answers. The word "Ten" also must be altered into "four", according to the modification proposed in Rule 2.

6 In consequence of foregoing proposed modifications, some is alteration in Rule 6, also, is necessary. The words "When the Chairman has

permitted the question to be asked it", may be substituted by the words "all questions submitted in accordance with Rule 2."

7 If our suggestions are favorably considered by the Government, — Rule Ten, will have to undergo a change to the following effect.

> "The questions submitted and the answers given as well as the reasons put forth by the Chairman either for disallowing questions or for postponing answers shall be entered in and form part of the Proceedings of the Council."

8 In conclusion, we beg most respectfully to submit that if our humble proposals are favorably viewed by the Government they will form an effective check both upon the Chairman and the interpellating Councillors to prevent them from abusing their respective powers.

We have the honor to be
Sir
Your most obedient Servants

Bezwada
Dated 31st July 97

J. V. Narasastri
M.C.

D. Seshachalapati
M.C. 31/7/97

P. V. Ramanayya
M. Councillor

[illegible]

R. V. Seshacharyulu
M.C.

[illegible]

20 hearings

Local & Munl. (1897) Department.

A/ws

CURRENT No. 2879 M

From The Secretary Madura Law Society

Order

No.

Dated 31-7-1897

Received 9-8-1897

Registered

Enclosures

Spare copies.

SUBJECT.

Submitting for favourable consideration suggestions to consider the rules framed by the Govt. under clause m section 250 of the Madras Dt. Municipalities act.

13/8

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2879 M

Loan

From

The Secretary

Madura Law Society

-5 AUG. 1897

To

The Chief Secretary to the

Government of Madras.

Sir

I have the honor to submit herewith for the favourable consideration of the Government, the suggestions passed at a meeting of the Society held on the 24th inst. to consider the rules framed by the Government under cl. iii. s. 250 of the Madras District Municipalities Act 1884, as amended by Act III of 1897. The changes proposed are concerned with Rules ii, iv, v, vi, and x. The reasons for the changes are obvious; and it is sufficient to state, as regards Rule iv, that the Society is of opinion that some check should be placed, as proposed, on the tendency of any chairman refusing to answer an inconvenient but a necessary and proper question on the vague ground that it cannot be answered consistently with public interests.

The changes proposed are follows:—

Rule ii. The word "Seven" should be substituted in place of "Ten"

Rule iv. This Rule to be amended thus.

"If the chairman considers that any ques-
"tion cannot be answered consistently with
"public interests, he may refuse to an-
"swer it, and he shall not only submit
"such reason, and the question to the
"Collector, but also communicate the rea-
"son to the Councillor by whom such
"question was asked. The Collector may
"make order that the question should or
"should not be answered, and such
"order shall be final and binding on
"the Chairman"

Rule V The word "Seven" to be substituted for "Ten".

Rule VI. The words ". The Questions asked" to be submitted in place of the words "When the Chairman has - - - asked, it" which latter should be omitted.

Rule X. The word "and" after the words "The Question asked" should be omitted; and the words "and the reason for disallowing any question" ~~shall~~ to be added after the words "answer given to it"

I have the honor to remain
Sir,
Your most obedient and
humble Servant

A. Rangasami Ayar
Ba. B.L.
Secretary.

31st July 97.

Current no $\frac{2711}{Rev}$ 97

Local & Munl. (1897) Department.

Acls

15 Receipts

Cno/970 97
Rev

CURRENT No. 2882 M

From The Chairman, Municipal Council, Coimbatore

Order Forwarded

Advt

No. 598.

Dated 27th July 1897

Received 5 AUG. 1897

Registered

Enclosures two

Spare copies

COLLECTOR'S OFFICE, 3 - AUG. 1897, COIMBATORE.

Forwarded.

Herbert Bradley
Collector

5/8/97

7/8/97

SUBJECT.

Submitting extracts from Proceedings dated 8th & 22nd July 1897 regarding the appointment of Secretary to the Municipal Council &c &c.

3548
3/8/97

13/8

BACK PAPERS.

G.O.	No.	Department	Date.
Lo	1681	L.M	27-7-97
„	1465	M	21-6-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Extract from the Proceedings of the Municipal Council,

Coimbatore, dated 22d July 1897.

—:o:—

* * * * * * *

22.

Read G.O. No. 1465 M dated 21st June 1897 regarding the draft rules as regards the appellation of the Chairman.

Resolution

In Rule No. 2, the time of 10 days may be reduced to 6.

In Rule No. 4, the last clause beginning from "and" to "Council" will be omitted.

Revenue Officer dissenting.

(Signed). H Rama Row
Chairman

(True Extract).

Submitted to the Secretary to Government Local and Municipal Department for information through the Revenue officer of the Division

H Ramarow
Chairman

Coimbatore
27th July 1897

Extract from the Proceedings of the Municipal Council,

Coimbatore, dated 8th July 1897.

—:o:—

* * * * * * *

3. Read G.O. No 1465 M dated 21st June 1897, requesting certain Municipal Councils with remarks to submit their opinion on the question of appointing Secretaries.

Resolution

The Council has already passed a resolution as regards the appointment of a Secretary and the salary to be assigned to him. The subject of the Draft Rules as regards the interpellation of the Chairman will be considered at the next meeting.

