L. & M.
2,000—28-10-97

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 182 M

DATED 25-1-98

INDEXED. CR

DESPATCHED

[Despatch Abstract.]

Municipal council — Stating that no Sufficient case has been made out for removing certain councillors from the — Chidambaram, as recommended by the Collector.

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. 3817/M

2 NOV 97

From
The Collector of
South Arcot.

Misc
Order. No. 182 Mis'd 25/1/98

No.
Ref. on Regr. No. 560 of 1897
Sep

The Government Considers
that no sufficient Case has been made out
for removing the Councillors in question
as recommended by the Collector
(From orders)

V.R.
19/1/98

Dated 1st November 1897
Received 4 "
Registered 4-11-97
Enclosures ~~(1) File & one bundle~~ 60.
Spare copies

SUBJECT.

Reporting, for orders, with records of enquiry re K. Varadachariar + Srinivasaiyar the conduct of ~~certain~~ Councillors of the Chidambaram Municipality.

To
The Collector of S. Arcot.
with papers retd.
+ Per Packet Post
Desp. 26/1/98

11/11 9/6/12

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.

2

SOUTH ARCOT.

COLLECTOR'S OFFICE,
Cuddalore

No.

DATED 1st November 1897.

FROM

A. E. Castlestuart Stuart, Esq., I.C.S., F.G.S., F.L.S., F.R.G.S.,
COLLECTOR OF SOUTH ARCOT.

3817/M

TO

THE SECRETARY TO GOVERNMENT,
Local & Munl. DEPARTMENT.
MADRAS.

SIR,

I have the honour to report for the orders of Government, the conduct of M. R. Ry. C. N. Sreenivasa Iyer and K. Varahacharriar, Municipal Councillors of the town of Chidambaram, under Section 19 (1) (ii) of the Madras District Municipalities Act.

2. On the 10th June last, the Municipal Council of Chidambaram met for the purpose of passing the administration report for the preceding year and of recommending a candidate for nomination to the Legislative Council. When the 2nd subject was taken up for disposal

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

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2

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TO

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I have the honour to report for the orders of Government, the conduct of M. R. Rys. C. N. Sreenivasa Iyer and K. Varahachariar, Municipal Councillors of the town of Chidambaram, under Section 19(1)(N) of the Madras District Municipalities Act.

2. On the 10th June last, the Municipal Council of Chidambaram met for the purpose of passing the administration report for the preceding year and of recommending a candidate for nomination to the Legislative Council. When the 2nd subject was taken up for

disposal, C. N. Sreenivasa Iyer proposed that the subject be adjourned to a subsequent meeting as he had reason to believe from information in his possession that M. R. Ry M. Sreenivasa Charri, another Councillor and Tahsildar of Chidambaram, had interested himself in canvassing for votes. The proposition was not seconded and therefore dropped. Mr. Varada Row, then Head Assistant Collector, who attended the meeting, in forwarding a copy of the proceedings of the Council remarked "The Tahsildar has "denied this. I believe that the proposition was brought forward to vex, annoy, "and discredit the Tahsildar. The proposer "would not give his information in detail "etc." Mr. Varada Row was then requested by me to enquire into the complaint of C. N. Sreenivasa Iyer & report. C. N. Sreenivasa Iyer made the following definite charges against the Tahsildar and added that if the Tahsildar denied

them

them, he would be prepared to prove them:-

(1) That the Tahsildar sent for Messrs. Lal Khan Saheb, Subbroya Mudaliar and Varahacharriar, Municipal Councillors to his house and asked them to vote for M. R. Ry K. Kalyanasundaram Iyer and that these Councillors went to the Tahsildar's house;

(2) that the Tahsildar spoke to M. R. Ry Lal Khan Saheb in the Taluk Cutcherry the day before the meeting when M. R. Ry Kalyanasundaram Aiyar's agents were present there;

(3) that M. R. Ry Vrishabadwaja Dikshadar another Councillor told him that he voted for M. R. Ry Kalyanasundaram Iyer on account of the Tahsildar's interference;

(4) that when the administration report was under discussion in the meeting, the Tahsildar went into the compound of the office, sent for Councillors Lal Khan Saheb, Varahacharriar, Vrishabadwja Dikshadar and M. C. Rama-

-swami Iyer and presumably talked to them about the election.

