

27-2-13-

[S.M.
8,000-10-11-96.]

INDEXED.

Local & Munl. (1897) Department.

MISCELLANEOUS.

G.O., No. 965 M.

DATED 24-4-97.

DESPATCHED

[Despatch Abstract.]

Munl. Records.

Concerning and communicating
to the Municipal Council of Dindigul,
the remarks of the Collector of Madras
in regard to the inspection of — by the
Councillors, &c.

With 9

a. 2. XII. 98

BACK PAPERS.

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

FURTHER PAPERS.

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

[9]

LOCAL AND MUNICIPAL DEPARTMENT.

Local & Municipal Dept.

CURRENT No.

3642/M

From

S.M.Vedagiri Pillai,
Dindigul.

No.

Dated 24-11-95

Received 26-11-95

Enclosures 2

SUBJECT.

Submitting correspondence that took place between a Councillor and the Chairman of the Dindigul Municipality regarding the inspection of Municipal records.

To

The Chairman, Municipal Council,
Dindigul.

A.2.XII.95

GR No 1312

Register this & then

Send it on to me

M. 7/12/95

No 1718

Referred to the Chair.

- man, Municipal Council,
Dindigul for remarks, which
should be submitted through
the Collector.

By order

L. B. Dhillon

Ag Assistant Secretary

For St George

4th December 1895

P.T.O

Current No: 3622 M of 95 & 1102 M of 97

This Order No 965 M of 97
The Collector's remarks, in
which the Government concurs, will
be communicated to the Municipal
Council, Dindigul

K.D.
21/4/97

8/5
21/4/97

To The Chairman, M.C. Dindigul,
thru the Collector of Madurai
Copy to the petitioner

Depd. 29/4/97

omitted from 2

THE DINDIGUL MUNICIPALITY.
INSPECTION OF MUNICIPAL RECORDS.

The following is the correspondence
which we refer to in our editorial
columns:

Mr. P. S. Mohamed Mugthum Rowther, a
Councillor of the Dindigul Municipality, ad-
dressed the following letter, dated 9-9-95, to
Mr. T. Rajagopal Naidu, Chairman of that
Municipality:—

No. 1.

"Sir,—I have the honor to invite your atten-
tion to the fact that I arranged to go to the
Municipal Office on the 7th instant for certain
references. The Acting Head Clerk informed
me that the office order book was then with
you in your house. You having immediately
come to the office, I duly asked about
this. This morning again, I wanted that
book and the Head Clerk told me in your
presence that it was still remaining with you.
I have again brought this to your notice.
Putting myself to inconvenience, I made an
appointment to go to the office for a certain
reference which was not available. I have the
honor therefore to request that you will be
kindly pleased to order the office-order-book
to be sent to me tomorrow for reference and
immediate return. In this connection, I have
also to request you to strictly order the
clerks to give without delay any record that
I may require for perusal in the office".

No. 10.

The Chairman replied as follows:—
"Sir,—I have the honor to inform you that
the Acting Head Clerk was not able to give
you the office order book for reference at the
office as it remained with me.

2. You are quite welcome to refer to any
paper which you are entitled to see at the
office. But at the same time I would suggest
that it would be better if you in future give
previous intimation to the Acting Head Clerk
in order to avoid any disappointment.

3. The office order book can be referred to
at the office tomorrow or any other day."
The Councillor then addressed another let-
ter, dated 12-9-95, to the Chairman which
was as follows:—

No. 2.

"Sir,—In reply to your letter No. 180, dated
9-9-95, I have the honor to inform you
that I went to the Municipal Office on two
different occasions when you were also pre-
sent there for seeing the office order book.
You admitted on both the occasions that the
book was with you in your house. I requested
you in writing a third time to kindly send
the book to me for perusal and immediate
return. But you were not pleased to do so and
insisted upon my again attending the Municipal
office for that purpose. It is but curious that
a Councillor is treated like this and put to
inconvenience for seeing a public record in
an office owing to removal of such records to
your house for a number of days.

I have the honor therefore to request you
will be good enough to bring the following
proposition of mine before the Council at its
next meeting in view to the matter being
represented to Government.

