

MISCELLANEOUS.

G.O., No. 682 M.

DATED 31-3-98.

INDEXED.

[Despatch Abstract.]

[Despatch Abstract.]
Right of interpellation of the Municipal
Commissioners Madras Municipality.

Informing, with remark, the Pres. mem.
Commission maoras that the propriety of
amending the city of maoras must act
so as to empower the Commissioners to exercise
the right of interpellation will be considered on
the next occasion.

அபா. ப. எண். 24 9,27,568—17—2—76

—துறைந்.

குறிப்பிட்டவர் பொறுப்பிலிருக்கும் பதிவுக் கட்டினின்றும் எடுக்கப்பட்ட தாள்.

-197

அச்சு

பலவளக்

எண்

தேதி

வாலாயம்

[illegible]

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

G.O.	No.	Department.	Date.

G.O.	No.	Department.	Date.

” 189 ”

A.T.
35385

Advocately, enial.

Note for the head clerk 800 by office

This file was linked with the draft on the Madras Drainage Scheme, but no orders have been passed by the Secretary. Will you kindly send the file back to him and take his orders?

RP

25/7/97

I sent this file twice to the Secy & he returned it twice saying not to send it to him till the Madras Drainage Scheme is settled. So I return it to the Secy. I draft on the M. D. Scheme also follows today. Kindly send this file when the order has been issued in print.

Papers to be read in proceedings :—

Perhaps you may ^{this file} keep it till the
Sec^y. comes down to us.

Again G.O., No.

Again G.O., No.

Current No. 180214

" "

ORDER.

The Government considers that as there is no express provision in the City of Madras Municipal Act I of 1884, as amended by the VII of 1884 and II of 1892, conferring on the Municipal Commissioners the privilege of imposition, ~~which~~^{it} can be created by a resolution of the Commissioners. it

2. The accompanying
Bill to amend the exist^{ing}
act so as to authorize
exercise of this right^{ed} in
Commissioners, will licenses (4), (10)
warded the Advertiser^{nt}
General for opinion (m):
(Thomson)

Consideration whether
the proposed amendment of the
Act may not be deferred till the
other amendments for the purpose
providing funds for the drainage
works are settled. Now the

Return this ~~folder~~ when that
file comes back with draft
J.V.D. 3/8

The President. Naval Commr. Kadas
Advocate General.

with
few

Appendix.
[Draft Bill]

Madras Act of 1897.
An act to amend the City
of Madras Municipal Act I
of 1884, as amended to VII
of 1884, and II of 1892.

Whereas it is expedient
to amend the City of Madras
Municipal Act I of 1884, as
amended by Acts VII of 1884,
and II of 1892, so as to confer
on the Municipal Commissioners
of the City of Madras the
privilege of interpellation, it
hereby enacted as follows.

1. In Section 61, the
following shall be inserted as
(i), the present clauses (i), (j),
(k) and (l) being altered into
clauses (j) (k) (l) + (m):-

(i) To interpellate the President
on matters connected with
the

Note. It seems more appropriate to insert
the necessary provision in Sec 61, than in Sec.
413 (which is the corresponding section to Sec 250
of the Municipal Act) as the
latter empowers the Commissioners to make
by-laws & does not authorize for the same.

for opinion
(from Dr)

1/10/97

general administration, subject to such rules as may from time to time be framed by the Governor-in-Council."

Statement of objects & Reasons.

There is no express provision in the ^{existing} Act authorizing the interpellation of the President by the Municipal Commissioners and it does not appear that without specific legal authority the right can subsist. This privilege has now been conferred on District Municipalities sub Section (3) of section 164, Madras District Municipalities Act Amendment Act of 1897, and it is considered desirable to extend it also to the Madras Municipality.

V.R.
1/5/97

Again G.O., dated

189 , No.

Current No. 1802 M

of 1897, dated

30th April 1897

from the P. Municipal Commⁿ Madras.

Current No.

of 189 , dated

from the

FOR ORDERS.

I think we may as well at once legislate to ~~abolish~~ ^{regulate} the framing of rules for interpellation at the meetings of the City Muni^l Council -

Circ: 576797 9/6/97

By the way, the draft rules under the Imperial Act which I passed the other day sh^d. be circ^d. before issue. This will be attended to. ~~the draft rules~~

I should be willing to introduce legislation under the Hon. Member's advice, if the existing law does not already provide for the framing of rules for interpellation. Personally, I am in favour of it.

