	For what purpose.					
Date taken out.	Department.	C. No.	Year.	Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.

E

L. & M.
10—1-3-98

Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 667 M

DATED 28-3-98

INDEXED.

[Despatch Abstract.]

Munl: Council

Stating, with remarks, that the four elected members now on the Ooty Munl: Council referred to by the Collector of the Nilgiris, will continue to hold office until their term expires & that further reduction in the number of seats should be effected by the suspension of elections to vacancies & requesting the Lt. General Commanding the forces to suggest an officer of his staff at the Head Quarters for nomination to the seat now vacant on the Munl: Council.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
Cuo.	1245 L/98						

1058

VF

Very Emergent

Local & Munl. (1898) Department.

CURRENT No. 1058 L

UNDER SECY TO GOVT
16 MAR 98

From The Ag Collector of the Nilgiris

Order

Reference on G.B. No. 1222 of 1897.

Dated 14 MAR. 1898

DESPATCHED
15 MAR 1898

Received 16-3-98

Registered 16-3-98

Enclosures one

Spare copies -

SUBJECT.

Ootacamund Municipal Council

Requesting the orders of Government about giving effect to the notification reducing the elective seats to two and the nomination of Councillors to the other elective Seat

16/3/98 16/3

BACK PAPERS.

G.O.	No.	Department.	Date.
Cue 12 L/98 Lodged.			
Fo	2798	L	15-12-97
"	1490	L	14-9-95

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Ref on G+B No. 1222 of 1897.

Nilgiri Collector's Office,
Ootacamund
Dated, 14th March 1898.

LOCAL & MUNICIPAL DEPT.
1058 M

From

D. W. G. Cowie Esquire C.S.

a/ Collector of
the Nilgiris,

To

The Secretary to Government,
Local and Municipal Department.
Madras.

Sir,

In continuation of this office Reference on G+B No. 1222 of 1897, dated 28th December 1897, and Mr. Stuart's Demi official letter dated 3rd January 1898, I have the honour to ask whether the suggestion contained in the concluding para of his letter may not now be carried out.

2. A list of gentlemen that Mr. Stuart proposed should be appointed if the present Council were dissolved is given in the margin. Mr. Hamnett should, of course, be reappointed Chairman.

Cue 12 L/98 Lodged

0
1. Collector
2 Civil Surgeon
3. G. Hamnett Esq. C.S.E
4. G. T. Walch Esq.
5. Col. Stevenson
6 W. E. Smith Esq.
7. Rev. Father Biolley
8. Surg. Maj. Genl. McVittie
9. Dy Judge, Advocate General (when appointed)
10. J. Brown Esq. or G. Oakes Esq. or J. A. Walker Esq or A. R. Winterton Esqr.

3. As the Government is aware the notification approved in Government Order No. 2798 M. dated 15th December 1897, comes into force from 18th instant,

or

on which date expires the period of three months prescribed in section 12 of the Amended District Municipalities Act, the date of publication of the notification being 18th December 1897, and from the enclosed list showing the present constitution of the Ootacamund Municipal Council, it will be observed that there are, at present in office only 11 Councillors of whom one (the Collector) is ex-officio, 4 are elected and 6 are nominated. After March 18th the Council is to consist of 12 members, of whom one (the Collector) will be a member ex officio, 2 will be elected and 9 will be nominated.

This is the sanctioned strength under the recent notification.

4. In case the Government does not dissolve the Council, the number of nominated Councillors should be completed. There will be 3 seats to be filled and for these seats any of the gentlemen named in Mr. Smart's list may be selected. I have not treated Surgeon-Major Thompson's seat as vacant, as I understand that he will before long return to the station.

5. As regards the two elective seats, I have requested the Chairman, Ootacamund Municipal Council to take the necessary steps to fill them up, as from the 18th instant, the four elected Councillors, now on the council cease to be so.

The Collr. is wrong in thinking that the four Elected Members now on the Council will vacate their seats under the recent notification; but the reduction in the number of Elective seats notified therein can only be effected by the susp.n of election to vacancies until the number of Elective seats is reduced to eight, unless the Council is dissolved.

6. Very early orders are solicited.

I have the honour to be,

Sir,

Your most obedient Servant,

D W G Cowie

14.3.98

Ag Collector.

CR.
14/3/98.