"That any Municipal record, if taken to the
Chairman's house, be returned to the office
in time so that it may be available for
Councillors' perusal during all office hours."

The Councillor then also addressed the
following third letter, dated 27-9-95, to the
Chairman:—

"Sir,—I have the honor to request you to
be so good as to submit this letter and its
enclosures (my letters to the Chairman Nos.
1 and 2, dated 9-9-95 and 12-9-95 respec-
tively, and the Chairman's reply No. 180,
dated 9-9-95) with your remarks and copy
of the Council's resolution No. 3, dated
23-9-95, to Government for its orders.

2. It will be observed from the correspon-
dence that I had been to the Municipal Office
on the 7th and 9th Instants, when you were
also present, on purpose to see the office order
book. On both the occasions you admitted
that the record in question was in your house
which lies but a few yards off the Municipal
Office and yet you were not pleased to send
for the book while I was waiting in the office
for that purpose.

3. On the last mentioned date, in pursu-
ance of G. O., dated 22-2-88, No. 184M, I
requested you in writing as a matter of fa-
vour to send the book to me for perusal and

is 32,000 Rupees and the figure will pro-
bably estimated cost of the bridge path
travelled by a bridge path? The off-
in the plains and only 12 have to be
which 31 miles are by a metalled road
Ammankkannur is only 43 miles of
system by which the total distance from
miles of road in the plains to the present
path of 43 miles up the ghaut plus 5
would prefer the journey by a bridge
sense that those who go to Kodakkannal
ment. But does it stand to common
in the minds of members of Govern-
Kodakkannal would seem to be revolving
type plan of a bridge path from Athur to
of our rough estimate. But the alterna-
actual cost would come up to the lakhs
cutted, there can be little doubt that the
of Rs. If the work should come to be exe-

request the Sub-Collector to address Govern-
ment on the subject in view to obtaining an
authoritative ruling which would obviate all
such irregularities in future."

The above letter of the Councillor to the
Chairman elicited the following reply from
him:—

No. 214, dated 3-10-95.

Enclosure:—1 file.

"Sir,—Adverting to your letter, dated
27-9-95, I have the honour to inform you that it
is no part of my duty to refer every question to
Government in which there is a difference of
opinion between me and the Councillors
individually.

2. In para 5 of your letter you seem to
think that the Councillors are entitled to
make a surprise visit to the Municipal Office
to scrutinize the work of the Chairman. In this
you are wrong. Nay more. If you should
attribute any motive to me, as you seem to
insinuate, I consider it, to say the least of it,
improper.

3. In conclusion, I have to say that you
appear to me to have made up your mind to
aimy me and to point out to you that co-
operation with me is more your duty than
thus annoying me unreasonably. The letter
under reply with its enclosures in herewith
returned as requested."

On the 14th October 1895, the Councillor
made the following representation to Mr. J. K.
Batten, Acting Sub-Collector of Madura and
Ex-officio Councillor of the Dindigul Muni-
cipality:—

"Sir,—In submitting herewith the enclosed
correspondence between the Chairman of the
Municipal Council and myself, I have the
honour to request you to be so good as to
forward the papers to Government through
the Collector with your opinion in view to
securing a definite restriction on the privilege
of Municipal Councillors to the inspection of
the Municipal records.

2. As far as I am aware, the only orders
passed by Government on the subject are
these (G. O. Nos. 184M. and 783M., dated
22-2-88 and 22-6-89 respectively). In
them I fail to find anything requiring "pre-
vious intimation" as that claimed by the
Chairman, to be given by Councillors of their
intended inspection of the records. I take
objection to the giving of such intimation in
point of principle which, I believe, may com-
mend itself to you.

3. It will only be redundant on my part to
repeat here the facts of the case as a perusal
of the correspondence will tend to elucidate
them fully.

4. I regret the controversy between me
and the Chairman who finds it no part of his
duty to make any reference to Government
at my request and persistently refuses to do
so. Whether he is justified in doing so is a
point upon which the orders of Government
have to be solicited. The existing personnel
of the Council consists of three Europeans
and nine Natives. Of the latter (all elected),
the Chairman and myself are the only Eng-
lish-knowing Councillors. I sincerely take
and am willing to take lively interest in the
affairs of the Municipality with the sole de-
sire of promoting the object of the Local Self
Government Scheme and the welfare of the
people.

