

INDEXED *AB*
Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 586-M.

DATED 18-3-97

DESPATCHED

[Despatch Abstract.]

Complaint against Chairman

Requesting the Collector of Malabar to enquire into the Complaints made by Sultan Musa Ali Rajah of Cannanore, against the Chairman of the Cannanore Municipality, and report the result to Govt. at an early date.

BACK PAPERS.

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

FURTHER PAPERS.

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

Local & Munl. (1897) Department.

CURRENT No. 876

From Mr Political Dept.

MisOrder N^o 585 mis 18.3-97

The collector of Malabar is requested to enquire into the complaints made by Sultan Musa Ali Rajah of Cannanore against the Chairman of the Cannanore municipality in his letters to him N^o 503 dated 6th June 1895 and N^o 2 dated 4th January 1897, and report the result to Government at an early date.

No. 121

Dated 24. 2. 97

Received

Registered 26-2-1897

Enclosures 4

Spare copies

SUBJECT.

Directing with remarks that certain taxes amounting to Rs 3098-11-6 due by Sultan Musa Ali Rajah of Cannanore be paid out of the surplus & the credit of the islands and forwarded to the Local & Munl Dept. for the necessary action the complaining of the Rajah against the Chairman of the Cannanore Municipality

To

The Collector of Malabar
(with 3 enclosures to be returned)

Copy 19/8/97

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No 503.

Cannanore
6th June 1895

COLLECTOR
22-MAR-1897
MALABAR

J. M. D. E. E. E.
Asst. Collector of Malabar
Calicut

Sir,

I am reluctantly forced to bring to your notice the following matters connected with the action of the Municipal Chairman, Cannanore, with a request that in the exercise of your plenary powers you may be pleased to adopt such measures as will bring the Chairman to a sense of his duty. You were pleased to tell me when I last at Cannanore that the vagaries should be reported to you.

2. As the provisions of sections 69 and 74 of the Municipal Act are in regard to the local proclamation honored, so far as I am aware, in their breach, I sent three statements marked A, B and C to the Chairman on the 13th July 1892 for the distribution and remission of the tax levied from me.

3. Both in September last, Mr. Rego sent me five bills demanding payment in the aggregate of Rs 18-4-8 which if my letter quoted above had been attended to should have been sent to others.

4. Upon this I requested the Chairman
Hrs.

through my Dewan in letter No 41 dated the 29th September last for information as to what action had been taken on my letter of July 1820.

5. This letter receiving no attention the following correspondence ensued without any particular result whatever.

- (1) Letter to Chairman No 48 dated 11-10-94.
- (2) Do No 177 dated 29-11-94
- (3) Chairman's letter No 580 of December 94 without date
- (4) Letter to Chairman No 189 dated 6-12-94
- (5) Do No 295 dated 11-2-95
- (6) Chairman's letter No 711 dated 12-2-95
- (7) Letter to Chairman No 310 dated 16-2-95

6. In letter No 157 which was promptly replied to by him, Mr Rego was told that you would be addressed if he persisted in his refusal to give the information sought or to permit my Agent to take extracts from the Assessment register. I was then permitted to take extracts. These extracts unfold a dis-creditable state of things: - Arithmetical blunders disfigure them in more places than one; tax is levied on buildings and property expressly stated as unknown; and Assessment is fixed apparently without any data. To illustrate these remarks I beg to enclose a copy of the extract. The errors of calculation are noted in red ink opposite the entries. Mosques and other religious institutions exempt from tax which ought not to find a place in the registers are entered, for what purpose is not clear. Vide entries marked (a) (b) & (c) in red. Entries marked (d) to (h) expressly state "buildings unknown".

unknown", and yet they are taxed. Entry marked (i) states "property unknown" and yet it is assessed. Entry (j) refers to a pargana the rent of which is not stated and it is difficult to see on what data the tax was fixed. Entry (k) gives tax without specification of property. Entries (l) and (m) refer to vacant houses and yet full tax is levied. The above are some of the sins of omission and Commission in respect of one tax-payer and it is for you to decide whether the position is grave enough to warrant a scrutiny into other items.

8. The leases taken from my tenants contain an express provision for the payment by them of the Municipal tax in addition to their rent. And yet the Chairman without transferring the Assessment Compels me to pay it. The demoralizing effect of collecting the tax from me which the tenants have willingly undertaken to pay is obvious.