The Tahsildar denied that he had asked any Councillor to vote for Kalyanasundaram Iyer. Regarding charge (4) the Tahsildar stated that when the administration report was being considered, Councillor M. C. Ramasami Iyer called him to the back of the office where K. Varahacharri, and? with 2 other Councillors were and that he was asked by K. Varahacharri to withdraw his consent to act as a voting delegate; that he declined to do so and returned to his seat. Councillor Sreenivasa Iyer's allegations having been denied by the Tahsildar, he was, at my instance, called upon by the Head Assistant Collector to prove his charges. The Head Assistant Collector's reports with the depositions taken from the witnesses examined by him at the instance of the Councillor and the Tahsildar are

herewith

herewith submitted. It will be seen therefrom that Sreenivasa Iyer has signally failed to prove his false charges which clearly appear to have been brought forward to vex and annoy ~~that~~ the Tahsildar-Councillor. why?

2. Sreenivasa Iyer did not even try to prove charge No. 3 as Vrishabadwaja Dikshadar was not cited and examined by him. It is evident that he made this charge recklessly.

3. As regards the 1st, 2nd & 4th charges C. N. Sreenivasa Iyer examined the following witnesses:-

K. Varahacharri, Lal Khan Saheb, Subbroya Mudaliar, Candasami Mudaliar, Sambasami Iyer and Swaminadajatavallabar, all Municipal Councillors. Messrs. Lal Khan Saheb & Subroya Mudaliar deny that they were requested by the Tahsildar to vote for any particular candidate. Councillor K. Varahacharriar alone stated that the Tahsildar did ask him to vote for Kalyanasundaram Iyer. He has not stated when and where he was so asked by the Tahsildar. Thus of the three persons whom, Sreenivasa Iyer says the Tahsildar personally asked to vote for Kalyanasundaram Iyer, only one speaks to it and his statement is not worthy of credit for the following reasons: Varahacharri and Sreenivasa Iyer are very close friend and have conspicuously acted in common in all differences in the Municipal Council of Chidambaram. He may almost be identified with the Complainant himself and has every motive to support him. That they are very intimate friends will be evident from the record and this is also matter of public notoriety and could not truthfully be denied. Varahacharri in his statement admits that he promised in writing to vote for Kalyanasundaram Iyer even before the

the Tahsildar spoke to him, that he supported another Candidate in his efforts to get nominated and that until the last moment he had not decided for whom he would vote. He promised in writing to support the claims of one Candidate, assisted another Candidate in visiting Councillors for Canvassing votes ~~and had also inclinations~~ and had also inclinations towards a 3rd Candidate who was recommended to him by 2 respectable people and a brother. As the Head Assistant Collector says it is clear that this Councillor is a "man of no character". He had also a grudge against the Tahsildar, who according to the Councillor's own statement did not gratify his wishes when the Tahsildar was asked by him to withdraw his candidature for the voting delegateship in his own favour and had also, as the witness heard, abused him to the District Munsiff. Another witness M. R. Ry Sambasami Iyer, Sub Registrar and Municipal Councillor was called by Sreenivasa Iyer to prove indirectly the canvassing by the Tahsildar. He stated that Subroya Mudaliar mentioned to him that one Sabapathi Iyer and 2 others spoke to him about the candidature of Kalyanasundaram Iyer, outside the Tahsildar's house but did not tell him who had sent for him or that the Tahsildar was present. But Subroya Mudaliar denies having said any such thing to the Sub Registrar. M. R. Ry Sreenivasa Iyer probably foresaw that the persons whom, he alleged, the Tahsildar induced to vote for Kalyanasundaram Iyer, would not utter falsehood except K. Varahachari who is one with himself and is really a complainant. He therefore tried to father on the Tahsildar 2 so-called admissions that he did canvass votes. At the meeting as soon

as

as soon as Sreenivasa Iyer charged the Tahsildar with canvassing votes, Mr. Varada Row asked the Tahsildar what he had to say. The Tahsildar states that he said he gave his opinion to one Councillor (Vrishabadwaja Dikshadar who seemed to be ignorant of the duties of a voting delegate) who asked him to explain the matter to him. Sreenivasa Iyer tries to prove that the Tahsildar admitted having given advice to some (not one) Councillors who sought his advice as regards election. Three witnesses were examined to establish this point — Messrs. Swaminada Jattavallabar, Candasami Mudaliar and Rev. Fr. Meyner. Of these Swaminatha Jattavallabar stated that he understood the Tahsildar to say that on being asked by some Councillors he gave his advice, but that he did not remember whether the advice was in reference to the Candidates for the