5. I would respectfully invite your atten-
tion, for the sake of pointing out to Govern-
ment, the tone of the Chairman's letter No.
214, dated 3rd October 1895, which is unac-
cessarily acrimonious."

is actually constructed. But how this huge expenditure will in the least benefit the visitors to Kodaikanal, it is impossible to understand. The opening up of the Lower Pulneys by proper communications has undoubtedly become a necessity and we shall gladly welcome any proposal towards this object. His Excellency spoke of the difficulty of the bridle path by which he had to go up to Kodaikanal. Accustomed as His Excellency has been to drive up to Ootacamund in the Nilgiris, the journey up to Kodaikanal by means of a bridle path should certainly have been exhausting to him. But there is not even a bridle path in the rich coffee producing parts of the hills and the only paths by which produce is to be brought down are steep descents to which the hillmen and the hill ponies are accustomed. His Excellency, as we anticipated two weeks ago, has been led to believe that the proposed bridle path from Athur to Kodaikanal would benefit the hill villages. We should be glad to know the places through which the bridle path would pass and the villages which it would benefit. The simplest, and at the same time the least costly thing to do is to lay out bridle paths connecting the hill villages with the villages in the plains between which trade has already been well established and we cannot understand why this obvious course has not suggested itself to the authorities. We are glad to know that the subject is under correspondence with the District Board and we hope that, when it comes for the consideration of members, the right view will be taken.

THE OTHER WANTS OF KODAIKANAL.

Of the two other subjects dwelt upon by His Excellency in his first speech at Kodaikanal, we gladly approve of the proposal to have a Municipality at Kodaikanal. If a Municipality is established at Kodaikanal, some of the money which the Dindigul Taluk Board is now spending at Kodaikanal will be set free for its legitimate uses in the plains. The visitors and residents of Kodaikanal will have no reason to grumble now and then that the station is not as well cared for as it ought to be. They can keep it as nice and excellent as they like and to the depth they are willing to put their hands deep into their pockets. It is a very wholesome rule that those who want comforts should pay for them. And, when pecuniary responsibility is attached to grumbling, it is not improbable that grumbling will cease. It must be a matter of conjecture how far the proposed tax on servants in Municipalities in hill stations will meet the necessary cost. But once the ordering of things is left to their own will, the Europeans will, we doubt not, devise ways and means to achieve their cherished objects. As to the want of a Commissioned Medical Officer, we suppose that this must go along with the question of the Municipality. Such an officer must be paid highly. The Taluk Board of Dindigul at present maintains a hospital and an Apothecary but a Commissioned Medical Officer would certainly be beyond its means. If, however, Kodai-

kanal is actually constructed. But how this huge expenditure will in the least benefit the visitors to Kodaikanal, it is impossible to understand. The opening up of the Lower Pulneys by proper communications has undoubtedly become a necessity and we shall gladly welcome any proposal towards this object. His Excellency spoke of the difficulty of the bridle path by which he had to go up to Kodaikanal. Accustomed as His Excellency has been to drive up to Ootacamund in the Nilgiris, the journey up to Kodaikanal by means of a bridle path should certainly have been exhausting to him. But there is not even a bridle path in the rich coffee producing parts of the hills and the only paths by which produce is to be brought down are steep descents to which the hillmen and the hill ponies are accustomed. His Excellency, as we anticipated two weeks ago, has been led to believe that the proposed bridle path from Athur to Kodaikanal would benefit the hill villages. We should be glad to know the places through which the bridle path would pass and the villages which it would benefit. The simplest, and at the same time the least costly thing to do is to lay out bridle paths connecting the hill villages with the villages in the plains between which trade has already been well established and we cannot understand why this obvious course has not suggested itself to the authorities. We are glad to know that the subject is under correspondence with the District Board and we hope that, when it comes for the consideration of members, the right view will be taken.