I have the opinion expressed in my No 1802 M, as to the expediency of allowing interpellation. A.14 25.6.97

Please see the notes and Orders and the Advocate General's opinion in G.O. No 129 A.M. dated 30th January 1897; also Section 164 (3) of the Madras District Municipalities Act amendment Act III of 1897, which empowers Government to make rules as to interpellation of Chairman by the municipal Councillors.

(Initialed) V.R.
12/5/97.

V.R.

I think the insertion of a specific clause in the District Muni^l Act of 1867 empowering the making of rules about interpellation shows that without specific legal authority the right or privilege does not

subsist. This was the
opinion ^{expressed by} the present
Sp. Adv. General in the
discussions on the
Amending Bill: & it is also
the opinion which the Hon.
Member entertained on
a reference from the
District Municipality before
the Am. Act was passed.

If so, the Mun. Councilors
cannot under the present
law exercise any right of
interpellation: and the
question remains whether such
right ^{should} under proper safe-
guards be conferred by
the legislature. Having
conferred it on Dist. Mtes.
the legislature cannot well
confer it to the Mtd. City.

Should legislation be initiated
now? No right w^d. of
course be exercised in con-
formity with rules made by
Govt.
S. J. 16/97

1802

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Should legislation be initiated
now? No right w^d. of
course be exercised in con-
formity with rules made by
Govt.
S. J. 16/97

FOR ORDERS.

28th March 1898

My dear Trevelyan

I write a letter.

No 30 said 30th April
1897 & interpellation

What is the position

Yours sincerely
G. M. Moore

* Please see the papers put up - The pa-
pers were ordered to be over with a
view to the necessary amendment
being made in the Act along with
the amendments which may be re-
quired for providing funds for the
drainage scheme - As this will
take some time, perhaps the Comrs
may be informed in addition to

para 1 of the draft
proposition of amending the Act
will be considered on the next oc-
-casion -

MR
28/3/98
please do
H
R 398

Do No 70 of 28-3-98

Dear Moore

The point was being
held over against legislation.

But now orders will issue
today or tomorrow.

Yours sincerely
[Signed] H. T. Remondet
28/3/98

The point was being
held over against legislation.
But now orders will issue
today or tomorrow.
Yours sincerely
[Signed] H. T. Remondet
28/3/98

Local & Munl. (1897) Department.

CURRENT No. 1802-N

From

The President
Municipal Comm^{rs}
Madras.

G. No. 30

Dated 30th April 1897

Received 1st May "

Registered do.

Enclosures 6

Spare copies

SUBJECT.

Forwarding a copy of
resolution moved by
M. R. Ry. R. N. Pragas
Mudallyar regarding
interpellation, together
with the President's remarks

a/11/5

K.R.
1897.

G. No. 30

MUNICIPALITY OF MADRAS,

General Department,

Madras, 30 April 1897

From

LIEUT.-COL. G. M. J. MOORE, C. I. E.,

President, Municipal Commission.

LOCAL & MUNICIPAL DEPT.

CURRENT No. 1802. M

To

The Secretary to Government,

Local and Municipal Department,

SIR,

Fort Saint George.

Enclosures
6

In forwarding the accompanying Extract (A) from the Proceedings of a General Meeting of the Commissioners held on the 26th April 1897 and a cutting from the Madras Times of the 27th April 1897 (B), I have the honor to submit as follows -

2. In 1889 the Commissioners passed a resolution as to the right of Interpellation (Enclosure C).

3. It seems to me that this practically settles the question as to whether the Act provided for that right or not. Did it so provide there was no need for the resolution. Did it not, the resolution was ultra vires. However it was a matter of mutual arrangement. The Commissioners asked -- questions and I answered them.

4. This went on until 1896, when certain questions were put, which, I thought went beyond the right of ----- interpellation even were that right vested in the Commissioners by the Act. I accordingly referred the questions to the Solicitors to the Municipality. Enclosure D is an extract from their reply.

5. In reply to that letter dated 17th October 1896, I forwarded a copy of the resolution (C) passed in 1889 and received (Enclosure E) in answer.