Sd/. H. Rama Row
Chairman

(True extract)

Submitted to the Secretary to Government Local and Municipal Department through the Revenue officer of the Division

Coimbatore
27th July 1897

H Ramarow
Chairman

57 16 August

Local & Munl. (1897) Department.

CURRENT No. 2958 A.M.

Order.

From

The Collector of
Vizagapatam.

No. 3279.

Dated 10th August 1897 –

Received – 17 AUG. 1897

Registered –

Enclosures one.

Spare copies .

SUBJECT.

Submitting letter from the Chairman Municipal Council Vizagapatam proposing certain alterations to the draft rules in G.O. 1465 regarding the interpellation of the Chairman by the Municipal Councillors.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Copies. $\frac{250}{1-4-97}$

EXTRACT FROM THE PROCEEDINGS OF THE MUNICIPAL COUNCIL OF THE TOWN OF VIZAGAPATAM AT THEIR MEETING HELD ON THE 5th August 1897

M.R.Ry. P. Krustnswami Naidugaru Chairman M.C. Delegate.
" S. T. Srinivasa Iyengar Avergal.
" T. Janakiramiah Naidugaru
" M. Appalanarasiah Naidugaru
" D. Venkatanarasiah Naidugaru
" B. Narasimhaswara Sermagaru
Shaik Amboo Sarung Saib Bahadur.

Point. 2	Resolution.
Read. G.O. No. 1485, M dated 21st June 1897, ordering the publication of draft Rules, for information and criticism, framed under clause (m) Subsection (1) of Section 250 Act IV of 1884 as amended by Act III 1897 for the interpellation of the Chairman by the Municipal Councillors.	Councillor to give 5 days notice Rule 2. Chairman may disallow any question but he should record his reasons in full in the proceedings. Rule 4.

(sd) P. Krusthnaswami
Chairman M.C. Delegate.

(True Extract)

Krushnaswami
Chairman M.C.
Delegate

No. 1002

VIZAGAPATAM MUNICIPAL OFFICE

Dated 7 August 1897.

LOCAL & MUNICIPAL DEPT. CURRENT No. 2958 A.M.

From

M. R. Ry. P. Kristnaswami Naidugaru
~~B. SURYANARAYANA SASTRI GARU, B. A., B. L.~~
Delegate
CHAIRMAN, ~~MUNICIPAL COUNCIL~~,
VIZAGAPATAM.

To

The Secretary to Government
Local and Municipal
Department Madras,

Sir,

With reference to G. O. No 1465, I have the honor to state that the draft rules, for the interpellation of the Chairman by the Municipal Councillors, therein embodied were placed before the Council at its meeting held on the 5th current—

2. The Council resolved that the rules be adopted with the following alterations.

Rule 2. A Councillor to give 5 days notice instead of 10 clear days—

Rule 4. The Chairman may disallow any question but he should record his reasons in full in the proceedings—

3. An extract from the Councils' proceedings is enclosed—

I have the honor to be
Sir,
Your most obedient Servant,
P. Kristnaswami
Chairman, M. C.

1/2958 A.M. of 1897

Cur. No 3279 of 1897
COLLECTOR'S OFFICE, VIZAGAPATAM.

No 3279.

forward

Forwarded

Spl. mi. p. Cr

despd.
14-8-97.

Submitted
Dy. Collector
9/8/97

COLL[illegible]OR,
26 JUL. 97
GANJAM.

63

17 headings

Local & Munl. (1897) Department.

418

CURRENT No. 3023/M

Order.

From M.R.Ry Rao Bahadur
J. V. Siva Rao Pantulu Garu
Chairman Municipal
Council Chicacole

No. 633.

Dated 23d July 1897.

Received 23 AUG. 1897

Registered 23-8-1897

Enclosures /

Spare copies

Dis 133 / 23.7.97

SUBJECT.

Offering suggestions with reference to G. O. No. 1465 M. dated the 21st June 1897 regarding the interpellation of the Chairman by the Municipal councillors &c

248

7

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Cho 1422/6 Aug of 97
Regd on 26.7.97

LOCAL & MUNICIPAL DEPT.
CURRENT No. 3023 M

Municipal Office,
CHICACOLE.

No. 633.

Dated, 23rd. July 1897.

FROM
M.R.Ry. Rao Bahadur T. V. Siva Rao Pantulu Garu.
CHAIRMAN,
MUNICIPAL COUNCIL, CHICACOLE.

To
THE Secretary to the Government,
Local and Municipal Department
(Through the Collector Ganjam) Madras.

SIR,

Enclosing herewith an extract from the Proceedings of the Municipal Council Chicacole passed at its meeting held on the 19th Instant with reference to G.O. No 1465 M dated 21st. June 1897, I have the honour to state that the Council are of opinion that a week's time is quite sufficient for the questions, that may be asked by councillors, being answered.

The Councils' object in suggesting alterations in the rule (4) is that even the questions disallowed by the Chairman should find a place in the Proceedings of the Council to enable the public to form an opinion as to the nature of the questions put and as to the propriety of their being disallowed.

I have the honour to be,

Sir,

Your most obedient servant.

T. Sivarow

Chairman.

An Extract from the Proceedings of the Meeting of the Municipal Council Chicacole dated 19th July 1897.

Present.

Mrkry. Rao Bahadur T. V. Sivarow Pantulu Garu. Chairman.