experience, with a sense of their position as the final arbiters of justice, and above all, beyond the reach of petty influences and demoralisation of moffussil cliques. But in this instance we find in fact no increase in the powers of the High Court, but a delegation of such powers to the Lower Courts—the District and Sessions Courts. These latter are, under the proposed legislation, to decide that particular offending pleaders should be suspended, dismissed or acquitted, while, under the present law, they could only report such pleaders to the decision of the High Court. The civilian Judges of the High Court may know, rather remember, what is the position of the District and Sessions Judge, what are his surroundings and what are the relations that generally obtain between him and his Bar. To speak the plain truth, it is not uncommon to find instances of District and Sessions Judges forming strong likes and dislikes for particular members of the Bar, especially in places where that body does not betray much solidarity or high character. The petty officials and the favoured coterie play into each other's hands and both play often into the District-God's hands. In the pent-up air of the moffussil, without the light of metropolitan openness and freedom of criticism, it is no wonder that now and then we find somebody sacrificed to propitiate the offended District-deity by means of gradual and slow schemes and dark conferences and conspiracies. To impress this point on the authorities, we would humbly invite them to watch, as a stranger would, the way in which several of the District and Sessions Judges do their work and impress generally on the public and compare it with a similar result obtained from the High Court. In the High Court you find yourself in a presence which is noble, calm, considerate and simple. But go down to a moffussil town and attempt to peep into the exalted presence of the District and Sessions Judge. Verily, you find you are on sacred soil. You must set your feet softly as though you are treading on eggs; you must see that no crows caw about you; you see the police proper or the police nazarat on either side of the Court, who scan you, from head to foot as you enter. At last you are before The Presence—The Almighty Presence. The pleaders, you might have been told, are a talkative class; but here, in the presence of the District Judge, they measure, they calculate lest a syllable too much might bring him down on them. It is unnecessary to detain the visitor longer here. He entered the High Court as a child did his father's house. But he sets foot on the floor of the District and Sessions Court as a peasant did before an ancient emperor. It will thus be seen that, under such existing conditions of the moffussil, the pleader cannot discharge his heavy duties satisfactorily to all concerned, if the Judge before whom he practises should possess such large powers as those of suspending and dismissing him. As for the provision that appeals lie to the High Court from such orders of the District and Sessions Judge, we beg leave to state at once that we do not believe in it. It is notorious how appeals fare, here or at Madras or elsewhere. Of course our remarks are general and we do not say

Extract from the proceedings of the Dindigul Municipal Council passed at a meeting held on the 23rd September 1895

III. Read proposal of M. R. Ry. P. S. Mohamed Inugthoom Rowther al regarding the removal of office records to the Chairman's house viz: That any Municipal record if taken to the Chairman's house be returned to the office in time so that it may be available for Councillors' perusal during all office hours?

Rejected and resolved by a majority of 5 against 2. That the Chairman must be at liberty to take any office paper home and have it with him whenever he wants. Two councillors Messrs. P. R. Karayana Sastrigal al, V. S. Pitchay Invidem Rowther al not voting

(Signed) J. Rajagopaul
Chairman

(True Copy)

M. W. Dajini P. B.

Rate payer

24-11-95

Course

his Order

which the
the Comm
Council.

K. D.
21/4/97

To the
the
Copy

per

for notes

is actually constructed. But how this

experience, with a sense of their position as the final arbiters of justice.

Local & Municipal Dept.

CURRENT No. 3042M

His Excellency the Right Honourable
The Governor in Council
Fort Saint George.

May it please Your Excellency,

In submitting herewith a correspondence that took place between a Councillor and the Chairman of the Dindigul Municipality printed in the "Madura Mail" - portion cut and enclosed, I beg respectfully to point out that it is not particularly the office order book which should form the subject matter of the correspondence, but a general question involved by the resolution of the Municipal Council No 3, dated 23rd September 1895 (Copy enclosed).

2. By G. O. Nos. 184 M & 783 M, dated 22-2-88. and 22-6-89. respectively, I am not inclined to think that a "previous intimation" is necessary and that the Municipal records can be removed to, and retained in, the Chairman's house for an indefinite period.

3. As I hear that the Subcollector has also declined to forward the correspondence to Government, I have ventured to submit it in view to obtaining orders on the three points raised below as they relate to a matter of general importance:-

(a). Whether a Municipal Councillor is bound to give "previous intimation" to the Chairman of his intended inspection of the Municipal records at the office.