6. Questions continued to be put and answered until March 1897, when Mr. Pragasa Mudaliar gave notice that he

intended

80 10564
22-8-97

intended to move the resolution (A) at the General Meeting to be held on 29" March 1897.

7. At that Meeting the resolution was allowed to stand over till the next General Meeting on account of the mover's -- unavoidable absence.

8. The resolution was duly put and discussed at the ---- General Meeting held on 26" April 1897 (A & B).

9. Certain questions were submitted to be answered at -- the General Meeting held in March 1897. These I refused to ---- answer in view of the resolution to be moved by Mr. Pragasa --- Mudaliar.

10. I contend that the resolution (A) as it stands is --- illegal.

11. Section 413 of the Act provides for Bye-laws being -- made, not inconsistent with the provisions of the Act.

12. No-where does the Act provide for interpellation.

13. I take it that interpellation to be a right must be an absolute right - A right for every Commissioner to ask any -- question on any Municipal matter and to demand an answer - sub- ject to such rules and regulations as may be framed under the Law.

14. In no case does the Solicitors' opinion go so far as to say that the Commissioners have this right. Even in their last letter of 23" March 1897 (Enclosure F) it is restricted to Section 61 of the Act and by their letter of 19" October 1896 (Enclosure E) I am not bound to answer any other questions. The position is anomalous. Mr. Commissioner A asks me a question -- bearing on Section 61. I am bound to answer it. Mr. Commissioner B asks me a question relating to Section 62. I refuse to answer it.

15. Can then the Commissioners be said to have the right of interpellation. I wish it to be distinctly understood that I am in no way opposed to interpellation. I think it very desir- able if properly utilized. It affords information to the Com- missioners and the General Public on matters which they have

every

every right to be informed upon, but I wish that interpellation to be legally secured to the Commissioners.

16. As I have stated above, if the Act provides for ----- interpellation what was the object of the resolution of 1889.

17. If it is ruled that the Commissioners have the right, then of course the resolution A can be carried into effect. If not, I trust that Government will take such action as it may -- deem fit to legalize interpellation, if interpellation be ----- considered desirable.

I have the honor to be,

Sir,

Your most obedient servant,

C. M. Moore Lt.Col.

President, Munl. Commn.

M.R.Ry. R.N. Pragasa Mudaliar Avargal moved the resolution of which he had given notice to the following effect -

"That a Committee consisting of the President, Messrs. H. Ormerod, N. Subramaniam, P. Theagaraya Chetty, R.N. Pragasa ---- Mudaliar and the Hon'ble P. Rungiah Naidu be appointed for the purpose of framing and submitting for the approval of the Commissioners Bye-laws and rules for regulating interpellations at their General or Special Meetings"

Haji Mahomed Abdul Hadi Badsha Sahib seconded.

To this as an amendment M.R.Ry. M. Venkataramiah Chetty Garu proposed and M.R.Ry. Rao Bahadur C. Kalyanasundaram ----- Chettiar Avargal seconded -

"That this resolution be adjourned pending a reference to Government as to the general question of interpellation"

Carried.

1
1802. 9m. of 1897.

Mr. M. Ramakrishnaiah Chetty, Mr. C. S. Theagaraya Chetty, Mr. M. Bahadur C. Kalyanasundaram Chetty, Mr. J. DeCaster, Rao Naidu, the Hon'ble Mr. P. Rungiah Naidu, Mr. W. S. Venkataramanjulu Naidu, Mr. N. Subrahmanyam, Mr. M. K. Lakshmanachariar, Rai Bahadur A. Dhanakoti V. Krishnaiah Chariyar, Mr. C. Tirumalaya Naidu, Surgeon-Lt.-Col. J. Maitland, Mr. V. C. Desika Chariar, and Mr. P. Subramania Iyer.

ELECTION OF MEMBERS FOR THE STANDING COMMITTEE.
The first business on the Agenda paper was the election of seven members of the Standing Committee. The election was proceeded with and the following gentlemen who secured the highest number of votes were elected:—Messrs. P. Theagaraya Chetty, Pragasas Mudaliar, and Venkataramiah Chetty, 19 votes each. The Hon'ble Mr. Rungiah Naidu, 17 votes, Mr. Venkataramanjulu Naidu, 15 votes, Mr. Hajee Badsha Saib, 15 votes, and Mr. P. Subramania Iyer, 15 votes.