Councillors.

Surgeon Captain S. C. White.

Mrkry. S. A. Swaminatha Iyer Averghal B.A. B.L.

" M. V. Ramanayya Chetty garu.

" T. Suryaprakasarow Naidu Garu.

" I. Suryanarayana Chetty garu.

× × ×

2. Read G.O. no 1465 M. dated 21st. June 1897 ordering the publication of certain draft rules for information and criticism framed under clause (m) Sub section I of Section 250 of the amended act for the interpellation of the Chairman by the Municipal Councillors.

(1) The Council are of opinion that the word seven may be substituted for ten in the rule 2.

(2) The Council are also of opinion that the words "And in such cases" may be substituted by "but" and the word "not" between "Shall and be" be omitted in the rule 4.

× × ×

(No 1422/Eng of 97

Regd on 26.7.97

1/3028 M of 1897

'N' C 1422/Eng of 97

Di No 1408/Eng of 97

Forwarded —

2. I agree with the Council's opinion as to rule 2. As to rule 4, I do not think that publishing questions which chairman has refused to answer should be entered in the proceedings. In such cases however the Chairman should I think be bound to give an endorsement refusing to answer the question in writing.

Chatrapur
11th August 1897 } For Collector

17

Cpd

B

18 hear 97

SUB-COLLECTOR'S OFFICE
31 JUL. 97
TANJORE.

al & Munl. (1897 .) Department.

Ans

88/Mt of 97

CURRENT No. 3071 M

Submitted for orders

Go 1465 M 97 P.

From

the Chairman
Municipal Council
Kumbakonam

No. 506

Current No. 4000/Rev of 1897

Order. 3/2.8.97

Dated 29th July 1897.

Received 26 AUG. 1897

Registered 26-8-1897

Enclosures 1

Spare copies

Rd 4.8.97

SUBJECT.

Communicating the views of the Council on the draft rules for interpellating the Chairman by municipal Councillors.

BACK

G.O.	No.

Loc

FURTHER PAPERS.

G.O.	No.	Department.	Date.

B

70

LOCAL & MUNICIPAL DEPT.
CURRENT No. 3071 M

No. 506

MUNICIPAL COUNCILORS' OFFICE

KUMBAKONAM 29th July 1897.

FROM M.R.Ry.
T. S. Sivaswami Odayar Avargal
CHAIRMAN, MUNICIPPAL COUNCIL
KUMBAKONAM.

TO
The Secretary to Government
Local & Municipal Department
Madras
(through the Sub Collector & the Collector of Tanjore)

SIR,

In enclosing copy of a resolution of this Council dated 24th July 1897 on the draft rules published by Government in regard to the interpellation of the Chairman by the Councillors, I have the honor to make a few observations which I request Government will be pleased to consider in passing final orders on the rules :-

Unlike the members of the Legislative Council who have in many cases no access to records they require, the Councillors of mofussil municipalities hav have free access to all the records maintained in the office. Vide G.O. No 184 M dated 22-2-1888 and Section 250 A (1+2) of Act IV of 1884 as amended by Act III of 1897. The opportunities for interpellating the Chairman have consequently to be as few as possible. It would be well, in the interests of municipal institutions in the mofussil, if the latitude allowed to Councillors for interpellating the Chairman were as limited as possible.

I have the honor to be
Sir
Your most obedient
Servant
S. Sivaswamy Aiyar
Chairman

R.V.
29.7.97

Proceedings of the special meeting of the Municipal Council, Kumbakonam held on the 24th July 1897.

Present.

M.R.Ry. T. S. Sivasamy Odayar Avergal, Chairman
W. B. Ayling Esquire I. C. S.
M.R.Ry. Rao Bahadur S. Seshayya Avergal B.A
" K. Runganatha Rowjee Avergal B.A
" Rao Bahadur S. Appa Sastriar " B.A
" Rao Bahadur C. Nagoji Row " B.A
" A. C. Narayanasamy Iyer "
" N. Vaidyanatha Iyer " M.A
" V. Krishna Iyer " B.A B.L
" T. Krishnamachariar " B.A
" A. Ramalinga Chettiar "
" S. Sivagurunada Chettiar " B.A B.L
" N. Krishnasamy Iyengar " B.A B.L
" V. T. Chinnasamy Pillai "
" I. Vyapuri Mudaliar "
" T. S. Sivavadivelu Odayar "
" J. V. Bathrusamy Chettiar "
" N. Krishnasamy Chettiar "
" A. Rengasamy Chettiar "
" M. C. Doraisamy Chettiar "
" M. C. Amirthalinga Chettiar "
" C. R. Jeganada Chettiar "

× × × × ×

4. Read draft rules framed by Government

regardin

Dis no $\frac{20[illegible]}{Rev}$ of 97. Enc one

forwarded

2. It seems worthy of consideration whether if the proposed powers of interpellation be conceded, the right of inspecting municipal records conferred by G.O No 184 M dated 22.2.88 might not be somewhat curtailed. The act merely provides that minutes of meetings (Section 31), assessment books and account books (Section 250 A) shall be open to inspection by any tax payer. It is submitted that there would be no objection to requiring any Councillor who wishes to inspect records other than the above to apply in writing to the chairman specifying document he wants to see,

1/3071 M of 1897

to allowing the chairman to refuse permission subject to a reference to the Collector similar to that suggested by the Council in the case of interpellations. The present system is open to considerable abuse and the practice of Councillors prying into every paper in the office at their own will and pleasure and without reference to the chairman cannot fail to act prejudicially on the discipline and work of the clerks. It would be better to curtail this than to limit the right of interpellation, as the chairman wishes to do.

