Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 1807 M.

DATED 22-10-98.

INDEXED. DESPATCHED

[Despatch Abstract.]

Secretary

Requesting with remarks the Tellicherry Munl. council to reconsider its resolution of the 19th July 1898 relating to the delegation of further powers to the ——— & to select for the place a person who will be competent to exercise those powers

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Go	214	M/99					
		Go	542 Mis 24-4-99				

Appointment of Secretary – Tellicherry Municipality

[L. & M.]
300-16-2-98.

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., No. 758 M dated 15th April 1898,
Again G.O., No. dated 189 ,
Current No. 1478 M of 1898, dated 18th April 1898, from the Chairman, M.C., Tellicherry.
" " 2580 M " 1898, " 27th July 1898, " Mr. V.B. Pocker, Ml. Councillor — " —
" " 2591 M " 1898, " 21st " , " the Chairman, M.C. Tellicherry.

Misc ORDER. No. 1807 Mis 22/10/98

The Government considers that the powers which it is proposed to delegate to the Secretary are insufficient considering the libera salary which will be paid to hin and that the Council's nominee is not a suitable person for the office. The Municipal Council is therefore requested to reconsider its resolution of the 19th July 1898 relating to the delegation of further powers to the Secretary and report the result to Governme and also to select for the place a person who will be competent to exercise those powers.

2. For the reason assigned i para. 2 of G.O. No. 2119 M da 28th September 1897, the suggest

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made by Councillor Mr. Pokker that a paid Chairman should be appointed cannot be approved.
(From Orders.)

V.R.
19/10/98

H.T.
21.10.98

To
The Chairman, M.C., Tellicherry
through the Collr. of Malabar
P.L.D.
[illegible] 29/10/98

Appointment of Secretary, Tellicherry Municipality.

Local and Municipal Department.

Again G.O No. 758 M., dated 15th April 1898
& Current Nos. 1478 M., 2580 M. & 2591 M.

For orders.

H-24

O In October 1897, the Municipal Council of Tellicherry requested the sanction of Government for the appointment of a Secretary from 1st April 1898 on a salary of ₨.100 rising to ₨.150 by annual increments of [illegible].5. The Council, which was then

P requested to state what powers it proposed

Q to delegate to its Secretary, resolved on the 9th March 1898 to delegate to him the Chairman's powers under sections 31 (2 & 3) 52-B, 56, 61, 62, 80, 83, 84 (1), 86 (1), 89, 95, 96, 102, 103 (1), 104, 107 (1&2), 110, 131, 138 (1&2), 173 (a), 182, 191 (4), 204, 209, 218, 231 (1&2), 232 (1), 233, 274 and 275 of the Act. The Government, however,

R considered that in view of the salary proposed to be paid to the Secretary more of the Chairman's powers might be delegated to him, and accordingly requested the Council to consider and report whether the Chairman's powers under sections 28(3), 32 (1), 32 (2), 42, 45, 52, 54, 63, 66, 69-A, 69-D, 72, 73 (1&2), 77, 79, 82, 85(3), 90, 91(2), 100, 103(2), 134, 148 (1&2), 149-A, 153, 156, 159, 165, 170, 171, 181, 183, 188, 191 (2), 194 (3), 205, 232 (2), 280, and 281 of the Act, may not also be delegated to him and observed that it was desirable that the Secretary should have full control over the conservancy and other outdoor staffs and should have full power to appoint, fine, suspend and dismiss all servants of the Municipal Council on a salary not exceeding Rs.15 per mensem - Vide G.O. No.758 M, dated 15th April 1898.

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* C.No 1478 M.

2. In the first* of the letters read above, the Chairman (Mr. Murphy) submits a copy of the resolution of the Municipal Council, dated 18th April 1898, electing A. Chattu, a pensioned Tahsildar of the Malabar District, as its Secretary by a majority of seven out of thirteen Councillors present at the meeting, and states that the choice of the Council is an excellent one and that Chattu is well qualified both physically and by experience to discharge the duties of Secretary. In forwarding this letter, the Collector (Mr.Dance) also observes that the Council has made an excellent selection and requests that the nomination may be approved.