RULES REGULATING TO INTERPELLATIONS.

MR. PRAGASA MUDALIAR said:—

GENTLEMEN,—The resolution which I move is:—"That a Committee consisting of the President, Messrs. H. Ormerod, N. Subramaniam, P. Theagaraya Chetty and the Hon. P. Rungiah Naidu be appointed for the purpose of framing and submitting for the approval of the Commissioners, bye-laws and rules for regulating interpellations, at their general or special meetings." I shall not detain you long with my remarks in support of it. For some months past in consequence of the nature of some of the questions put at our meetings, doubts were raised in my mind as to how far questions of a general nature, and more especially questions of an unrestricted kind, were permissible under the Act. Reading through the Act, it struck me that it does not provide for interpellations, and therefore I argued to myself that any procedure at our meetings not provided for by the Act must be illegal. You must have noticed that although interpellation did really form a part of the proceedings of our meetings, questions were put and answered after the meetings were formally opened by the President, yet they were practically ignored and found no place in the minutes of the proceedings of all meetings forwarded to the Governor in Council, and published in the *Fort St. George Gazette*, as required by sec. 69 of the Act. Referring to previous records, I find that the practice of interpellating was introduced on a resolution moved by Mr. Gantz in 1889. I find also that in his remarks Mr. Gantz admitted that there was nothing in the Act or bye-laws regarding the right of questioning, and that further he suggested that there should be a bye-law, so that the President may not refuse to answer a question. The President, apparently to work in harmony with the Commissioners, raised no objection, and asking questions at our meetings has now become a practice. The question of framing a bye-law on the lines suggested by Mr. Gantz, or rather the necessity for one appears to have been lost sight of, and nothing more was done. The view expressed by Mr. Gantz, an eminent lawyer, only confirmed me in my own, and some months ago I had an idea of moving a resolution suggesting an amendment of the Act if the Commissioners wanted to continue to enjoy the privilege, as I thought that a resolution like that might not meet with general approval, and as I myself was convinced that interpellation, properly directed, was really beneficial, I gave up the idea. As, however, I noticed at some of our recent meetings that there was a general feeling of dissatisfaction at some of the questions put, the subject re-entered my mind, and I thought that something ought to be done for at least checking unprofitable questions, though I still believed that questions not going beyond the intentions of the Act would be really beneficial. With this view I again perused the Act carefully, and in my humble opinion it does not seem that interpellations, under certain restrictions, will be contrary to the intentions of the Act. Under clause *k* of sec. 61 the Commissioners have the power "to call the attention of the President to any neglect in the execution of any Municipal work, to any waste of Municipal property, to the wants of any locality as noticed personally by any Commissioner or made known to him by the inhabitants, and to suggest any improvements which appear desirable." And, further, under clause *i* of the same section, the Commissioners have the power "to bring forward general questions connected with the Municipality, or any new measures relating to purposes authorised by this Act." The Act does not in so many words specify the mode in which this right, conferred by the Act on the Commissioners, is to be exercised. It may, therefore, be naturally resumed that it would not signify whether this right is exercised by means of interpellation or by any other way, and it also follows then, as a matter of course, that interpellation cannot go beyond the scope of the provisions of the Act. If then questions can be put at all, they must have reference (1) to any neglect in the execution of Municipal work, (2) to any waste of Municipal property, (3) to the wants of any locality, (4) to suggesting of any improvements which appear desirable, (5) to questions connected with Municipal funds, and (6) to measures relating to purposes authorised by the Act. Evidently, then, the questions should neither be unqualified or unrestricted or go beyond the scope of the Act. You must have noticed that for sometime past the practice has very much degenerated, so much so that in many instances the right has been abused by questions of a personal and insinuating nature being put. Let us take for instance some of the questions put at the last meeting. In one the interpellator wants to know the names of the subordinates in the Revenue Department over 55 years of age and why they were not sent before the District Surgeon. Do you not consider that there is a certain amount of insinuation in the question? Why should the Revenue Department alone be singled out? Does the interpellator mean that in no other department of the Municipality there are persons over 55 years of age? To my mind the question appears to be nothing more than the continuation of an old warfare against the Revenue Department. Then, as regards these officers being sent before the Doctor or not, all I can say is that probably the interpellator was not aware of the provisions of the Civil Service Regulations, which does

2
1802-92-1897

[Faint, mostly illegible text from the reverse side of the page, appearing as bleed-through.]

