

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 2110 In. Encl.

DATED 9-12-98.

INDEXED

[Despatch Abstract.]

Petition - ^{with remark} regarding the rate payers of Vani-
yambadi, ~~State~~ municipality - that their
request to form a bench of honorary magistrates
for their town will be considered in the Judi-
cial department.

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. (1898) Department.

CURRENT No. 3488. No

From

The Collector of
Salun

Tris.

Order No. 2110 *Tris* *MS* 7.12.98

The petitioners' request to

No. 4161

form a bench of honorary magistrates
for their town will be considered in

Dated 6th November 1898.

The Judicial Department. ^{Govt is} ~~There is~~ ~~not prepared to accede to their other~~ ~~requests cannot be complied with at~~
~~present.~~

Received

Registered

Enclosures 2

Spare copies

V.R.
2/12/98

(Please see Col. 5-12-98)

SUBJECT.

Submitting with remarks
the memorial of the rate-
payers of Varicumbati
Municipality asking
for certain privileges in
connection with their
Municipal administration.

To The Petitioners through the Collector of
Judicial Dept. *Salun.*

Recd. 12/12/98

28/11/98

BACK PAPERS.

G.O.	No.	Department.	Date.
f0	1556	dh	5-9-98
"	968	h	23-5-98
"	1241	h	11-7-98
"	2260	h	15-10-98

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Proceedings of a General Meeting of the Rate-Payers of Vaniyambadi held in the Neelikollai Madrasa on Tuesday the 19th July 1898 at 5 p. m.

1. Proposed by Mr. Muhammad Habibullah Saheb and seconded by Methakar Ahmed Saheb,

"That Methakar Zynul Abedeen Saheb be voted to the chair."

Carried unanimously.

The Chairman then briefly explained the objects of the meeting and called upon Mr. Muhammad Habibullah Saheb, Pleader, Vellore, to explain to the audience the different aspects of the subjects which were coming up for discussion that evening. He did so in Tamil.

2. Proposed by N. Shumshuddin Saheb and seconded by M. R. Ry. G. Perumaul Chettiar Avargal,

"That the rate-payers of Vaniyampadi in public meeting assembled, while thanking His Excellency the Governor, for having conceded to them the privilege of electing $\frac{1}{3}$ of the total number of Councillors, beg respectfully to crave that they may be permitted to elect $\frac{2}{3}$ of the total number and also pray that the maximum strength of the Council be raised from 12 to 16 with a view to remove the invidious equality which now exists between this and other smaller and less important Municipalities."

Carried unanimously.

3. Proposed by M. R. Ry. E. Candasawmi Chettiar and seconded by Banghi Sahebju Saheb,

"That the privilege of electing its own Chairman be conferred upon the Council as time has now arrived for an enlargement of the rights and privileges of the policy of Local Self-Government in this town which is rising in population, mercantile influence and prosperity as there are individuals in every sense competent to discharge the duties of Chairman."

Carried unanimously.

4. Proposed by Kose Khassim Saheb and seconded by Patel Meeruddin Saheb,

"That the system now in vogue under which the Sub-Magistrate of this station disposes of all Municipal cases is objectionable from every point of view and opposed to all principles of law and equity and that a Court of Bench Magistrates should therefore be constituted for the trial of such and kindred cases arising within Municipal limits as is the case in other Municipal towns."

Carried unanimously.

5. Proposed by Marsaya Ibrahim Saheb and seconded by M. R. Ry. Murthi Chettiar Avargal,

"That a memorial embodying the above grievances be submitted to Government through the Collector of Salem with a request to the latter to support these prayers with his kind recommendation."

Carried unanimously.

6. Proposed by Chaylabbay Ibrahim Saheb and seconded by Sadekh Muhammad Hyder Saheb,

"That a Sub-Committee consisting of the following gentlemen be constituted for the purpose of carrying out the aforesaid Resolution.

1. Methakar Zynul Abedeen Saheb.
2. Methakar Ahmed Saheb.
3. N. Shumshuddin Saheb.
4. Rasool Khan Saheb.
5. M. R. Ry. Thovannay Cundasawmi Chettiar Avargal.
6. Banghi Sahebju Saheb.
7. Marsaya Ibrahim Saheb.
8. Chaylabbay Ibrahim Saheb.
9. M. R. Ry. Muthuveray Murugappa Chettiar Avargal.
10. Mukkuthanni Mohdin Saheb.
11. Meerlabbay Abdul Karim Saheb.
12. Thirupathur Khader Saheb.
13. M. R. Ry. Kothandarama Chettiar Avargal.
14. M. R. Ry. Chinna Chettiar Avargal.
15. Naivasal Jaffer Saheb.
16. Kose Khassim Saheb.