It is but fair to add that the question of right of inspection ~~interpellation~~ of records was not raised at the Council meeting

DESPATCHED.
2- AUG. 97

W. S. [illegible]
Ag Sub Collector

Endt. on C. No. 97.
Encl. 1.
Forwarded.
2. The suggestion contained in para 2 of the Sub Collector's Endorsement is deserving of his attention, & I beg to suggest a reconsideration of G.O. 822. 2.1888 No 184 M.
3. I know of one Municipality in which I am disposed to think that inspection of records by Councillors is unduly frequent. The privilege when abused, as it may easily be, is bound to hamper the Chairman.
[illegible]
Collector
24.8.97

---

21 recorg [illegible]

Local & Munl. (189) Department.

CURRENT No. 3178 M.

From
The Chairman
Municipal Council
Berhampore
No. 962

Order.
Lodged with reference to G.O.
No. 1807 1897

Dated 13th August 1897
Received - 6 SEP. 1897
Registered
Enclosures 2
Spare copies

SUBJECT.

District Municipalities Act Amendment Act No III of 189[illegible]

Forwarding a copy of observations of a Municipal Councillor in respect of the draft rules framed by Government for the interpellation of the Chairman by the Municipal Councillors.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

C no 1523/Eng of 97

Regd on 20.8.97

No. 962

M.C.

Berhampore
Municipal Office
13th August 1897.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 3178 M.

From
M.R.Ry. Baboo B. Chatterjea from
[illegible] Chairman, Municipal Council
Berhampore

To
The Chief Secretary to Govt.
Local & Municipal Department
Madras
(through the Senior Assistant
Collector, Ganjam.)

Sir,

With reference to G.O. No. 1465 M. dated 21st June 1897, regarding the draft rules for the interpellation of the Chairman by the Municipal Councillors, I have the honor to forward herewith for consideration of Government copy of letter dated 5th August 1897 from Councillor M.R.Ry. D.R. Ramaiya Pantulu Garu together with the resolution of this Council passed at a

Meeting held on 7th August 1897, No. 9.

I have the honour to be,

Sir,

Your most obedient Servant

B. Chatterjee

Chairman

No. 20   13-8-97

The Chairman

Municipal Council

Berhampore

Sir,

With reference to the rules framed by Government for the interpellation of the Chairman by the Municipal Councillors and published for criticism, I have the honour to offer my remarks for the consideration of the Council with a view to their being brought to the notice of Government should the Council think fit to do so.

2. I would propose a proviso to rule 2 to the effect:— Provided that the question may be preceded by a concise statement of facts when it is necessary for the better understanding of the question.

3. The necessity for the proviso was often felt by the members of the Legislative Council as I learnt from one of their number. There is no harm whatever in stating the facts out of which the proposed —

question arises and often much misapprehension is removed by such a statement.

4. I would strongly object to rule 4 and would propose its removal altogether or its retention if at all in a greatly modified form.

5. In the parliament, and in the legislative Councils in India such a power may often be absolutely necessary where there must of necessity be state secrets, diplomatic difficulties, intricate matters of policy which cannot safely be divulged in their embryo state without affecting seriously the well being of the nation and without producing serious complications of an international nature. No such questions can arise in the conduct of a municipal administration. I cannot imagine how public interests can be affected by the Councillors knowing what is going on. Where the municipal Councillors discharge their duties conscientiously and where the Chairman wishes to avail himself of their hearty cooperation, every paper that is received

or sent out, every step that is taken by the Chairman must be known to the Councillors in order that the Chairman may receive their timely advice and assistance. In this Municipality till a few years ago every paper that was received or sent out used to be circulated among the Councillors, and this practice was discontinued only because the municipal work has greatly increased. While the office remains as it is, whenever the administration is found defective or lax in any department, the Government pass their censure on the whole body en masse and this would be unfair when the Chairman can keep back any information from the Council under the shelter of this rule. This rule will practically defeat the very object of allowing interpellation and in every difficult matter the Chairman may choose to avoid answering under cover of this rule, and his refusal to answer any question may result in producing heart-burnings where there are none.

6. If the Government however have any

very strong reasons for the retention of this rule, I would propose that a clause may be added compelling the Chairman whenever he declines to answer a question, to give his reasons, if not to the Councillors, to the Government, & giving power to Government to rule that the Chairman is bound to answer the question.

I would also propose that the whole clause after "the public interests" be omitted altogether. The entry in the proceedings of any such question with the answer "declined to answer", will show the number and nature of such questions for future reference and may have some deterrent effect on the Chairman in refusing to answer except for very strong reasons.

7. Regarding rule 8 I would propose a limit for the extension of time required for answering as otherwise the answer may be put off indefinitely or for several months.