*We see 164 of
the Madras District
Municipalities Act
Amendment Act 1914*

not make it imperative to have recourse to a medical officer, the discretion to retain or to retire an officer, even after the age of 60 being vested in the head of the Department. Then, again, with regard to the questions asking the President to explain the circumstances under which the services of a gumastah were dispensed with or the transfer of a peon was ordered. All I would ask is whether the Act empowers the Commissioners to interfere in such cases except it is one in which the right of appeal lies. I am glad that the crisis, which has been pending, has arrived, and that the President has declined to answer certain questions at the last meeting, for we must now come to some definite settlement on the general question. In all public bodies where the right of interpellation is allowed, we find a set of rules framed for its regulation. Even in the District Municipalities Act, which was passed the other day, power is taken to frame bye-laws on the subject. I hope there are none here who will go the length of saying that a Corporation, like that of ours, needs no rules. The next question that remains to be considered is whether we have the power, under the Act, to frame bye-laws on the subject. As I have already remarked, there is no doubt that interpellations form a part of the proceedings of our meetings; for we know that questions are always put and answered after our meetings are formally opened by the President. And as this privilege is exercised at our meetings, it would be too much to say that it does not form a part of the proceedings of our meetings. If it is so, I think we have the power of framing bye-laws for regulating such proceedings for sec. 413 A. is clear on the subject; because it lays down that the Commissioners may make bye-laws "to provide for the regulation of meetings of the Commissioners." It may be asked what necessity there is for framing rules as we had none during the past ten years. The answer is not difficult. It was seen that at the last meeting the President declined to answer certain questions, as he thought that they went beyond the scope of legitimate interpellation. Unless there is a clear understanding as to how far we can go, and as to how far the President can refuse to answer, there must be constant friction. If we have rules there will be no cause for such misunderstanding. To make matters short, I may as well inform you that on giving notice of my resolution the President appears to have consulted our Solicitors, and I am glad to note that their views are in harmony with mine. Our Solicitors wrote thus to the President:—"With reference to our interview with you yesterday, we have now to advise you on the question as to whether the Commissioners have the power to make any bye-laws to regulate interpellation. Under Section 61 of the Municipal Act, the Commissioners have power to (h) call the attention of the President to any neglect in the execution of Municipal work, to any waste of Municipal property, to the wants of any locality and to suggest any improvements, (i) to bring forward general questions connected with the Municipal funds or any new measure relating to purposes authorised by the Act, and that in exercising the powers given by this section, the Commissioners might do so by interpellation. It seems immaterial in what way these powers are exercised, whether by interpellation or otherwise, and so long as the questions put relate to matters provided for in section 61, we think the Commissioners have the right of interpellation, especially as regards matters referred to in subsections (h) and (i). Then section 413 of the Act provides that the Commissioners may, from time to time, make bye-laws not inconsistent with the provisions of the Act, to provide for (inter alia) (a) the regulation of meetings of the Commissioners. As the right of interpellation, to the extent above mentioned, would be exercised at meetings of the Commissioners, we are of opinion that it is within the powers of the Commissioners to make bye-laws regulating interpellation at meetings, provided, that such bye-laws do not limit the powers given to the Commissioners by the Act and especially by section 61." Such being the legal opinion, on the subject, I am sure that you will have no hesitation in supporting my resolution. Considering the names of gentlemen that I have proposed for acting on the Committee, there is no doubt also that a complete and satisfactory set of bye-laws will be prepared and submitted. I have named a small Committee as I thought that such a Committee would get through work with greater facility.

Mr. MAHOMED BADSHA SAIB seconded the resolutions. It was strongly supported by Mr. N. Subramanyam who suggested the addition of the name of the mover to the Committee.