Statement showing the Constitution of the Ootacamund Municipal Council

No.	Designation	Name	Whether appointed or elected	Date of appointment	Remarks.
1	Ex officio,	D. W. G. Cowie Esquire.	Ex officio	21st February 1898.	
2	Officials.	Surgeon Major Chr. Thompson M.B.	appointed	27. July 1897.	
3	Non official	Mr Dadabhoy Edulji Sait Esq.	elected	26 January 1897.	The remaining four seats vacant
4	- do	Albert Ronin Jones Esquire	- do	14 January 1896	
5	- do	N. R. Gool Mahomed Sait Sahib	- do	27 April 1897	
6	- do (Chairman)	Geo. Hamnett Esquire C.I.E.	Appointed.	24 November 1897.	
7	- do	John Browne Esquire	- do	27 July 1897.	
8	- do	G. J. Walch Esquire	- do	26 February 1895	
9	- do	Col. Kenlis Ferguson Stevenson	- do	5 May 1896.	
10	- do	Rev. Father C. Biolley	- do	26 January 1897	
11	- do	W. E. Smith Esquire	- do	12 November 1895	
12	- do	Abdul Rahiman Hajee Fakir Mahomed Sait Sahib	elected	30 March 1897.	

D W G Cowie
14.3.98
Ag Collector

Encl. no. 1 to Lr. 1222 of 97.

1058 M. of 1898

should be completed,

Reduction in the number of elective seats — Ootacamund Muni. Council.

[G/25]
250—18-2-98.

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 1058. M. of 1898.

~~SUBJECT~~.

H.E. The Governor

H.M

FOR ORDERS.

In his letter No. 1222 dated 28th December 1897, the Collector of the Nilgiris (Mr. Stuart), while suggesting that immediate effect should be given to the notification reducing the number of councillors of the Ootacamund municipal council from sixteen to twelve and the number to be appointed by election from eight to two, stated that two of the elective seats and one of the nominated seats, were then vacant, that two other elective seats were expected to fall vacant on the 8th and 22nd of January 1898, respectively, that the council would then consist of seven nominated councillors, including the ex-officio member, a four elected councillors, and that as the terms of these four elected members would not expire for some time, it was desirable to dissolve the existing council and appoint a new one at once. Mr. Stuart having however subsequently withdrawn this letter, no orders were passed on it.

2. In the letter read above the collector of the Nilgiris (Mr. Cowie) enquires, whether the suggestion made by Mr. Stuart, viz: that the council should be dissolved and a new one appointed in its stead, may not now be carried out, and states that the notification altering the constitution of the council comes into force on the 18th March 1898, that there are at present in office only eleven councillors, of whom one is ex officio, six are nominated and four elected, that after the 18th March the council should consist of twelve members, one being ex-officio, two elected and nine nominated, that in case the Government does not dissolve the council, the number of nominated councillors

[illegible] D.O. 17.

should be compl

…nt of these gentlemen be selected from the list of persons given in the margin of para 2 of his letter, and that as regards for two elective seats, he has requeste the chairman to take the necessa steps to fill them up, as from the 18th instant the four elected mem now on the council cease to be so

3. The council cannot be dissolved as proposed by the Collec as under section 4-B (1) (a) of the Ac the dissolution must accompany a modification or cancellation of the notification constituting th municipality under section 4 (4) Nor does it appear to be desirabl to supersede the council for a specified period under section 4 (1) (b). As there are now five vacanc four among the elected and one among the nominated members the reduction from sixteen to twelve in the total strength of the council can be easily effected by not filling up the four electi seats. The difficulty arises only in giving full effect to the reduction in the number of elect

But Mr. Cowie proposes 4 official

remaining four elective
ot likely to fall vacant
to
for some time and the members
a
w occupying them do not vacate
m
e opportunitie of the recent noti-
fication, as supposed by the Collector.
The only way of effecting this further
reduction in the number of elective
seats, seems to be by the suspension
of elections to vacancies in them
until such time as the number of
elected members is reduced to two.
There does not appear to be any
objection to following this course,
as the elected members who will
now form only a small minority
cannot in any way interfere
with the efficient discharge of its
duties by the municipal council.
The Collector may therefore be inform-
d, that the Government does not
consider it expedient or desirable to
dissolve the council, as suggested
by him, and that the further re-
duction in the number of elective
seats might be effected by the
suspension of elections to vacancies
of those seats until their number
nated
s ed to two. The earliest
cies in themnot d
n will occur on
of n

Q
Vide Notification in
G.O. No 1490 M
14.9.95.

5.

the 14th January 1899 and 26th Janua
1900. The collector may also be as
ed to submit a nomination for
one of the nominated seats whic
is said to be vacant now.