S

⊗ C.No 2591 M

3. In the third⊗ letter, the Chairman forwards a copy of the resolution passed by the Council on 19th July 1898 with reference to G.O. No.758 M, dated 15th April 1898, deciding to delegate to its Secretary the Chairman's powers under sections 32 (2) 45, 62-D, 72, 82, 85 (3), 100, 159, 194 (3) and 205 and considering that the powers under the remaining sections except 148 to 153, which do not concern the Municipality at present as a water supply scheme has not yet been introduced in it, should be retained by the Chairman in his own hands. The Chairman adds that the Council is of opinion that the full control of the conservancy and other outdoor staffs should

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continue

continue to be vested in the Chairman, and that it considered each section carefully and arrived at the decision on the grounds, (1) that in all questions of assessment of taxes and revision thereof, the Chairman should continue to exercise the same authority as at present and (2) that the Chairman should retain all powers, the exercise of which would often involve the application of wide discretion and careful consideration. The Council has accordingly decided that the institution of prosecutions, the awarding of compensation and the granting of permission to ~~the~~ erect temporary structures are powers which should be exercised by the Chairman, as by his position he will be better qualified for the purpose than a Secretary who will be to a certain extent a creature of mere routine. He also points out that the Chairman proposed for the Municipality, viz, M.R.Ry. E.K. Krishnan, a retired Sub-judge, will be practically a full time Chairman and is prepared to devote much time to the work of the Municipality, and that by his experience and training he is particularly well qualified to deal with such matters as the Council proposes to leave to him, and fears that, as the proposed Secretary was elected by a narrow majority, the conference on him of the powers covered by the sections mentioned in G.O. No.758 M, dated 15th April 1898, may possibly lead to frivolous and unnecessary appeals against his orders. The Chairman further says that the new Secretary will have abundance of work to do for some time at all events, in connection with the office

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establishment and the supervision of collections, and recommends that the Council's proposals may be accepted by Government.

4. In the second letter read above, Mr. V.B. Pokker, a Councillor of the Tellicherry Municipality, suggests that as the Council has resolved to assign to the Secretary only very routine powers, it will be better to appoint a paid Chairman on Rs.150 to Rs.200, instead of appointing a Secretary on Rs.150 and giving a carriage allowance of Rs.40 per mensem to the Chairman as now proposed to be done, and states that from the Chairman's letter referred to in para.3 Supra it will be seen that the Secretary elect does not possess the confidence of the Council as a whole and that the Council will only be too glad to accept the suggestion to have a paid Chairman if it is now made.

⊗ C.N. 2580 M.

T

5. The person nominated for the post of Secretary, viz., A. Chattu, is fifty years old and is a Government pensioner, having been a Tahsildar in the Malabar District for a long time. He was dismissed from service in August 1894 for cowardice and mismanagement resulting in the unnecessary sacrifice of the life of a lunatic Mappila, but as on a memorial presented by him to the Secretary of State His Lordship desired that the memorialist might be allowed the pension which his services entitled him at the time of his dismissal, he was granted a special pension of Rs.75 in 1896. In passing orders on this memorial, His Lordship remarked that " a less severe punishment than dismissal would have been adequate " and that it would

have

Vide G.O. $\frac{481 \& 482 \text{ Pension}}{15-6-96}$

U

Local & Munl. (1898) Department.

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have been preferable to transfer the memorialist "to some lower office where he would not have to undertake the responsibilities of magisterial duty", but in disposing of his pension application, the Hon'ble Sir Henry Bliss observed as follows:- " Needless to say that I do not agree with the Secretary of State, but that is another question ". The previous record of Chattu was also not altogether satisfactory. In November 1894, he was suspended for sixteen months and reduced by the Board of Revenue from the post of Huzur Sheristadar on Rs.225 to that of Tahsildar on Rs.175 for inordinate delay in the disposal of an escheat case coupled with the submission of reports containing false statements and suppressing information which should have been given. His explanation of these charges was characterized by the Board as "disingenuous, inaccurate and misleading". It is therefore for consideration whether it is desirable to approve the nomination of this person as the Secretary of this Municipality, the affairs of which had lately fallen into such mismanagement that Government had to withdraw from the Council the privilege of electing its Chairman and to reduce the number of its elective seats from thirteen to five. The powers proposed t be delegated to the Secretary are quite insufficient, con[illegible]ering the liberal pay proposed to be given to him.

has not considered this question

V

Vide G.O. $\frac{435 \text{ M}}{23.2.98}$ X

223/5

establishment and the supervision of collections, and recommends that the Council's

confidence of the Council as a whole. The Council may therefore be asked to consider the advisability of delegating further powers to the Secretary and to select for the place a person who will be competent to exercise those powers.