Legislative Council or the voting delegateship. His own impression was that the Tahsildar referred to the merits of the several candidates. A perusal of his statement will show that his evidence is most unsatisfactory. When cross-examined by the Tahsildar he stated nothing definitely and would not be pinned down to any particular statement. Moreover he practically admits he is not friendly toward the Tahsildar, whose action in the matter of the removal of some embankment which was an unlawful encroachment by him, was likely to put him to considerable loss. Mr. Candasami Mudaliar's evidence on this point is almost to the same effect. The Rev. Th. Meyner who had left the station at the time his evidence was required, answered certain interrogatories sent to him. He did not recollect the exact words used as it was then more than 3 months since

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the meeting took place. He does not state whether the explanation admitted by the Tahsildar to have been given by him to some ignorant Councillors was regarding the qualifications of the Candidates for the Legislative Council or the voting delegateship. This is all the evidence offered by Sreenivasa Iyer regarding what occurred at the meeting. Whatever the admission by the Tahsildar may have been, it could not have been an admission of having influenced any Councillor to vote in any particular manner as contended by Sreenivasa Iyer. That the Tahsildar's statement is correct is evident from the fact that the impression created in the mind of M. R. Ry Varada Row who was present in the meeting at the time was that the Tahsildar denied the allegations of Sreenivasa Iyer (vide his marginal note on copy of the Council's Proceedings referred to at the beginning of this letter) This is also supported by the evidence of

nor was this alleged by the Complainant

M. R. Ry

M. R. Ry M. Ramaswami Iyer, the Chairman who presided at the meeting.

4. One other witness was examined by Councillor Sreenivasa Iyer to prove that the Tahsildar admitted that he was trying to secure votes for Kalyanasundaram Iyer. This admission is alleged to have been made to Mr. P. N. Satappa Naidu, the District Munsiff of the place. The District Munsiff says that in one of the visits paid them by the Tahsildar before the day of election the Tahsildar made this admission and also asked the Munsiff to help him by speaking to people known to him. There are several circumstances in connection with the evidence of the District Munsiff which go to show its utter unreliability. The Head Assistant Collector ~~summises~~ summarises his reasons for discrediting the Munsiff's evidence in paragraphs 4, 5 & 6 of his letter dated the 17th instant. I am constrained to agree with him. The Munsiff's

But they are not Convincing-

Munsiff's anxiety to give value to his evidence is seen in his statement that he regarded the Tahsildar as a "friend" till the day of ~~the~~ his deposition, when it is evident from the records and the evidence of the Chairman M. Ramaswami Iyer that there was misunderstanding between the Tahsildar and the Munsiff. The Munsiff attributes certain statements to M. Ramaswami Iyer which are denied by him. The evidence of the Taluk Head Accountant goes to show that Sreenivasa Iyer and Varaha Chari were on intimate terms with the District Munsiff as they went to him to take his advice in Municipal matters. The knowledge of Sreenivasa Iyer that the Tahsildar made any admission to the Munsiff when they were alone is incompatible with any other hypothesis but that ~~that~~ the Munsiff and Sreenivasa Iyer & Varahachari

The evidence of this man is worthy of little Credit.

Varaha Charri really were on far more intimate terms than they would wish others to understand. It has to be borne in mind that the Munsiff was called in as a witness at a later stage. The Munsiff states "I cannot say why "I was not cited as a witness earlier" It is quite evident that there is no love lost between the Tahsildar and the Munsiff and that the Complainants against the Tahsildar viz Sreenivasa Iyer and Varahacharri are on familiar terms with the Munsiff whose evidence is wholly unworthy of credit.