9. The hostile attitude of the Chairman towards me by heading the party faction on the Board Compels me to acquaint you at this opportunity with some of his acts of annoyance and injustice. Lately he launched the prosecution of my son for an imaginary offence under the Municipal Act and though the majority of the Councillors was willing to withdraw the prosecution, Mr Rego wantonly refused to lay the paper before the meeting and pressed the prosecution with a diligence and energy worthy of

of a better Cause. Suffice it to say that fortunately for us, Mr Pinkney came for our rescue and with his sound judicial experience and remarkable insight into local affairs, vindicated justice which had previously miscarried. In doing so he passed such trenchant remarks in his judgment regarding the manner in which the prosecution was instituted and launched which are far from creditable to those concerned. Even when matters were set right in appeal by Mr Pinkney, the Chairman had the audacity to endeavor to set Mr Pinkney's order at naught by inordinately delaying the refund of the sum collected as fine, and it is said, with what truth I am unable to say, that Mr Rego has even gone the length of officially asking the Town Sub-Magistrate not to refund the fine as ordered in appeal. The truth or otherwise of this information may be ascertained from the records. If as he intended to do Mr Pinkney had visited the alleged scene of offence, he would have carried away impressions unfavorable to Mr Rego. The proceedings including Mr Rego's evidence will I think repay perusal.

10. In order to protect my Baumgartner Hall called Palamadum from encroachment by the application was made ~~to~~ towards the close of 1884 for permission to build a revetment, Mr Rego, misrepresented this as a nuisance and threw unnecessary obstacles in the way. He insisted upon stamping

stamping the petition, when no stamp was legally called for. He was then asked to get the point decided by the Council, as it did not fall within the scope of his Executive powers. This he refused to do for a long time with the result that we could not begin the work under Section 180 Clause 5 of the Municipal Act. Eventually when a stamped petition was presented, the sanction was granted at the far end of the fair and favorable weather when it was apparent that the work would be taken in hand without waiting longer for the sanction. You saw the revetment in progress when you visited Cannanore. I regret to state that it was completely destroyed by the rough weather which preceded as usual the advent of the monsoon. The loss to me on this account is about Rs 1000 which is the result of Mr Rego's unjustifiable action.

11. Having heard that the boys of the High School, Cannanore, had not had the encouragement of prizes for several years, I offered to incur the expenses of distributing them this year and intended to invite you kindly to preside on the occasion. But Mr Rego did not place the offer before the Council and practically prevented the distribution of the prizes.

12. What language is strong to condemn such abuse of power and who after this can say that local self-government is an unimpeded blessing at Cannanore. It is not my purpose to dilate generally on the Municipal Administration

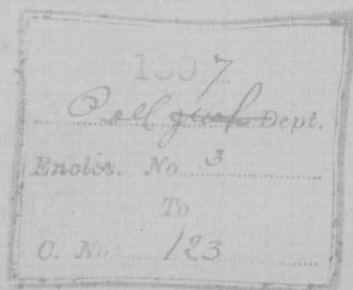
administration of Cannanore, but this much I may say that if it is to continue as at present, it requires the constant and vigilant supervision of the Sub-Collector.

13. I have the honor to request you will be good enough to direct that the tax which the tenants have taken upon themselves to pay as occupants in charge of my property be transferred to and levied from them, and that the omissions and inaccuracies in the register be rectified so far as they refer to me. I hope I may with your kind help enjoy immunity from petty municipal annoyances in future.

I have &c
(Signed) Sultan Ali Rajah of
Cannanore

(True Copy)

V. P. Rajagopalachari
In a/c Collector



No 2.

Cannanore
4th January 1897

To,

The Collector of Malabar
Calicut

Sir,

In drawing your kind attention to my letter No. 503 dated the 6th June 1895, copy of which is enclosed for facility of reference, I have the honor to state that I was under the impression that among other matters, the request conveyed in para 13 had been forced on the attention of the Chairman, Municipal Council, Cannanore.