6

H.?. Yes — A. Chatter is certainly not the man for the place — his appt. shd. not be sanctioned.

5/10/98

6. The appointment of a paid Chairman suggested by Mr. Pokker cannot be approved. A similar proposal was made by the Collector on a previous occasion, but it was not approved, the Government observing "that there was no reason to assume that the same amount of administrative efficiency could not be achieved by a Secretary as by a paid Chairman, seeing that under clause (d) of Sub section (3) of section 39 A of the District Municipalities Act, as amended, all the powers of the Chairman, excepting those relating to the conduct of proceedings at meetings might be delegated to the Secretary." Vide G.O. No 2119 M, dated 28th September 1897.

V.R.
30/9/98

3/10 98

Local & Munl. (1898) Department.

CURRENT No. 1478 M

COLLECTOR
23 APR. 1898
MALABAR

28 APR 98

Forwarded

W. J. Murphy
of. Sub Collr.
21/4/98

Endorsement No. 287/M 98

Submitted. I think the Council has made a most excellent selection. I therefore request the approval of Government.

Calicut
23rd April 1898

Collr.

Order

To lie over pending receipt of the Council's reply to G.O. No. 758 M. dated 15th April 1898.

V.R.
23/5/98

23.5.98

From

The Chairman
Municipal Council
Tellicherry

No. 50

Dated 18th April 1898
Despatched 20th do.
Received 28.4.98
Registered W. J. Murphy 21 APR. 98
Enclosures 1.
Spare copies

SUBJECT.

Reporting that M. R. Ry A. Chathu has been elected Secretary for this Municipality.

BACK PAPERS,

G.O.	No.	Department.	Date.
Go	758	M Mis	15.4.98.
Go	2119	M Mis	28.9.97.
Go	1774	M Mis	13-8.97.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Proceedings of the Municipal Council Tellicherry at a special meeting held on Monday the 18th April 1898.

Present M. J. Murphy Esqre. Chairman
M. R. Ry K. Ramunni avl
" V. Karunakara Menon avl
H. Fernandez Esqre.
" V. B. Poeller avl
" C. Ahmed Kutti Haji avl
" Isack Haji Ayub Sett avl
P. Forte Esqre
" P. Ambadi Nanar avl
" A. V. Bava avl
" C. Essoo avl
E. S. Fernandez Esqre
A. F. Lemerle Esqre

Read Chairman's notice dated 6th April 1898, calling a special meeting of the Council to appoint a Secretary for this Municipality. Read also applications from M. R. Ry A. Chatthu avl and 7 others.

Proposed by Mr A. F. Lemerle and seconded by M. R. Ry K. Ramunni avl that M. R. Ry A. Chatthu avl be elected Secretary.

Proposed by M. R. Ry V. B. Poeller avl and seconded by Mr E. S. Fernandez that M. R. Ry T. Govindan Nair avl be elected Secretary to the Council

These voted for M. R. Ry A. Chatthu avl
The Chairman
Mr A. F. Lemerle
M. R. Ry V. Karunagara Menon avl
" C. Ahmed Kutti Haji avl
" K. Ramunni avl

M. R. Ry

M. R. Ry. P. Ambadi Narar avl
" Isach Haji ayub sett avl
These voted for M. R. Ry. T. Govindan Nair avl
Mr E. S. Fernandez
M. R. Ry. A. V. Bava avl
" C. Essoo avl
" V. B. Poeller avl

Messrs Forte and H. Fernandez did not vote.

M. R. Ry. A. Chathu avl is accordingly duly elected subject to the sanction of Government as Secretary to the Council.

(Signed) M. J. Murphy
Chairman

(True Extract)

M. J. Murphy
Chairman

Chn

V

1/1478 M/98

No. 50.