But this is no reason to discredit his evidence —

5. According to the statement of Sreenivasa Iyer before Mr. Varada Row on 19th June 1897, the Tahsildar at the time of the consideration of the Administration report "went into the Compound "of the municipal office and sent for "Councillors Lal Khan Saheb, Varaha "Charri, Vrishabadwaja Dikshadar and "M. C. Ramasami Iyer." and the object of

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the Conversation between the Tahsildar and these Councillors, Srinivasa Iyer insinuated, was to canvass for votes. This ~~evidence~~ allegation is amply disproved by almost all the witnesses. They say that the other Councillors went out first & that after some minutes the Tahsildar was taken out by M. C. Ramaswami Iyer and that the subject of discussion between them was about the voting delegateship. This is admitted by Sreenivasa Iyer's Coadjutor K. Varahacharri himself. The enquiry clearly shows that Srinivasa Iyer preferred a false Complaint against his Co-Councillor and that Varahacharri his friend and associate in creating dissensions in the Council did not hesitate to depose falsely against the Tahsildar and Councillor, to assist his friend. The Conduct of these 2 Councillors is highly discreditable and cannot but bring the Municipal administration into absolute contempt

6. One Abharanam Pillai took the lease of the Chidambaram Municipal tollgates for 1896-97. The Chairman states in one of his proceedings that one Syed Inayathulla Saheb was one of the partners of the toll contract for 96-97. In the course of an inquiry into the incometax objection petition presented by Abharanam Pillai to the Tahsildar two lists were found showing the amounts paid or lent to certain individuals out of the toll-gate receipts. It is stated in these lists that the Manager of the Municipality borrowed Rs 145 from the toll receipts, that Councillor K. Varaha Charri also obtained a loan of Rs 125 and that Rs 360/. were due to Councillor Srinivasa Iyer's brother. The manager in his explanation stated that Inayathulla saheb was a family

friend

friend and that he borrowed the amount from him. The chairman who very properly dispensed with the services of the Manager states that Inayattulla Saheb was the managing partner of the Toll gate Contract, which stood in the name of Abharanam Pillai. Usman saheb was the common clerk for the tollgate business working under the supervision of Syed Inayatulla Saheb and he wrote the lists found with the accounts, preparatory to furnishing a complete account of the toll-transactions for income-tax purposes. As the accounts showed that Councillor Varahacharri had money dealings with Municipality's toll contractors and that Councillor Sreenivasa Iyer also was indirectly interested in the contract. I called for their explanations. I submit their explanations for the orders of Government. Varahacharri states that he did not borrow anything from Abharanam Pillai but that his clerk borrowed from Syed Inayattulla Saheb Rs 125/- which he had ~~repaired~~ repaid and that he knew nothing personally of the transaction. I have already shown that this Municipal Councillor is unreliable and I do not believe his explanation. His statement that his clerk borrowed the amount cannot be accepted. If it was true, why should the toll-contractor have entered the amount as borrowed by Councillor Varahacharri? The toll Contractor's clerk in his statement to the Tahsildar distinctly stated that the money was lent to the Councillor. The Councillor states that the money was borrowed not from Abharanam Pillai but from Inayatulla Saheb. But this Mohammadan Gentleman was a partner in the contract which fact the Councillor carefully omits to disclose in his explanation. The sum of Rs 360/- was shown in the toll-contractor's account as paid to "Sreenivasa Iyer's younger brother" for principal and interest due. The Head Assistant Collector presumes that the money was really Sreenivasa Iyer's money. Sreenivasa Iyer in his explanation tries to make out that his younger brother is a rich man & lent the money to the contractor himself. But the Head Assistant Collector very pertinently asks why a man so well off as his brother represents him to be, should have considered it worth while to take up a "Copyist's post" in the Stationary Sub Magistrate's office. It appears that when the Head Assistant Collector removed Sreenivasa Iyer's brother from the post of Copyist, the Councillor (i.e.) Sreenivasa Iyer) represented that the loss of the work would be a hardship to his brother as he had to maintain an aged parent. This throws very grave suspicion on the money lent to the toll contractor being the Councillor's brother's money. The serious nature of the transactions of these Council-

-lors especially of K. Varahachari with the toll-contractors of the Municipality will be apparent when it is considered that this very contractor obtained at the hands of the Municipal Council a remission of Rs 1000/- on account of alleged loss in his contract and these very Councillors took part in the meeting in which the remission was granted! The Municipal Act distinctly prohibits Councillors being interested in any contract made with the Municipal Council. Though there is no distinct prohibition as regards loans and similar transactions with contractors on the part of Councillors, yet the transactions referred to above cannot be considered as any thing but extremely shady and such as no honorable man would have taken part in. The explanation of the Councillors especially K. Varaha Charri is most unsatisfactory.