7. Proposed by Rasool Khan Saheb and seconded by Banghi Sahebju Sahib,

"That a copy of these Proceedings be submitted to Government along with the memorial."

The meeting terminated at 6-30 p. m. with a vote of thanks to the Chairman.

(Signed in Tamil.)

VANIYAMBADI,
19th July 1898.

METHAKARA ZYNUL ABEDDEEN SAHEB,
Chairman.

To

His Excellency the Right Honorable Sir Arthur
Elibank Havelock G. C. M. G. G. C. I. E.,
Governor of Fort St. George, Madras.

(Through the Collector of Salem.)

*The humble memorial of the rate-payers of the
Vaniyambadi Municipality, Salem District.*

RESPECTFULLY SHEWETH:—

That Your Excellency's humble memorialists beg to embrace this opportunity of acknowledging the manifold blessings which the benign British Government has conferred upon them of which the institution of Local Self-Government is one, and to give expression to their sentiments of gratitude for the liberality and sympathy which characterize Your Excellency's Government in dealing with matters relating to Local Self-Government and the deep consideration Your Excellency has been bestowing thereon.

2. Your Excellency is aware that this town of Vaniyambadi has been gradually increasing in population, mercantile influence and prosperity since it was constituted into a Municipality. Circumstances have so changed as to necessitate an enlargement of the powers and privileges appertaining to the institutions of Local Self-Government and the memorialists beg to assure Your Excellency that if those powers and privileges are extended to them, they will exercise them to the best advantage of the public.

3. That the total strength of the Council from the time of its constitution 12 years ago is twelve and till last year this entire strength was appointed by nomination. But, owing to Your Excellency's sympathy and large-heartedness, their town was granted the privilege of electing only $\frac{1}{3}$ of this number in common with other smaller Municipalities. The memorialists beg respectfully to submit that during the 12 years that this Council has been in existence, it has been of no practical utility to the rate-payers generally, neither has its administration been conducive to their interests in as much as the gentlemen who constituted the Council were in no sense the representatives of the people and were not therefore bound to consult the wants and grievances of the rate-payers who were not their constituents. The boon of Local Self-Government, which the sister Municipalities has been enjoying has been to the memorialists only a passive boon. Further the memorialists conceive that in those Municipalities where seats on the Council are filled up partly by the door of election and partly by nomination, the primary object with which the latter power is retained in the hands of Government is to enable it to introduce officials and other educated gentlemen into the Council so that they may guide it with their experience and knowledge. But considering the very small number of officials in this town to make nominations from, they venture to submit that it is superfluous to retain in the hands of Government the power of appointing by nomination $\frac{2}{3}$ of the maximum strength. The memorialists beg, therefore, respectfully to point out that the time has now come for giving effect to the recommendation of the then Collector Mr. C. H. Mounsey by allowing the rate-payers the privilege of electing $\frac{2}{3}$ of the total strength of Councillors. The memorialists also beg to suggest in this connection the desirability of increasing the strength of the Council to 16, so as to remove the present invidious equality which exists between this and other smaller and less important Municipalities in this matter. This course will give Government the right of appointing by nomination five instead of four official Councillors if the present strength were to be retained in tact.

4. The next matter to which the memorialists would respectfully invite Your Excellency's kind attention is the practice obtaining at present of nominating the Head Assistant Collector as the Ex-Officio Chairman of this Council. Your Excellency is aware that this officer's headquarters is at Tirupathur. He cannot therefore be expected to carry on the administration of the Municipality directly or with any personal knowledge of the local necessities and circumstances. He has, as a matter of necessity, to take on trust the performance by subordinates of