Municipal Office
Tellicherry 18th April 1898.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 1478 M

From

M. J. Murphy Esqre
Chairman
Municipal Council
Tellicherry.

To

The Secretary to Government
Local and Municipal Department
Fort St George

Thro'

The Collector of
Malabar
Calicut.

Sir,

fo 758 M/15-4-98

In continuation of my letter No 1287, dated 15th March 1898, I have the honor to report that a special meeting of the Council was convened today to appoint a Secretary for this Municipality as required by section 39 (a) of the District Municipalities Act Amendment Act, and M. R. Ry. A. Chathu pensioned Tahsildar of this District, who was one of the applicants to the post, has been duly elected subject to the approval of Government.

2. The choice of the Council is, I think an excellent one. The elected candidate is well qualified both physically and by experience to discharge the duties of Secretary to the Council.

3. Extract from the Proceedings of the Council

in connection with the election is enclosed.

758

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

W. J. Murphy
Chairman.

Local & Munl. (189) Department.

CURRENT No. 2580 M

Order

From Mr. V. B. Pocker
Munl. Councillor
Tellicherry.

No.

Dated 27-7-98
Received 1-8-98
Registered
Enclosures
Spare copies.

SUBJECT.

Submits a copy of his minute on the subject of appointing a paid secretary to the Council

418

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

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cat. 1319

LOCAL & MUNICIPAL DEPT.
CURRENT

20 JUL 1898

To
The Secretary to Government
Local & Municipal Department
Bottacannud

Sir.

I beg respectfully to bring to your notice that I was a member of the Sub-Committee appointed to consider the question of delegating powers to the Secretary to be entertained for this Municipality. I submitted a minute on the subject but I now find that copies of the Sub committee's reports have not been forwarded as usual to Government along with the resolution of the Council. I therefore take the liberty of enclosing a copy of my minute and in doing so I submit that as it has been resolved to assign to the Secretary only very routine powers it is a matter for serious consideration of Government whether a paid Chairman as suggested would not be a better arrangement than the present one.

In support of my proposal I need only invite your kind attention to paras

4/8

BACK PAPERS.

MUNICIPAL DEPARTMENT.

Cur. 1319/R98

C.No. 458/m 98

Local & Munl. (1898) Department.

~~PLAGUE~~ CURRENT No. 2591/M.

Endorsed 1319/R98

Forwarded.
I would respectfully repeat the request urged in the letter for the early appointment of ~~the~~ new nominated Chairman and Councillors
Tellicherry 22/7/98
M. J. Murphy
Ag. Sub. Collr

Order

From The Chairman
Municipal Council
Tellicherry

No. 452

Dated 21st July 1892

Received 4 AUG. 1898

Registered 22 JUL 98

Enclosures 1.

Spare copies.

TREASURY DEPT. COLLECTOR
JULY 1898
MALABAR

SUBJECT.

Forwarding extract from the Proceedings of the Council at a meeting held on 19th July 1898, relating to the question of delegating further powers to the Secretary.

4/8

AND MUNICIPAL DEPARTMENT
DEPARTMENT.

BACK PAPERS.

I have considered the matter carefully and I am of opinion that the question of delegating powers to the Secretary should depend upon the kind of person that is to fill that position. To be candid I am bound to remark that the Secretary elect cannot be said to possess the confidence of the Council seeing that he won by a majority of one vote. Under such circumstances I am very reluctant about delegating to him extensive powers as those proposed. Besides I feel that, as it has been decided — contrary to the orders of Government and the last budget that a carriage allowance of Rs 40/- should be granted to the Chairman he should continue to exercise all the powe and none should be delegated to the Secreta

The best course is as I suggeste at the meeting when the allowance was gran that a paid Chairman on Rs 150 to Rs 200 sho be appointed instead of a Secretary on R to Rs 150. plus a Chairman with a monthly allowance of Rs 40/-

Signed (V. B. Po

True Copy

Tellicherry
June 28

4/8

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Extract from the Proceedings of the Municipal Council Tellicherry at a meeting held on 19th July 1898.