The President said that he had no wish to stop interpellation. With all due deference to the opinion of the Solicitors, he could not agree with the legality of the fact that the Commissioners had a right of interpellation. If Commissioners had a right of interpellation they should have a right of putting questions and receiving answers; but there was nothing in the Act to compel him, the President, to give an answer to any question. Therefore the Commissioners had no right of interpellation. He had no wish to put a stop to interpellations, but he knew that if the Committee sat and framed these bye-laws they would prove illegal. Evidently the illegality was seen in the districts, and they now had in the District Municipalities Act a clause in the Act that they could frame bye-laws.

Mr. VENCATARAMIAH CHETTY inquired whether the President, under the circumstances, differed from the Solicitors.

The President replied that he did.
 The Hon'ble Mr. RUNGIAH NAIDOO was of opinion that the whole thing might be referred to Government, and that if the Government thought that the Commissioners had no right to make bye-laws, then it might be asked to amend the Act.
 The President observed that there was nothing whatever in the Act to give the Commissioners the right to interpellate. He thought that a reference to Government would save time and bring in an authoritative decision.
 Mr. VENCATARAMIAH CHETTY then proposed the following amendment:—"That this resolution be adjourned pending a reference to Government as to general question of interpellations."
 The amendment was seconded by Mr. Kalyanasundram Chetty and carried unanimously.

MINUTES of the PROCEEDINGS of an Adjourned GENERAL MEETING of the MUNICIPAL COMMISSIONERS for the CITY of MADRAS, held at their Office Premises, No. 22, Errah Bauloo Chetty Street, Black Town, on Friday, the 19th July 1889, at 5 P.M., under the provisions of the City of Madras Municipal Acts I and VII of 1884.

PRESENT:

Lt.-Col. G. M. J. Moore, *President*.
 C. A. Smith, Esq., *Acting Vice-President*, P.W.
 M.R.Ry. Rai Bahadur P. Ramasawmy Chettiar Avargal, *Vice-President*, Rev.
 M.R.Ry. P. Theagaroya Chetty Garu, Rao Sahib.
 M.R.Ry. R. Balakistnamah Chetty Garu, Rao Sahib.
 M.R.Ry. Salla Gurusawmy Chetty Garu, Rao Sahib.
 Cowasjee Eduljee, Esq., Khan Sahib.
 J. A. Smith, Esq.
 C. W. Parr, Esq.
 J. DeCaster, Esq.
 M.R.Ry. E. Teroovengadam Mudaliar Avargal, Rao Sahib.
 J. P. Nicholas, Esq.
 W. S. Gantz, Esq.
 M.R.Ry. Rao Bahadur S. Ramasawmy Mudaliar Avargal.
 Dewan Bahadur R. Ragoonath Row Garu, Rao Sahib.
 M.R.Ry. P. Rungiah Nayudu Garu, Rao Sahib.
 M.R.Ry. R. Balajee Row Avargal, Rao Sahib.

No. 1.

Mr. Gantz moved the following nine resolutions, of which he had given notice:—

Report of Establishment Committee.

"(1) That as it is now three months since the Establishment Committee terminated its sittings, and notwithstanding such lapse of time, the President has up to date failed to lay before the Commissioners any report of the work done by that Committee, he be requested to forthwith lay before the Commissioners, at a meeting to be held at a very early date, the various recommendations and suggestions of that Committee, in order that the Commissioners may thereby be enabled to better determine the Budget estimates and allotments for the next ensuing official year."

Withdrawn.

Report of Committee on Amendment of Act.

"(2) That as it is now three weeks since the Committee appointed to consider the G.O., No. 1240 M., Local and Municipal, on the Madras Municipal Act Amendment Bill terminated its labors, and there are, as yet, no indications of any report from the President of the work done by such Committee, he be requested to convene a meeting of the Commissioners, at a very early date, for the purpose of ascertaining, and forwarding the further views of the Commissioners to Government on the Bill; especially as Government has been pleased to intimate its approval of many important points kept in view by the Commissioners, such as the reduction by one-third of the President's salary, and other retrenchments and matters of detail."

Withdrawn.

Committee for People's Park.

"(3) That a Committee be appointed for the purpose of considering whether the Madras People's Park should not be improved and rendered more attractive."

Seconded by Mr. J. DeCaster.

Carried.