where does this appear from -

7. The presence of these 2 Councillors in

the

The Municipal Council of Chidambaram cannot but bring the administration into further contempt. Sreenivasa Iyer did not hesitate to bring false charges against a fellow Councillor which he was not able to prove in the least. The enquiry into his complaint has caused the waste of much public time which could have more profitably been spent in other matters. I have not called for any particular explanation from Srinivasa Iyer but he was given every possible opportunity to prove his allegations and he has miserably failed. All the witnesses cited by him have been examined and the charge against the Tahsildar-Councillor was clearly the outcome of private enmity or the usual tendency in these 2 Councillors (Sreenivasa Iyer & Varaha Charri) to hamper the business of the Council. The Chidambaram Municipality has been notoriously badly managed for many years past and it is no wonder that with Councillors of this sort, such should be the case. Varaha Chari who failed in his attempt to get himself elected as the voting delegate very readily gave false evidence to support his friend. These 2 Councillors have always acted together in retarding the progress of business in the Council. I submit herewith my office files 237/Enq dated 27th March 1896 & 90/Enq dated 28th January 1897. The papers in file No. 237/Enq will clearly prove the impropriety of conduct and language of which these Councillors were guilty. The Government has adversely remarked on the maladministration of this Municipality. In my letter No. Repor No. 1201/Enq dated 27th Decr. 1896 I recommended the reduction of the number of elected Councillors and the appointment of a paid Chairman. But the Government deferred

deferred taking action pending improvement in the Municipality. Unless and until these 2 councillors are removed by Government under Sec: 19 (1) (iv) of the Act & Govt prohibits their re-election for 5 years, the business of the Council will be very much retarded and hampered by the vagaries of these Councillors. The present Chairman is trying to do his best in the way of improvement and unless there is hearty coöperation on behalf of the Council he cannot effect much The Head Assistant Collector considers the continued presence of the Tahsildar in the Council "most desirable" and that the presence of the 2 Councillors "will destroy any chance of "harmonious working at the meetings "and probably lead to more of these unseemly quarrels by which the Council "is brought into discredit." I fully endorse the views of the Head Assistant

Collector and trust that Government will be pleased to rid the Chidambaram Council of two such utterly unworthy members. It would, I think, be advisable to retain these 2 seats when vacated by the removal of the 2 councillors referred to for a period of 5 years for nominated members so that the hands of the Chairman and the other members of the Council may be strengthened. Much reform is needed in this Municipality and this cannot be effected so long as such persons as M. R. Ry Sreenivasa ~~Charri~~ Iyer and Varaha Charri can find electors to elect them and to stimulate them to wrong-doing.

I have the honour to be
Sir,
Your most obed. Servant,

for Collector

RM

[G./25]
250—7-4-97.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 3817-M of 1897.

SUBJECT.

Removal of Councillors from the municipal Council, Chidambaram

H. M.

FOR ORDERS.

I append a note below
H. T.
15-1-98

In his letter read above the Collector of South Arcot recommends the removal of two councillor, M. R. Ry. Srinivasa Aiyar and Varahachariyar from the Chidambaram municipal council under section 19 (1) (iv) of the Madras District Municipalities Act IV of 1884, as amended by Act III of 1897. The grounds on which he makes this recommendation are

(1) that Srinivasa Aiyar brought a charge against the Tahsildar of Chidambaram, who is also a municipal councillor, accusing him of having canvassed for votes for M. R. Ry Kaliyana Sundaram Aiyar, in connection with the late election of a member to the Legislative Council, which was not proved, and that the second councillor gave false eviden

in favour of the complainant in that ase and

(2) that the two councillors above referred to, have money dealings with the municipal toll-contractor.

2. The facts connected with the first of these ~~points~~ charges may be briefly stated as follows:—

On the 10th June 1897, the municipal council of Chidambaram met for the purpose of passing the administration report and of recommending a candidate for nomination to the Legislative Council. When the latter subject was taken up for disposal, Councillor Srinivasa Aiyar proposed that the subject be adjourned to the next meeting as "he "had reason to believe from information "in his possession that M.R.Ry. Mr.— "Srinivasachari, the Tahsildar of "Chidambaram and a municipal— "Councillor, had interested himself "in canvassing for votes". This proposition however fell through for want of a seconder; but, in forwarding a copy of the proceedings of the Council to the Collector, the Head Assistant Collector (Mr. Varada

A.