I have the honour to be,
Sir,
Your most obedient servant
(Signed) D. V. Ramaiya
A Municipal Councillor

1/3178 M of 97

(True Copy)
R. Challenger
Chairman

---

83 Enclosure 2 in No 962
13-8-97

Extract from the proceedings of the Municipal Council, Berhampore at a meeting held on Saturday the 7th August 1897

Present

Mry. A. Kamesvararao Naidu garu
Mry. M. L. Narasingarao Pantulu garu
Mry. C. Appalarao Patnaik garu
Mry. Daniel Mahanty garu
Shaik Abdul Kadar Sahib
Mry. B. Jagannadha doss Pantulu garu
Mry. G. Raghavarao Pantulu garu
Mry. K. C. Rosy Subuddhi garu
Councillors

2. Read G. O. No. 1465 M. dated 21st June 1897 Local & Municipal Department for criticism on certain draft rules framed under the District Municipalities Act Amendment Act No III of 1897 for interpellation of the Chairman by the Municipal Councillors.

Read also letter dated 5th August 1897 from Councillor Mry. D. V. Ramaiya Pantulu garu on the subject.

2/3178 M of 97

Resolution: The observations made by Mry. D. V. Ramaiya Pantulu garu are approved and adopted. The Chairman with forward them to Government.

(Signed) G. Raghavaiyar

Presiding Councillor

COLL[illegible]
20 AUG. 97
C[illegible] M.

(True Extract)

A. Chalenjee

Chairman

C No 31

Recd

9/8/97

Forwarded

Asst. Collector in Charge

Camp Harispur
15. 8. 97

NC No ~~1523/Aug/97 (15.8.97)~~

Forwarded

Collector

Dated Chatrapur
1st ~~[illegible]~~ Sept. 1897

26. 8. 97

Rules for the Interpellation of the Chairmen of Municipal Councils by Councillors.

LOCAL AND MUNICIPAL DEPARTMENT.

Again G.O., dated 21st June 1897, No. 1465 M.

Current Nos 2617 M, 2657 M, 2695 M, 2735 M, 2752 M, 2755 M, 2787 M, 2793 M, 2823 M, 2836 M, of 189 , dated from the

Current No. 2861 M, 2866 M, 2882 M, 2958 A.M, 3023 M & 3071 M. of 189 , dated from the

(1) 1801
(2) 1178

J

M.O. 259 A.M. 24-11-97

FOR ORDERS.

In the Government order read above, certain draft rules framed under clause (m) of subsection (1) of section 250 of Act IV of 1884, as amended by Act III of 1897, for the interpellation of the Chairman by the Municipal Councillors, were published for information and criticism. The letters read above contain the replies received up to date. The only Municipal Councils which have replied to this order are those of Anantapur, Madura, Nellore, Ongole, Negapatam, Karur, Coimbatore, Vizagapatam, Kumbakonam, Vellore, Cocanada, Srirangam and Tirupati, while M.R.Ry. Venkatesulu Nayudu, a Municipal Councillor of Madura and some Councillors of Bezwada have also submitted their suggestions.

2. The first five Municipal Councils above referred to have

no remarks to offer. The remarks and suggestions made by the others are dealt with below:-

Rule (2). A councillor who wishes to ask a question shall give at least ten clear days' notice in writing to the Chairman or the Secretary of the council, if any, submitting in full the question which he wishes to ask.

of Cocanada C and Vizagapatam, and M.R.Ry P.R. Venkatesalu E Nayudu, suggest that the period of ten days prescribed by this rule for the notice to be given to the Chairman or the Secretary, is unnecessarily long and might conveniently be reduced to five days. The Councillors of Bezwada G consider that four days' notice will be sufficient. While the Municipal Council of Tirupati F would reduce the period to three days, ~~while~~ the Coimbatore Council H would have six days. The object of giving the notice required by this rule is to give sufficient time to the Chairman to gather the necessary information to enable him to reply to the questions asked. It is stated that as the questions are to be confined to matters under the control of the Municipal Council, the required information ought to be forthcoming in the majority of cases from the records of the Municipal office, while in the others it might be

L The municipal Councils

The Municipal Council of Chicacole K suggests, & the Collector of Ganjam agrees in the suggestion, that seven days may be allowed.

be obtained from the Municipal servants who are always to be found in the Municipality itself. Further, it is stated that no harm can possibly arise by shortening the period, as under Rule 5, the Chairman can extend the time for answering a question, if he thinks fit to do so.

Rule 8 of the rules under the Indian Councils Act for regulating interpellation in the Legislative Council requires six days' notice of a question. The draft rules in the present case were adapted from the rules above referred to, but in doing so, the period of notice was altered into ten days, apparently in consideration of the fact that an honorary Chairman, who has got his own private business to attend to, should be given

Vide the rules on page 42 of the book containing the rules & regulations made under the Indian Councils Act, put up.

Lt master

given sufficient time to collect the required information with the aid of the Municipal executive, which in the majority of cases is not as efficient as it should be. If the period of notice is cut short, as proposed, the inevitable result will be that very few questions will be answered at the next meeting of the Council after their submission, and the time for answering them will have to be extended under Rule 5 in several cases. The period of ten days prescribed in the draft rule, appears therefore to be necessary. In individual cases, where t is found impossible to give the required notice of ten days, the Chairman may, under Rule 5, allow the question to be asked with horter notice, provided sufficient cause is shown.

The period may be made 7 clear days. I think that will be sufficient.

Very well – Six days has been found in practice to be too short a period in the Legve Cl. – But the circs are different !!