Proposed by Mr. Gantz and seconded by Dewan Bahadur Ragoonath Row—

"That a Committee be appointed of the following members:—

The President.
 Mr. W. S. Gantz.
 Rao Bahadur S. Ramasawmy Mudaliar.

Mr. E. Teroovengadam Mudaliar and
 Mr. J. DeCaster.

Carried.

Lighting the City till 3 A.M.

"(4) That there is very great necessity for having the whole Municipal area lighted till 3 A.M. instead of as at present till only midnight, and that the Commissioners do give the G.O. No. 1979 of 18th September last on this subject their very best consideration. Further, that the opinion of Government be respectfully solicited as to whether important G.Os. such as the above should not be laid before the Commissioners as a body for their deliberate and collective opinion, instead of as in the present case being circulated to them months after their receipt (this particular G.O. not having yet been circulated to all Commissioners) and after the Standing Committee have prejudged the question and recorded their opinion thereon."

Withdrawn.

Steam Roller.

"(5) That the Steam Roller be sold, as it is useless, costly and a source of danger."

Withdrawn.

Right of Interpellation.

"(6) That the right of interpellation be allowed provided that Commissioners intending to put any question at a meeting shall ordinarily give the President not less than 48 hours' notice of such question."

Seconded by Mr. P. Theagaroya Chetty.
 Carried.

Recording of Votes.

"(7) That in recording the votes on any particular proposition, or amendment, the President shall, in addition to counting the votes, record the names of those Commissioners voting for or against, as well as any Commissioners present who may not vote either way."

Withdrawn.

Proceedings and Speeches of Commissioners.

"(8) That a Committee be formed for devising measures for ensuring accurate report of the proceedings and speeches of Commissioners."

Withdrawn.

3
 1882-9m. 7 1887.

Clerks as Lighting Inspectors.

"(9) That the present system of appointing clerks in the office as Lighting Inspectors be discontinued."

Seconded by Mr. Theagaroya Chetty—

To this, as an amendment, Mr. Nicholas proposed and Mr. Salla Gurusamy Chetty seconded—

"That the question raised by Mr. Gantz as to clerks in the office being employed as Lighting Inspectors be referred to the Lighting Committee for reconsideration and report."

Mr. Gantz withdraws the original proposition, and the amendment being put as the substantive proposition was carried.

No. 2.

Tax on Wooden Hammer Handles.

G.O. No. 304 M. Mis., dated 13th March 1889,
Tax on wooden hammer handles imported by the Madras Railway Company.

Proposed by Dewan Bahadur R. Ragoonath Row and seconded by Mr. R. Balajee Row—

"That wooden hammer handles be not considered as timber for purposes of taxation."

Carried.

No. 3.

Removal of Fountain near Quibble Island.

Vice-President's, P.W. Memo., dated 7th May 1889, requesting sanction for the removal of the fountain near Quibble Island from south of the old bridge to south of the new.

Sanctioned.

No. 4.

Progress Reports.

Progress Report of Works for April and May 1889.

Recorded.

No. 5.

Proceedings of Standing Committee.

Proceedings of Standing Committee, dated 5th, 15th and 27th February; 4th, 7th, 11th, 14th and 29th March; 5th and 12th April; 2nd, 9th, 20th and 31st May 1889.

Proposed by Mr. Balajee Row and seconded by Mr. Theagaroya Chetty.

"That the business undisposed of be deferred to the next General Meeting."

Carried.

No. 6.

Dewan Bahadur Ragoonath Row withdrew the whole of his resolutions, of which he had given notice, viz. :—

(1) That the President shall, on or before the 25th January every year, lay before the Standing Committee an estimate of probable receipts and the proposed expenditure of the Municipality for the year commencing on the 1st day of April next in such detail and form as the Standing Committee from time to time direct. (84.)

(2) The Standing Committee shall complete the preparation of the Budget as prescribed in section 85 on or before the 15th February.

(3) That this Budget shall be printed and published in the *Fort St. George Gazette* and circulated to the Commissioners on the 25th February. That the President shall lay such Budget before the Commissioners on any day in the first week of March.

(4) That the members of the Standing Committee who may have passed the Budget shall submit all explanation demanded by the Commissioners, and shall not be allowed to raise objections to the Budget during the meetings of the Commissioners or to demand explanations of the Executive during the discussion.