Rao) remarked:—"The Tahsildar "denied this. I believe that the pro "position was brought forward t "vex, annoy and discredit the Tahsi "&c &c". The Collector then called o the Head Assistant Collector to enqui and report on the matter, whereupo the councillor Srinivasa Aiyar state definitely,

B.

(1) that the Tahsildar sent for Councillors Lalkhan Sahib, Subbaraya Mudaliyar and Varahachariy to his house and asked them to vote for M.R.Ry. K. Kaliyanasundram Aiyar.

(2) That the Tahsildar spoke to Lalkhan Sahib in the Taluk Cutcherry the day before the meetin in the presence of Kaliyanasundra Aiyar's agents.

(3) that councillor Vrishabadhwaj Dikshitar, told him that he voted for Kaliyana Sundram Aiyar on account of the Tahsildar's interference and.

(4) that, when the administratio report was under discussion, the Tahsildar went into the compoun of the office and sent for councillors Lalkhan Sahib, Varahach

Vrishabadhwaja Dikshitar and Mr. C. Ramaswami Aiyar and presumably talked to them about the election.

3. These allegations were denied by the Tahsildar, excepting No. 4, regarding which he admitted having talked to the Councillors therein named, in the compound of the municipal office, as alleged, but on a different matter. The Councillor was therefore called upon to prove his allegations and an enquiry was held by the Head Assistant Collector, who found, and the Collector agreed with him, that the allegations have not been proved, and as a result of this the Collector recommends that Councillor Srinivasa Aiyar, who made the above allegations, and Varahachariyar, who gave evidence in this matter in support of Srinivasa Aiyar's statement, should be removed from the council on the ground that the former brought false charges against a fellow councillor and that the latter gave false evidence in that case.

Assuming that the Collector's

conclusions regarding the truth of the allegations made by the Councillor, are correct, it does not appear that the conduct of the two councillors above referred to is such as to bring the municipal administration into contempt within the meaning of clause (iv) of subsection (i) of Section 19 of Act IV of 1884, as amended by Act III of 1897, so as to justify their removal from the municipal coun as recommended by the Collector, though they would be liable to removal under clause (ii) of the same section, if they had been subjected by a criminal court t any order which implies a defect of character disqualifying them to b municipal councillors.

On the merits of the case, it ha to be observed that there is no direct evidence to prove that the Tahsildar canvassed votes for M.R.Ry. Kaliyanasundram Aiy But it seems probable ~~[illegible]~~ the the Tahsildar did take a mor active part in the election busi than it is desirable that an Offic in his position should take.

Vide G.O. 55 Legislative / 16-7-95. C.

This view receives support from the fact that the Tahsildar was made the voting delegate, and that he refused to retire in favour of another councillor (Varahachariar) who requested him to do so just a few minutes before the subject was to come for discussion before the meeting. As to the evidence in the matter, ten witnesses were examined, of whom eight were municipal Councillors, one, the local District Munsiff and one the Head Accountant of the Taluk Cutcherry. The evidence of the Councillors and the Taluk Head Accountant is not worthy of much credit, as all these people were, apparently to a greater or less extent under the influence of the Tahsildar, but it is not so with the District Munsiff, who is a respectable and disinterested witness, and there is apparently no valid reason to discredit him. From his evidence it appears that the Tahsildar told the District Munsiff that he was canvassing votes for M R Ry Kaliyanasundram Aiyar and that he even asked the District Munsiff

D.

Vide, the District munsiff's evidence. E.

to influence some of the vakils o the place to vote for the same individual.

5. The next charge against these councillors is that they were interested in the toll contract and voted in favour of granting a remission of Rs 1000 to the toll contractor. It is stated that in the course of an enquiry into the income tax objection petition put in by one Abharanam Pillai, the toll contractor of the Chidambaram Municipality, two lists were found showing the amounts paid or lent to certain individuals out of the toll gate receipts and that in thes lists it is entered that councillor Varahachari obtained a loan of Rs 125, and that Rs 360 were due to "Councillor Srinivasa Aiyar's brother". On explanations being called for from these councillors, Varahachari stated that he did not borrow anything from Abharan Pillai, but that his clerk borrowed from Saiyid Inayatullah Sahi a Sum of Rs 125, which he (the clerk) had repai and that he knew nothing personally of the transaction. It i

para 6 of the collector's letter flagged F.