2. But all of a sudden a small army of Municipal servants entered my residence this morning headed by one Kelan, a Municipal Shroff, under the plea that he had orders from Mr. Rego to distrain my property for recovering the arrears of the tax due by me which he states to be as follows: -

1894-95 - - -	Rs 1028 - 2-4
1895-96 - - -	Rs 1028 - 2-6
1896-97 - - -	Rs 1042 - 6-6
Total Rs 3098 - 11-4	

3. Now under section 102 of the Municipal Act, I was entitled to a notice of the amount due, and Schedule E under section 104 prescribes that seven days must elapse after a notice of demand before a dis-

distress warrant could issue. In the case of
the increase of assessment in 1886-87, I am
further entitled to a special notice under section
69. But none of these preliminaries were ob-
served in the present instance and the first
intimation I had of the arrears was the distress
warrant sprung on me this morning.

4. If I had had a notice or a demand
or if I had been informed of the existence of
the arrears I would have applied to you for
payment as usual out of the Island funds.
In fact for the past several years the muni-
cipal tax due by me has been paid out of
the Island funds to Mr. Regis's knowledge,
and it was not necessary for me to make
provision for it in my annual estimate
of charges.

5. It would therefore be deemed
that the suddenness of the demand prevented
immediate compliance especially as the
amount was large.

6. The Chairman was accordingly
requested more than once to bid the distress
in abeyance to permit of an application
being made to you for payment as usual.
This could not have entailed more than a week's
delay at the outside which was not calculated
to convulse the finances of the municipality.
But the Chairman was imperious and deter-
mined to put me to displace.

7. Having always received the utmost
courtesy and consideration from the European
officers of the District, I cannot help taking to
heart the abuse of power in native officers clothed
in brief authority. Had the arrears related to
imperial revenue, I have no doubt I would have
received better consideration from the District
officers. That I am in arrears is not my fault
but my misfortune. The islands which are
our mainstay are not in my possession and
even after a rigid curtailment of expenses
I find it difficult sometimes to make both
ends meet.

8. Mr. Regis's hostile attitude toward
me is so notorious and Mr. Medley was so
convinced of it that he specially requested the
Sub-Collector to enquire into any cases he might
launch without leaving them to be dealt with
by the local magistracy.

9. In the present instance Mr. Regis
went so far out of his way as to afford
Jelani, referred to in para 2, the triumphant
delectation of entering my residence and
attaching my property. Jelani was a ten-
ant of mine recently evicted after protracted
agitation. As a shroff the collection of tax
was beside his duty. And yet he was seen
to distrain my property. This might as well

seem a sentimental objection. But your intimate knowledge of native habits and ideas, with I am sure, prove that such conduct is calculated to lower me in the estimation of my large Tenantry. Has Kelan been a tax collector and conducted attachment in the execution of his ordinary duty, there would be less ground for complaint. But his duty lay in a different groove and by selecting him Mr Rego has, I submit, added insult to injury.

10. I have ventured to bring the above facts to your notice in the hope that in the exercise of the large powers vested in you by section 24 of the Act, you may be pleased to curb Mr Rego's Autocratic tendency. The consciousness that he is not strictly amenable to local control has always been an incentive to him to do things with a high hand. He knew that as the tax was hitherto paid by the Collector on my behalf, I would be unprepared to meet the large demand and suddenly attached his property without notice and even refused this in spite to enable me to make an application to you. If the application succeeded, the attachment would be annulled. But this would not have been gratifying to

to Mr Rego.

I feel I have only to bring the matter to your kind notice for protection against such Cavalier treatment. I also beg that orders may be passed on my letter of the 6th June 1885.

I have &c
(Signed) Sulthan Ali Rajah
Commander

(True copy)

V Pringabum
Inag Collector

Recd
19.1.97

No. 10.

Calcutta 12th January 1887

To,

The Secretary of Malabar
Calcutta

Sir,

Referring to your post note dated the 9th instant to Mr. M. D. B. J. letter to the Chairman Municipal Council, Calcutta, dated the 19th June 1885, I have the honor respectfully to state that had I been aware that the Government had declined to pay as usual the Municipal tax due by me, I would either have made provision in my accounts for paying it or begged Government to relay the order until I could make arrangements for meeting the demand.

2. I do not know the reasons which led to the order. But it is clear that it was passed before it was known that a surplus had accrued to me in respect of the Island. In his letter No. 130 dated the 18th July 1886, Mr. Hewetson informed me that the surplus to my credit was Rs 48,762-3-7 at the end of Fash 1305 and that it had been reduced to Rs 37,379-2-8 after paying the tribute for the Fash. Vide letter

No.