(b). Whether a Chairman can be at liberty

2
3042M

to remove and retain at his random Municipal records in his house for any amount of time as has been resolved by the Council.

(C). Whether a Chairman can refuse the request of a Municipal Councillor to forward to Government any reference or communication with or without his opinion.

4. If it commends itself to Your Excellency I shall solicit that the matter be transferred to the Legislative Department for consideration at the Council's next sitting in connection with the amendment of Act IV of 1884.

Your Excellency's
most humble servant

24th November 1895 }
Dindigul }

S. M. Vedagiri Pillay
Rate payer

Address:

S. M. Vedagiri Pillay
Sattam Pillay's street
Dindigul

Copy of Communication No. 1436 dated 5-11-95 from the Ag Sub-Collector Sindigul to Mr P. S. Mahomed Magdhoon Rouether Sindigul.

With reference to your letter dated 14th October 1895 herewith returned, I have the honour to state that I am not disposed to forward the papers to Government.

2. The matter is not one of sufficient importance to justify a reference to Government. You do not appear to have been prevented from inspecting any records. The office order book is necessarily a book which must frequently be with the Chairman himself, and I consider that the Chairman's request that you would give prior information when you may wish to see it was a reasonable request.

Same
for Ag Sub Collector

26/2/97.

CHIEF SECRETARY
26 NOV 1895
GOVERNMENT OF MADRAS

1
1102 Nov 1897

Local & Munl. (1897) Department. nt.

CURRENT No. 1102 M

From

Secy to Govt
Municipal Department
Madras

Order.

Dis No. 907497

Dated 6th March 1897

Received 11-3-1897

Registered 11-3-1897

Enclosures 1 to file C.No 3642 M of 1895

Spare copies

SUBJECT.

Inspection of Municipal
Records.

Submitting with remarks
reply from the Chairman, Municipal
Council District Calicut
in Government Enrolment
No: 1708
4-12-95 regarding the

is actually constructed. But how this will in the future be the work of experience, with a sense of their position as the final arbiters of justice.

BACK PAPERS.

G.O.	No.	Department.	Date.
10	1849	h	7-11-95
10	783	h	22-6-89
10	184	h	22-2-84

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Municipal Office

Diindigul, 31st Jan'y 1896.

No 331

From

M. R. Ry. J. Rajagopal Nayudu Garu
Chairman, Municipal Council
Diindigul.

To

The Chief Secretary
to Government

Fort Saint George
(Through the Sub Collector, Madura)

Sir,

With reference to the memorial from Kadagiri Pillai enclosing extracts from the Madura Mail of the correspondence that passed between me and a Councillor forwarded to me for remarks, I have the honor to submit my views as hereunder on the issues raised therein.

In regard to the first issue whether a Councillor is bound to give previous intimation of his intention to inspect Municipal records, I have to say that it is reasonable, nay highly necessary, that previous intimation should be given

given to the Head Clerk of the office, and this is the course that I suggested to the Councillor in question (Vide my letter No 10 para 2 Encl). The G.O. No 184 M. dated 22-2-88 is to the effect that Municipal Councillors in the Mofussil should be entitled to inspect all records and accounts at the office. This invests the Councillors with powers which if they be not used prudently, will seriously hamper the hands of the Chairman, and render the discharge of his executive duties almost impossible. Such being the case, I believe it is the presumption of Government, that the Councillors, as responsible men, will use their powers judiciously and in the interests of the Municipality. Now my suggestion to give previous intimation to the Head Clerk while it gives me no advantage is evidently calculated to afford them facilities, merely because they can readily get what records they seek for. Further, the business of the office will far less be open to interruption.

In this connection, I cannot omit to say a few words about the subject of the correspondence enclosed in the memorial. The Councillor M.R. P. P.S. Mahomed. Magthoom Rowther amergal, wanted the office-order book for purposes of

of reference, a book which relates to the control of the subordinates of the Municipality containing, as it does, orders issued to them, and which I keep always in my custody. From his letter it will be seen that he expected it in the custody of the Head Clerk.

Having been disappointed the first day, he should have intimated, as a matter of prudence, of his intended visit to the Municipal office for the same purpose. He did not do so, nor did he ever afterwards seek for the book, but was only too ready to accuse me and annoy me. The correspondence enclosed in the memorial will throw much light on the Councillor's attitude.