V.R
17/3/98

I submit this

Seems certainly the
proper course

J.P.
17.3.98.

Yes — But I don't see the need of asking the Cltr. to submit a name to fill the one vacancy among the nominated Councillors — What I think should now be done is to ask the L.G.C. to ~~act~~ assist us in the reform of the O'cty M.C. by kindly nominating an officer of his staff to join the C. & aid in the Munl. Govt. of the place where ~~[illegible]~~ Command Hd. Qrs are established. The Dt. Judge Adv. ~~[illegible]~~ mentioned by Mr. Cowie wd. not be the man. He wd. be the man proposed to represent Army Hd. Qrs on the Bench of Magtes. — Any other officer of the Hd. Q. staff would do, preferably one who is not often on tour.

See Mr. Cowie proposes 4 official

P paragraph 3 of G.O. No 1839 M

1. It seems to me that Sec. 12 of the Act and not Sec. 4, governs our present action. (See Sec. 12 and proviso thereto). There is nothing in Sec. 12 to prevent the full operation of the new notification, – directly the prescribed three months have elapsed. The new election has been arranged for and ~~[illegible]~~ possibly may have been held. I would let the new notification take effect at once, and let the new election proceed.

2. I agree with Sir H. Bliss that we should ask the I. G. C. to nominate one of his officers to serve in the Council.

A E

21.3.98

CA

22 3 98

CNo. 1058 M

[L. & M. / 280—13-10-97.] Reduction in the number of elective seats, Ootacamund Muni Comm

NOTE FOR ~~[illegible]~~ H. E. the Governor.

The Ootacamund municipal council now consists of eleven councillors, of whom seven, including the ex-officio, are nominated and four, are elected. To give full operation to the new notification, two of these four elected members must vacate and their seats should be filled up by nomination. But under section 17 (1) of the Act, every person appointed to be a municipal councillor, continues in office for three years from the date of the Fort Saint George Gazette, wherein his appointment was notified under section 21-A, and ceases to be a municipal councillor only after that period, and there is nothing in section 12 to the contrary. In Calicut, where the privilege of election, was entirely withdrawn and in Trichinopoly, where the number of elective seats was reduced, the elected members then on the council were allowed to continue to hold office until the expiry of their terms — vide paragraph 3 of G.O. No. 1839 M.

P

dated 4th December 1890 and paragraph 7 of G.O. No 1490. M, dated 14th September 1895.

V.R.
24/3/98

It is respectfully submitted for His Excellency's consideration that no action of Govt. taken under S. 12 can affect the right of existing members to serve out the three years to which S. 17 entitles them.

If this view is correct, then it wd. seem that no election can be held, to add to the number of elected members who already exceed the maximum; & that the suggestion of the original office note, approved by H. M., may be acted upon.

H. T.
24 3 98

I had not noticed Sec. 17 when I wrote my Note of 21. 3. 98. I now concur with the suggestion of the original Office Note.

A. S. H.
26. 3. 98

Reduction in the number of elective seats, Ootacamund Mul Council

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

LOCAL AND MUNICIPAL DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., No. dated 189 ,
Again G.O., No. dated 189 ,
Current No. 1058. M of 1898, dated 14th March 98, from the Collector of the Nilgiris
" " " 189 , " ,
" " " 189 , " ,

Copy t dep. sharp
K.R.
28/3/98

Secr
misc

ORDER. No. 667 [illegible] & 28/3/98

The existing municipal council cannot be dissolved as suggested by the Collector, as under section 4. B (1) (a) of the District Municipalities Act, the dissolution can only accompany a modification or cancellation of the notification constituting the municipality under section 4 (4). Nor can any action taken by Government under section 12, affect the right of existing members to serve out the three years to which section 17 entitles them. The four elected members now on the council will therefore continue to hold office until their term expires, and the further reduction in the number of elective seats should be effected by the suspension of elections to vacancies those seats until their number reduced to two.

2. The Lieutenant General Commanding the Forces, Madras, is requested to be good enough to suggest an officer of his staff at the Head Quarters, other than the Deputy Judge Advocate General, preferably one who does not go on tour, for nomination to the seat now vacant on the municipal council, so that he ~~might~~ may help in the municipal government of ~~the place~~ a town where Command Head Quarters are established.

(From Orders)

VR
28/3/98

HT
28 3 98.

To The Collector of the Nilgiris
.. Deputy Adjutant General
Madras Comma

Dpt 28/3/98

---

hen given for copying
hen copied 28/3 28/3/98
hen examined
hen signed 28/3
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.

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