Rule (3) Questions must be so framed as to be merely requests for information and must not ask for the opinion of the Chairman or be in an argumentative or hypothetical form or defamatory of any person or section of the community.

Rule 3. M.R.Ry Venkatesalu Nayudu E

states

states that there is no reason why the opinion of the Chairman should not be asked for by the Councillors. "In several cases" he states "the Chairman himself might "desire to express his own opinion, "especially when that opinion has "been overruled by a majority of "the Councillors or by the authorities; "and so long as he has the power "of vetoing any question without "assigning any reasons therefor, "there can be no danger in permitting Councillors to interrogate "him, about his opinion. He is "of course not at liberty to disclose any official secrets."

The object of the privilege of interpellation is to afford facilities to Municipal Councillors for obtaining information on matters of fact relating to the administration of the Municipality, to which they would otherwise have no access. It does not seem expedient to provide that the Chairman's opinion may be asked by interpellation, for there may be many instances in which the Chairman may not like to give his opinion in the interests of the Municipality. Besides, it is not known of what use the Chairman's individual opinion on any point will be to the Councillors.

Rule (4) The Chairman may disallow any question without giving any reason therefor other than that, in his opinion, it cannot be answered consistently with the public interests, and in such cases the question shall not be entered in the proceedings of the council.

The municipal Council of Karur, suggests that this rule should be so amended as to require the Chairman to give reasons to the Councillor in writing for disallowing a question put by him. The Vellore, K Chicacole, I Vizagapatam & H Coimbatore D Srirangam, C Councils state that it would be desirable that the questions disallowed by the Chairman under rules 3 and 4, should be

A

B

Of course not. The Chairman's individual opinion is not within the scope of interpellation. To make it compulsory for the Chairman to give his opinion w^d. be absurd.

H S

J. K

A.S.H.

states

be entered in the proceedings of the meeting at which they would otherwise have been asked, as they (the Councils) are of opinion that such a course will have the salutary effect of preventing the Chairman from abusing the privilege. The Vellore Council also points out that, as the rules stand, there is no possibility of appeal to Government against the Chairman's decision that a question is argumentative hypothetical or defamatory (Rule 3) or is inconsistent with the public interests (Rule 4). The F Municipal Council of Tirupati suggests that a provision should be added to enable the Councillor whose question has not been answered by the Chairman on the ground of its not being consistent with the public interest

The Gov^t. w^d. be swamped, with such appeals!

Rather!

There need be no appeal.
A.S.H.

to appeal within a week to the Collector of the District for a final verdict.

E

M.R.Ry. Venkatesulu Nayudu, while he joins with the Vellore, Srirangam Councils in suggesting that the questions disallowed by the Chairman should be entered in the Proceedings of the Council, recommends, that power should be taken to enable the Government to order, either of its own motion or on the motion of the Collector of the District, that a question be answered, if it thinks fit to do so in the interests of the state or of the public. The Councillors of Bezwada state that Rule 4 invests the Chairman with the arbitrary power of disallowing questions without assigning reasons, which would make the newly granted privilege a mere

states

L

The Municipal Council of Kumbakonam suggests that the following words should be substituted for the latter portion of this rule commencing from "and in such cases":—
"pending the decision of the Collector to whom
"he shall refer the question within seven
"days after receipt of the same. The decision
"of the Collector shall be final and shall be
"communicated to the Councillor interpella-
"-ting. If the question be disallowed by the
"Collector, it shall not be entered in the
"proceedings of the Council."

G

Has they distrust one another! There must be finality somewhere

Just so. But this distrust is what is at the bottom of our presence in the country

mere nullity. As the subjects to be interpellated upon are merely of local importance and interest relating to a municipality and not relating to State policy or State secrets, they consider that the rule may be done away with. If, however, the Government thinks that some provision should be made in the rules authorizing the Chairman to dis-allow questions the answers to which may be prejudicial to public interests they state that some safeguards against the abuse of the power by the Chairman should be provided and propo

(a) that the question and also the reasons of the Chairman, but not a mere statement that the public interests will suffer, for disallow

the

But the reasons would or might disclose the very matter which it was desirable to keep from the public.

the question shall be entered in, and published with, the Proceedings and

(b) that in case the majority of the Councillors present at the meeting think that the question can be answered without prejudice to the public interests, the Chairman shall answer the question.

They further propose that a clause should be added to the rule, enabling the interpellating Councillor to put forth his own reasons for asking the question, when he wants to divide the Council, as proposed in clause (b).

In the first place, it seems to be inexpedient to omit this rule altogether or to require the Chairman to give reasons for disallowing any questions put to him. The rules impose upon a duty to answer questions, and

The matter would by hypothesis be within ~~of~~ the knowledge only of the Chairman – if known to the Cars there wd. be nothing secret about it nor any need to ask questions

This is debate, not interpellation. Any relevant matter can always be brought before the Council by the way of the ordinary procedure

Yes

If the Chairman is to be the final arbiter, as I see no reason why he should not be, it is unnecessary to enter disallowed ques on the Agenda – & give room for dispute & recrimination.

and it is essential that he should be protected from unnecessary and vexatious questions. This is provided by rule 4. In the absence of any such provision, the Chairman's position will be rendered very unpleasant, and it would be difficult to find men of sufficient respectability to take up the office

Secondly, it seems to be not only unnecessary, but proba illegal, to enter in the Proceed-ings of the Council the questio which have been disallowed the Chairman. No questions ca form part of the Proceeding of the Council unless they a asked at a meeting of the Council. Questions which a disallowed by the Chairm under this rule, will not so asked and therefore ca be entered in the Proceedings.