In regard to the next issue, I hold that a Chairman has the privilege of removing Municipal records, and retaining them so long as they are necessarily required for purposes of ready reference, at least an honorary Chairman must have the privilege. In this, the Councillor in question and the Council agree with me. (Vide para 7 letter dated 27-9-95 and resolution No 3 23.9.95). To be sure, no Chairman would ever be inclined to remove home all the records of the

the Municipal office, as the memorialist would seem to fear, and thus convert his residence into a record office.

As regards the last issue, I presume that an officer who is asked to forward any letter with his remarks, is expected to use his discretion in doing so. Otherwise, I am afraid there will be no end to the work of forwarding. I am, therefore, of opinion, that it would be utterly impracticable to undertake to forward references from individual Councillors in matters in which they differ from the majority of the Council. But the Council may, by a majority, resolve to make a reference to Government when I think it becomes my duty to do so.

The memorial and its enclosures are herewith returned.

I have the honor to be,
Sir,

Yours most obedt. Servant

J. Mayisopaul.
Chairman

24 of 1897
1-3-97
Forwarded. DA
H. Dis. No 3149 of 97
26/2/97
2. A copy of this office Dis. No. 1436 dated 5.11.95, being the reply to P. S. Mahomed Magdon Khorathar's letter, requesting that the matter might be referred to Government is herewith enclosed.

3. It is not unreasonable, I think for a Chairman to require previous intimation of the intended inspection of Municipal records. Otherwise records might be inspected in the absence & without the knowledge of the Chairman.

4. Chairmen should not, I think, be prohibited from taking Municipal records to their houses. Such a prohibition would imply a lack of confidence in their integrity. At the same time it would be obviously improper for a Chairman to retain at his house records which he knows are required for inspection at the office.

5. A Chairman should not, I think, be bound to forward to Government the letter of a Councillor. He might however to record his reasons for refusing to do so. Councillors should not be allowed to petition Government, until they have laid their grievances before the Municipal Council.

R. J. Frimley
26/2
Ag. Sec. & Clerk

is actually constructed. But how this work experience, with a sense of their position as the final arbiters of insub

Municipal Department

Current No. 31486
Date 4. 2. 96

From

M. R. R. J. Rajagopal Nayudu
Chairman, Municipal Council
Dindigul

To

The Chief Secretary
to Government
Fort Saint George

(Through the Sub Collector, Madras)

Dated 31/12/95

Despatched 1/1/96

Received

COLLECTOR'S OFFICE
No. 331
JAN 1 1896
RECEIVED
26 FEB 1896

Refrimder
26 FEB. 97

Subject

Memorial

from S. M. Vedagiri Pillai, Dindigul
Submitting — with remarks.

16/10/96
Forwarded to the Secretary to Govern-

ment, Local and Municipal Department
Madras.

(a) "Previous intimation" does not appear to
be necessary - nor was it claimed by the
Chairman who only suggested its advisa-
bility to prevent possible disappointment

(b) The Council's resolution referred to may
be taken as merely negating the original
proposal which was to the effect that
no records should ever be absent from
the office during office hours. It is under-
stood that the Chairman shall not remove
or detain records unnecessarily.

(c) A Chairman is not, I believe, bound to
forward all communications from in-
dividual members to Government.

2. The delay has been explained in my
letter No. 4663 of 1895 dated 28th November
1896. The papers seem to have been received
by the present Sub Collector on 26th February 1897

(Flag A)
in Ld No. 2092
of 10-12-96. Mr
atten has explained the
cause of the delay in
the report
on 10-9-96
the letter file.

Madras collector's office
file March 1897

Wm.
Collector

... the work
e.1. But how this
l in the least
experience, with a sense of their
position as the final arbiters of justice,

for copying
ed 1775-28-4-189
ained 18/29/4
signed 28/4

MAIN (C.O.), No.
189

DATED

No.

URES TO C. No.

DEE OF GOVERNMENT

A A A A A A A

ATE OF GOVERNMENT

STATEMENT WITH DITTO.

IS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

B.-

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

ment