H

however is evidence that this Saiyid Inayatullah Sahib is also a partner in the toll contract with Abharanam Pillai. But there is nothing to show whether the money was borrowed by the clerk on his own account or on that of his master, beyond the entry in the list above referred to in the name of Varahachari. The evidence of Inayatullah Sahib, from whom the money is said to have been borrowed, would have thrown considerable light in this matter, but he does not appear to have been examined in this connection. Granting, however, that the money was borrowed by the Councillor himself, it does not appear that it is illegal; nor is there any rule or byelaw prohibiting municipal councillors from having money dealings with contractors. As regards the entry in the toll contractor's accounts evidencing a payment of Rs 360, to councillor "Srinivasa Aiyar's younger brother" for principal and interest due, the Head Assistant Collector presumes that the money was really Srinivasa Aiyar's, on

the

the ground that if his younge brother was really so well off a to be able to lend such large amounts, he would not have considered it worth his while take up a copyist's post in the S tionary Sub-Magistrate's office. This inference however does no appear to be correct. The Collecto admits that there is nothing to prohibit councillors from having money dealings with contracto but considers that the transact of the two councillors in questio are extremely shady, seeing that they took part in the proceeding of the Council granting a remission of Rs 1000 to the toll-contractor on account of alleged los This also is merely an inferenc and no action can be taken on it, seeing that the resolution of the Council was passed unanimously by all the nine Councillors present.

6. In these circumstances, it is submitted that no case has been made out for removing the Councillors in question from the Municipal Council under section 19 (1) (iv) of the Act.

V. R.
21/12/97

NOTE FOR THE

I. The accusations agst. the Tahsl.

II The loans.

I. (a) I know of no impropriety in the Tahsl. Councillor canvassing for votes for a candidate for the Legislative Council.

(b) It is at least doubtful whether he did not do so.

(c) The accusation may very well have been made in good faith.

(d) The matter was not important enough to come up to Govt. De minimis non curat Rex.

I quite agree with the Sec. I do not like Mr. Cathcart Stuart to make this fuss about nothing — If he were in the country I should be disposed to send him a good wigging.

HS

II. On 16. June. 97 the Tahsl. examd. the toll-contractor's accounts, & found (i) Rs. 360 entered as a loan repaid to Councillor Srinivasagar's brother (ii) Rs. 125 as a loan paid to Councillor Varahachari.

On 16. Jan. both these men had agreed in the Council's unanimous resolution to remit Rs. 1000 of the toll-contractor's payments.

No doubt the Clrs wd. have done better not to have any dealings with the toll contractor, and, as they had such dealings, would have been well advised not to vote on the question of the remission. But I don't see that the dealings & the grant of the remission are necessarily connected. Any way the case is hardly of suff^t. importance, in my opinion, to warrant its being turned into a cause célèbre as

[L. & M.
250—13-10-97.]

NOTE FOR THE

It certainly would be if the two Cll^rs were ejected as proposed.

The result is that Govt. sh^d. decline to ~~[illegible]~~ accept the late Coll^r's recommendation

18/1/98

(i) The Coll^r. considers that this throws very grave suspicion on Councillor Srinivasaga. This is true, but I submit we are not taken further than suspicion. The brothers are divided, & we dont get beyond the accounts which show a loan from the brother which had been repaid. The dates have not been brought out.

This matter does not seem strong enough for removing the Councillor.

(ii) The Councillor says the loan was to his Clerk without his knowledge, & was taken (not from the Toll-Contractor, he insinuates, but) from "a respectable Mahommedan citizen". Strangely enough, this latter is a partner of the toll-contractor!

The accounts are evidence that the loan was to him, not to his Clerk.

If this is suffi^t to act upon, the Councillor might be removed for scandalous conduct in taking a loan from a toll-contractor & then voting to remit a payment to the Council due from the contractor. S.19.(1.4).

Unfortunately however neither the Clerk nor the Mahommd. has been examd, & I feel a doubt whether at the present stage the Councillor could be removed.

If so, it is for orders whether the Councillor's conduct ~~be~~ can be overlooked with a warning,

or whether the papers shd be remitted to the Collr. to examine these two men & if possible probe the matter deeper. There has been a change of Collectors.

HT
15.1.98.

L. & M.
2,000—28-10-97

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