Thirdly, the proposal of the Bezwada Councillors that, if the majority of the Councillors present at a meeting decide that a question can be answered without prejudice to public interests, the Chairman shall be bound to answer it, ~~also~~ seems to be inexpedient and undesirable. This has the effect of practically depriving the Chairman of the power given to him by this rule and of throwing him at the mercy of the Councillors.

Fourthly, it having been held be inexpedient to require the Chairman to assign reasons for disallowing questions, it seems be equally so to provide that Councillor whose question has disallowed by the Chair, may appeal to the Collector

or

The rule must stand — If the Chairman is an appt. one, Govt. will not appoint him if he abuses his powers; if an elected one, the Crs. need not reelect him.

H.S.

As a matter of fact rule 4 will be applicable only in rare cases. The Govt. rarely if ever corresponds confidentially with the public & all ordinary business is from its nature open to all the Crs., who moreover under the rules have free access to the records of matters that come before the Council. ~~The~~ Ordinarily the only business that may be made the subject of interpelln. ~~which~~ about which the Chairman may ~~occasionally~~ probably find it desirable to refuse information is in connection with appts. & ~~of~~ punishments of mun. servants (s 42). But the responsibility is with the Chairman, subject to govt. rules, & he must be left to decide whether he sd. give information or not.

There are other matters in regard to wh. the Chn. has initial authority, as to exercise of which qns. are possible — e.g. original assessments &c (ss 54, 66 &c) but in such cases there is an appeal to the M. Council — grant of licences for trades (s 188); but there is also an appeal to the Cr. s 188(6) —

Generally the exercise of the Chairman's authority can be brought under review in some mode provided by the Act. And as already stated the records are always open to inspection by the Crs.

There is therefore no real hardship to be feared in making the Chairman's discretion final. And there must be finality somewhere. Of course a Chairman [illegible] habitually abused his authority wd. be removed. H.S.

Rule ×(5) The Chairman may, if he thinks fit, allow a question to be asked with shorter notice than ten days, and may in any case require longer notice if he thinks fit or extend, if necessary, the time for answering a question.

B

× This will have to be altered into Seven, see above

H.S.

or Government against the Chairman's decision. Such a provision would argue distrust in the Chairman's action and would tend to weaken his position, which it is most desirable to strengthen. It is no doubt possible that the Chairman may abuse his powers under Rule 4, but considering the class of men who are Municipal Councillors in the Muffasal municipalities, there is all the more reason to believe that the privilege of interpellation will be abused to a considerably larger extent.

The Municipal Council of Vellore points out that a limit should be fixed as to the "longer notice" or "extension of time" referred to in this rule. The Councillors

of

G

of Bezwada suggest that the words "require longer notice if he thinks fit or" may be omitted as the Chairman can extend the time for answering a question, if required. They also consider it necessary to fix the period to which the Chairman can extend the time for answering a question and state that if it is not so fixed, an unscrupulous Chairman may put off answering a question to any indefinite length of time. To avoid this contingency and also to prevent the Chairman from postponing questions without sufficient cause, they propose the addition of the following clause at the end of this rule:-

"to the next ordinary meeting only, recording his "reasons in the Proceedings for

distrust again!

Why sh^d he record his reasons!

I see no reason

H.S. A.H.

for so doing."

As the time generally intervening between ordinary meetings will not be less than fifteen days, it is argued, that the Chairman will have ample time and opportunity to prepare the answers.

The proposed omission of the words ~~may~~ "in any case require "longer notice if he thinks fit," seems unobjectionable and may be approved; but it appears to be undesirable to limit the period to which the Chairman may extend the time for answering a question by the addition, to this rule, of the clause above referred to. As the extension of time required will vary with the importance of the question and the amount of information to be collected, it

"if he thinks fit" means "if there is reasonable ground for so doing". This is the legal interpretation. The Chairman must be trusted.

S.H.W.

Yes. A.H.

Occasionally ~~very often~~ it will be impossible to say when the information may [illegible] available.

S.H.W.

A.H.

it would be useless to lay down a hard and fast rule that the time should be extended only to the next ordinary meeting of the Council.

This rule may stand

(6) When the Chairman has permitted* the question to be asked, it shall be entered in the agenda paper for the day, and the questions shall be put, in the order in which ~~they~~ it stand~~s~~ in the agenda paper, before any other business is entered upon at the meeting.

(10) The question asked, and the answer given to it, shall be entered in the proceedings of the council.

*: "admitted the question" may be substd. for "permitd. the qn. to be asked", and "answered" may be substd. for "put", if the suggestion lower down is accepted that there need be no formal putting of questions.

See proposal for the recasting of this rule on p. 18 infra

Rules 6 and 10. The Municipal Council of Srirangam & the Councillors of Bezwada suggest that for the first eleven words in Rule 6, the words "all questions submitted in accordance with Rule 2" may be substituted and that rule 10 should be modified by the addition of a clause to the effect that when a question is disallowed under rule 4, the fact that it was disallowed and the Chairman's reasons for disallowing it, and also his reasons for postponing answers to questions shall be entered in, and form part of, the Proceedings of the Council. // The adoption of these suggestions depends upon the decision which may be passed on

Omit? see below?