Present. Mr. J. Murphy Esqre, Chairman.
" A. F. Lemerle Esqre
H. Fernandez Esqre
M.R.Ry. V. B. Poether avl
" K. Ramunni avl
E. S. Fernandez Esqre
" A. V. Bava avl
E. K. Krishnan avl
" P. Forte Esqre
" C. Ahmed Kutti Haji avl
" Isaalt Haji Ayub Sett avl.
" C. Essoo avl.

4. Read again Government order No 758. M. Mis dated 15th April 1898 requesting to consider and report whether the Chairman's powers under certain other sections of the Act than those the powers under which have already been proposed to be delegated to the Secretary may not also be delegated to him.

Read also the Sub Committees' reports on the same.

The Council having considered carefully and section by section the suggestions recommended for its adoption by Government has decided to report to Government that the powers conferred by the following sections viz 32(2), 45, 69 D, 72, 82, 85(3), 100, 159, 194(3), and 205 may be delegated to the Secretary. It is of opinion that the powers conferred by the remaining sections (except 148-153) should be retained by the Chairman in his own hands.

Sections 148-153 relate to towns in which a water scheme has been introduced and hence do not concern this Municipality at present.

The Chairman is requested to send the resolution of the Council to Government with a covering letter embodying the views of the Council in the matter.

(Signed) M. J. Murphy
Chairman

(True Extract)

M. J. Murphy
Chairman

Dm ✓

No. 452

Municipal Office
Tellicherry 21st July 1898.

LOCAL & MUNICIPAL DEPT.
CURRENT No. 2591 M.

From

M. J. Murphy Esqre.
Chairman
Municipal Council,
Tellicherry

To

The Secretary to Government
Local and Municipal Department
Fort St. George

Thro'

The Sub Collector of Malabar

Sir

In obedience to G. O. No. 758 M. Mis, dated 15th April 1898, I have the honor to forward extract from the Proceedings of the Council at a meeting held on 19th instant relating to the question of delegating further powers to the Secretary.

2. It will be seen that the Council consider that the powers conferred by the majority of the sections mentioned in the G. O. should still remain in the hands of the Chairman. More especially is it of opinion that the full control of the Conservancy and other outdoor staffs should continue to be vested in the Chairman.

3. The Council considered the matter carefully

section by section and in deciding it was mainly guided by two considerations

(1). that in all questions of assessment of taxation and revision thereof, the Chairman should continue to exercise the same authority as at present, and

(2) that the Chairman should retain in his own hands all powers the exercise of which would often involve the application of wide descretion and careful consideration. The institution of prosecutions, the awarding of compensation, the erection of temporary structures are, the Council consider such powers. A Chairman would by his superior position be better qualified to decide such questions than a Secretary who would be to a certain extent a creature of routine.

4. I would in addition point out that as regards the Tellicherry Municipality in particular the proposed new Chairman Mr E. K. Krishnan would be practically a whole time Chairman. He is, as Government is aware a retired Sub Judge of this District and is prepared to devote abundance of time to the work of the Municipality. By his experience and training he is of course particularly well qualified to deal with such matters as the Council propose to leave to him.

5. It is also probable that the Chairman's decision in matters would carry more weight than those of a Secretary who will be the paid servant of the Council. This latter consideration coupled with the fact that the proposed Secretary was elected by a narrow majority, may, I am afraid in this Municipality at all events possibly lead to frivolous and unnecessary appeals against his orders in case the powers covered by the sections mentioned in the G.O. were conferred on him.

6. The new Secretary will have abundance of work to do for some time at all events in connection with with the office establishment and the supervision of collections.

7. I therefore strongly recommend that the proposals of the Council may be accepted by Government.

8. Inasmuch as it is some what germane to the matter in question, I would respectfully suggest the advisability of the early appointment of the new nominated Chairman and Councillors, whose names have been already submitted to Government.

I have the honor to be,

Sir,

Your most obedient servant.

M. J. Murphy

Chairman.

Endd on C No 458/m d/38.

Forwarded.

ag. collector

Camp Kalpetta 14.7.38

Dm 14/

LOCAL AND MUNICIPAL DEPARTMENT.

When given for copying

When copied

When examined

When signed 25/10

189 .

READ AGAIN G.O., No. , DATED 189 .

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. .. .. A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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

N.B.—

A = Copy in full.

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Q = Copy heading only.