(5) That the Commissioners shall pass the Budget as approved by them on or before the 21st March.

(6) That the Standing Committee shall adopt the actual of nine months, viz., to the end of December, and the estimate for 3 months, in framing their regular Budget.

(7) That the Budget shall show the figures of the previous year's Budget, and bring allowances under the Department to which they belong.

The Meeting then terminated.

G. M. J. MOORE, Lt.-Col.,

President, Municipal Commission.

Municipal Office, Madras,
24th July 1889.

My dear Moore,

x

x

x

2. I cannot find out under what law the right of interpellation is given to the Commissioners, but under Section 61 (h) of the Act the Commissioners have power to call the attention of the President to

x

x

x

3. Strictly speaking this Section does not give the Commissioners power of interpellation and, as I can find no law --- which does give such power, I can only assume that it is given under the bye-laws of which I have not a copy

x

x

x

16. I really cannot say how far the right of interpellation goes, for as I have said, I cannot find any law which gives the Commissioners the right of interpellation and I can only be --- guided by the provisions of Section 61 of the Act. Taking it that the law gives the Commissioners no right of interpellation then, of course you are not bound to answer any of these ----- questions which I return.

Yours sincerely,

(Signed) Ernest Barclay

(True Extract)

G. M. J. Moore Lt. Col.

President, Munl. Commn.

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1802. 9m. of 1897.

U R G E N T

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Madras, 19th October 1896.

My dear Moore,

I return the enclosures to your note of this date.

The Resolution as to Interpellation is quite general but should, I think, be read with Sect 61 of the Act. There must be some limit to the right of interpellation & I think Section 61 is a very good guide as to what the limit is to be. My letter of 17th inst, which I am now sending you, may therefore be read as to which of the questions you have sent me should be answered.

You ought to have a fresh Resolution defining the --- extent to which the right of interpellation shall extend & --- limiting it strictly to Municipal matters & giving you express right to refuse to answer any question which does not relate to such matters. However, as the Resolution stands it only gives the Commissioners the right to ask questions, it does not say that you shall answer them.

Yours sincerely,
(Sd) Ernest Barclay.

Col. G.M.J. Moore. C.I.E.

(True copy)

G.M.J. Moore Lt.Col.

President, Munl. Commn.

*to
the*

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1802.9m. of 1897.

U R G E N T

High Court,
Madras, 23rd March 1897.

Interpellation

To

The President,
Municipal Commission,
M A D R A S.

Dear Sir,

1. With reference to our interview with you yesterday we have now to advise you on the question as to whether the Commissioners have the power to make bye laws to regulate Interpellation.

2. By the Resolution of 19th July 1889, it was resolved by the Commissioners that the right of interpellation be allowed subject to the condition contained in the resolution. In our letter of 17th October 1896, we advised you that, under Section 61 of the Municipal Act, the Commissioners had power to

(h) call the attention of the President to any neglect in the execution of Municipal work, to any waste of Municipal property, to the wants of any locality and to suggest any improvements

(i) to bring forward general questions connected with the Municipal --- funds or any new measure relating to purposes authorized by the Act and that in exercising the powers given by this Section the Commissioners might do so by interpellation. It seems immaterial in what way these powers are exercised whether by interpellation or otherwise and, so long as the questions put relate to matters provided for in Section 61, we think the Commissioners have the right of interpellation especially as regards matters referred to in Sub sections (h) and (i)

3. Then Section 413 of the Act provides that the Commissioners may from time to time make bye laws not inconsistent with the provisions of the Act, to provide for (inter alia) (a) the regulation of meetings of the Commissioners. As the right of interpellation, to the extent above mentioned, would be exercised at meetings of the Commissioners we are of opinion that it is within the powers of the Commissioners to make bye-laws regulating interpellation at meetings provided that such bye-laws

do not limit the powers given to the Commissioners by the Act and especially by Section 61.

4. We return the papers you left with us and are

Yours faithfully,

(Sd) Barclay Morgan & Orr

(True copy)

Barclay Morgan & Orr Lt. Col.

President, Munl. Commn.

When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No.

189

DATED

URGENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT.

MENT WITH DITTO.

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

N.B.—

A = Copy in full.
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1802.9m. of 1897.