(7) In putting a question, it will be sufficient if the member by whom it was framed, or in his absence, if he so desires, some other member in his behalf, cites the number of the question on the agenda paper, and the answer shall be given either by the Chairman or by the presiding councillor.

(8) The Chairman may rule, at his discretion, that an answer to a question on the agenda paper, even though the question be not put, shall be given on the ground of public interest.

~~I would desire the alternative proposal~~. I don't see any objection ~~to~~ to an oral request of one member to another — especially as the question has been admitted & is on the agenda paper. Indeed I don't see any reason why it shd not be answered whether the interrogating member is present or not. I wd be disposed to do away altogether with the formality of

on the alterations suggested in ru
4 and 5; but these latter are considered to be unnecessary or undesirab

Rule 7. The Municipal Council of Vellore states that "it does not "appear how the wishes of an "absent member, who has given "notice of a question, may be "known", and suggests that the difficulty would be obviated by the insertion of the words "in writing" after "if he so desires." The difficulty of the Vellore Council is not understood. Under the rule, as it now stands, a Councillor may signify his desire to another Councillor or to the Chairman, either orally or in writing. The addition proposed which would limit it to writing only is, however, unobjectionable, and may be approved.

3. The Chairman of the Municipal Council of Kumbakonam states that unlike the members of the Legislative Council, who have in many cases no access to records, the Councillors of Mufassal

Municipalities have under G.O. No 184 M., dated 22nd February 1888 and sub sections (1) and (2) of section 250 A of Act IV of 1884, as amended by Act III of 1897, free access to all the records maintained in the Municipal office, and requests that in the interests of Municipal institutions the latitude allowed to Councillors for interpellating the Chairman should be as limited as possible. The Acting Sub Collector of Tanjore thereupon enquires whether the right of inspecting Municipal records as conferred by the G.O. above referred to might not be somewhat curtailed, if the proposed powers of interpellation are conceded and suggests that any Councillor who wishes to inspect records other than Minutes of meetings, and assessment and account books which under sections 31 and 250 A of the Act IV of 1884, as amended by Act III of 1897, are open to inspection by any tax-payer, should be required to apply in writing to the Chairman specifying the document he wants

asking the question: & let the Chairman answer all questions admitted & on the agenda paper. Such formalities are not necessary in a Mun. C. Rule 7 would, if so, be ~~replaced by a single rule something to this effect:-~~ eliminated altogether; no. 6 being quite sufficient.

~~The less technical formality the better~~

In rule 6 there sh^d^ however be a proviso recognizing that a member may withdraw a question ~~[illegible]~~ & that if so it need not be answered. I w^d^ make rule 6 run:—

~~When the Ch^man^ has admitted a question it shall be entered on the agenda paper for the day~~

"6. Questions allowed by the Ch^man^
"shall be entered in the agenda paper
"for the day, & the Chairman shall
"answer every q^n^ so entered, if not
"previously withdrawn by the member
"~~ask~~ putting it, in the order in
"wh. it stands in the paper before
"any other business is entered
"upon at the meeting".

And in rule 8 for the words "even tho' the q^n^ be not put" substitute the words "even tho' the q^n^ may have been withdrawn".

I don't object

wants to see and that it should be left to the discretion of the Chairman to either grant the request or to refuse it, subject to a reference to the Collector similar to that suggested by the Councillors in the case of interpellation.× He points out that the present system under which Councillors are allowed to pry into every paper in the office at their own will and pleasure and without reference to the Chairman is open to considerable abuse and acts prejudicially on the discipline and work of the clerks and consider that it would be better to curtail this privilege than t limit the right of interpella as the Chairman wishes to. The Collector agrees in the remarks of the Sub Collec

× Vide the suggestions of the Council referred to on page 8 of this note.

104

and suggests a reconsideration of G.O. No. 184 M., dated 22nd February 1888. As any information which a Councillor desires to have, may be obtained by means of interpellation, there is no need to give the Councillors power to inspect the office records and the Government Order referred to may be cancelled as suggested by the Sub. Collector.

H.M.

V.R.
3/9/97

No: I would retain the liberty of inspection of the records by the Cors. In practice very little trouble is given to the estab. in the exercise of this privilege by the Cors. Moreover it facilitates business. In the Mpls. in which I have been Chmn., the papers relating to each subject of the agenda paper were placed on the table an hour or so before the meeting & the Cors were then able to go through them. Usually no more is required.

Further the more open the proceedings are, the less room is there ~~room~~ for interpellation.

As to the criticisms on the rules & my suggestions on them, please see marginal notes.

S.R.
29/9/97

W
6/10/97

A.H.
5.11.97

105

Rules for the interpellation of the Chairman
by the municipal Councillors

(From orders)

First copy sent to Press.

Returned for signature.

Despatched in print.

NUMBER OF COPIES REQUIRED. { Order complete,
Letter only.
Order complete with Letter.

READ AGAIN G.O., No. DATED
190

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT.

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO

PAPERS NOT FILED UP BEING MEANT FOR DESPATCH IN ORIGINAL.

= Print in full.
= Not to be printed.
= Print abstract only.
Q = Print heading only.

To all chairmen of Mul Councils