37
Ord. paid
Date No. 2
To
C. No. 123

8th Nov 1887
2
11/33 Nov 1887

No. 73 dated the 4th July 1896. It is true that according to the accounts there is an excess in respect of the Karan territory - But I am shortly addressing you on this subject as a fabrication of the accounts made by me shows an aggregate surplus of more than Rs 38,000 to my credit. This however is a debatable question which will take some little time to solve.

3. The object of this letter is merely to beg you to be so good as to meet the present urgent Municipal demand from the Island surplus. The fact that the orders for a departure from the practice which has obtained since 1879/80 of meeting my Municipal tax from the Island funds were not communicated to me before & this, coupled with the large demands suddenly made on me by the Chairman, entitles me, I submit, to your indulgent consideration. I have no doubt that your kind recommendation in the matter will meet with the approval of Government. Meanwhile I beg that you will be good enough to ask the Chairman not to press the demand till your orders or the orders of Government are known. I can make my own arrangements for paying the tax hereafter.

I have the
(Signed) Sultan Ali Raja of
Gannavore

V. Prasad
In a Collection

(True copy)

11/23 May 1897

Copy of His Excellency's note, dated 6th February 1897 on Current No. 123 of 1897:-

The Rajah's complaint against the Municipal Chairman, seems, as far as I can judge from what is before me, to have good grounds. He seems to have been treated with incivility, if not severity. I consider it sound policy to ^{treat} ~~hear~~ the native aristocracy and gentry with all the respect and consideration which their position would justify. Whether this matter ^{concerns} ~~concerns~~ "Political" or not, I don't care a jot. The complaint must be enquired into and I must know the result.

1897
Call for Dept.
Encls. No. 1
To
C. No. 123



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

Ref. on C.
From the Collector of Malabar, No. 21 & 22/Isd 97, dated 15th January 1897:—

I have the honour to forward herewith for orders copies of two letters received from Sultan Ali Rajah of Cannanore, with reference to the payment of his taxes to the Cannanore Municipality.

2. The payment of the arrears of tax from April 1891 up to March 1894, amounting to Rs. 2,102-6-9 was sanctioned by Government, in its order of 12th August 1893, No. 543, Political, Confidential, a loan of Rs. 5000 being made from Provincial Funds in accordance with G.O., 275 of 28th May 1890.

3. In 1895 the Chairman applied for payment of the taxes for 1894-95, but Government then ordered that the Chairman should recover the amount from Sultan Ali Rajah himself, vide G.O., dated 24th May 1895, No. 342, Political.

4. It does not appear that this order was ever communicated to Sultan Ali Rajah.

5. He has now, vide letter of 4th instant, been proceeded against by the Chairman for the tax for the three years ending with 1896-97, amounting to Rs. 3098-11-4.

6. In reply to his letter of 4th instant he was informed of the purport of the G.O., of 1895. He now in his letter of 12th instant protests that he was not previously aware of that G.O. and cannot at once find the money to meet the Municipal demand. He asks that it should be paid from the

surplus standing to his credit from Island revenues.

7 This surplus was Rs.37,379-3-8 at the end of Fasli 1305, but his dues on the mainland estate amounted then to Rs.36,440 odd.

8. I request orders as to whether the Rajah's request should be complied with. The Chairman has been requested to stay proceedings pending orders on the subject.

O R D E R :- No.121, dated 24th February 1897.

The taxes due by Sultan Musa Ali Rajah of Cannanore for the three years ending with 1896-97, and amounting to Rs.3,098-11-4, may be paid out of the surplus to the credit of the islands. The Rajah should be informed that he must make his own arrangements for future payments.

2. The enclosures to the Collector's letter will be forwarded to the Local and Municipal Department for the necessary action as regards the complaints of the Rajah against the Chairman of the Cannanore Municipality.

(True Extract)

A. R. Knapp.

for Chief Secretary.

To

The Board of Revenue (Island Revenue)
--- Local and Municipal Department (with enclosures in
--- Collector of Malabar

origl. and

with copy of para 2.
H.E.'s notes.

When given for copying
When filed *18-3-97*
When examined *W.S.V.* 189
When signed *18/3*

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTERS OF GOVERNMENT

AGREEMENT WITH DUTY

NOT FILED UP, BEING MEANT FOR DEPTOR
IN ORIGINAL

N.B.--

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

A A A A A A A

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