the Municipal Executive work claiming the personal attention of the Chairman and this naturally enough gives an amount of influence to the Municipal subordinates which is extremely undesirable, apart from its being highly prejudicial to the best interests of the scheme of Local Self-Government. The memorialists are aware that Your Excellency's Government has wisely and judiciously improved the old Municipal Act by making a provision for the appointment of a Municipal Secretary in such of the Municipalities which fulfil a certain standard of financial affluence solely with a view of enabling the rate-payers to obtain the maximum of advantages which they are entitled to at the hands of the Municipal Councils concerned, as Government found, from experience, that Chairmen could not, owing to their other avocations (although invariably residing in the town) devote the required amount of time in the interest of the rate-payers. The memorialists leave it to Your Excellency to imagine what the state of affairs will be in the case of an absentee Divisional-Officer-Chairman with his head-quarters at Tirupathur and who, owing to his other multifarious duties, is not able to spare more time in the interest of the rate-payers than that required for coming to Vaniyambadi to preside at the meetings once or twice a month as his time and circumstances could admit of. The memorialists beg to submit that they find no justification whatever for perpetuating this system any longer as there are now among the Zemindars and the wealthier merchants of this town individuals in every sense competent to occupy the position of Chairman of this Municipality who will mould its administration on such lines as will ensure the welfare and happiness of the rate-payers. The memorialists therefore deferentially pray that Your Excellency will be graciously pleased to permit them to elect their own Chairman from among the Councillors and thereby minimise the evils complained of above. In this connection they may be permitted to mention that this concession appears to have been granted by Your Excellency in the case of the Thirupathur Municipality which can bear no comparison whatever with this town in any respect, in spite of the fact that it happens to be the head-quarters of the Divisional Officer who could have paid better attention to its administration.

5. Your Excellency is aware that in the case of Municipal Towns, Government has been pleased either to form Benches of Honorary Magistrates for the purpose of trying Municipal and other kindred cases or to entrust their trial in the hands of a Magistrate who has no manner of connection with such Council. This procedure is in perfect consonance with the wise and humane legal maxim that a person ought not to fill the dual position of prosecutor and judge simultaneously. But the memorialists have to bring to Your Excellency's kind notice that in the case of this town all principles of law and equity are ignored. The local Sub-Magistrate who is not only a Municipal Councillor but also the lieutenant of the absentee Divisional-Officer-Chairman in the transaction of Municipal affairs discharges various functions in connection with Municipal cases. In his capacity as the delegate of the absentee Chairman he detects the commission of offences against the Municipal Act, as a Councillor he takes part in sanctioning the prosecution of such persons and as a Magistrate he punishes those offenders. Nor is this all. Appeals from his decisions lie to the Divisional Magistrate who is the Chairman of the Council and this circumstance discourages parties from preferring appeals against such decisions even if they conscientiously feel that they have been wronged by such decisions. The memorialists may be permitted to mention that in the amended District Municipalities Act, an Honorary Magistrate is, *ipso facto* disqualified from becoming a Councillor and *vice versa*. The memorialists therefore appeal to Your Excellency's sense of justice and fair play to remove this anomaly by instituting in this town a Bench of Honorary Magistrates whose members may be nominated from among the landed and mercantile community who are likely to know the local conditions and whose exercise of the powers of Magistrates in petty cases will conduce to a discriminate exercise of powers suitable to local needs and requirements and thereby infuse in the minds of the public perfect confidence in British justice.

For which memorialists will ever pray.

Despatched on 11-11-98

No. 1019 4/11-24/98 6.11.98
Palm & Government

Forwarded to Government
I do not recommend
any change in the
constitution of the Council
nor any extension of its
elective privileges for the
present. It is only
recently that Govt. has
conceded the appointment
of four members out of
the twelve by election
and such election has
not yet taken place.
It remains to be seen
what the result will be.

3. Municipal has a non-
official nominated
chairman. When a
suitable gentleman can
be found on the Varanasi
Council I see no objection
to allowing the same
concession, but at
present I am afraid
no suitable non-official
can be found for the
chairmanship.

4. The present vice-chairman
elected by the Council is
the Local Sub. Registrar.
The Sub. Magistrate is an
official member but
takes no part in sanctioning
proceedings under the
Municipal Act.

Neither Municipal nor
Varanasi has a
Band of Honorary
Magistrates. I have
no objection to the
appointment of a Band
of Magistrates in

both of these municipalities
with third class powers
and perhaps this
request may be granted

Prayers bless
C. Colledge
6.11.98

12 NOV 98
R.B. CLEGG
20.06.98

LOCAL & MUNICIPAL DEPT.
CURRENT No. 3488.16

3488/m/98

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CURRENT No.

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LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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