Local & Munl. (1898) Department.

MISCELLANEOUS.

G.O., No. 439 M

DATED 25-2-98.

INDEXED.

DESPATCHED

[Despatch Abstract.]

Maladministration of the Tellicherry municipality

Passing orders ~~on the explanation~~ on
the explanation of the Subcollector & the collector
of Malabar regarding the

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 AND MUNICIPAL DEPARTMENT.

Again G.O., No. , dated 189 .
Current No. 69 M— of 1898, dated 30th Dec. /97 from the Collector of Malabar.
Current No. of 189 , dated from the

SUBJECT Explanation of the Sub-Collector and the Collector re, the maladministration of the Tellicherry municipality.

Secy:
Misc:

[redacted] ORDER. No 439 M Mis § 25/2/98

The Government ~~is unable~~ Cannot ~~to accept~~ regard the explanation submitted by the Collector as satisfactory. Although, as the Collector now says, the Sub-Collector was aware of the maladministration of the Tellicherry municipality when the administration report for 1896-97, was submitted, he only made general remarks and took no decided steps to set things right. Even these general remarks were merely endorsements on more or less routine papers, while the circumstances clearly called on him and on the Collector to submit such a special and detailed report as the Chairman-Delegate has now submitted, so that the true state of the case might be brought before Government in such a wa as to enable it to take the action which was evidently needed. Nor did the Sub-Collector make any attempt to examine the state of affairs when he took charge of the office as ex-officio Chairman on the 2d October 1897. On the other hand, he simply delegated his powers to his Head clerk, — although it should have been evident that the state of the municipality required a more powerful control than the Sub-Collector's Head clerk could reasonably have been expected to exercise. Even after the submission of the Chairman-delegate's memorandum, in which the most unsatisfactory ~~[illegible]~~ state of the administration was brought to light, the Sub-Collector did nothing to set matters right, but simply forwarded the memorandum with a short endorsement to the Collector. The action taken by the Collector on receipt of this memorandum was also very inadequate, as from the state of affairs disclosed therein, it should have been clear to him that it was the time for active measures and not for gentle admonition.

Considering that the Sub-collectorate of Malabar is not a particularly heavy one, the plea that the Sub-Collec had not the time to attend to th municipal affairs of the town in which he lived, cannot be accepted.

he Collector of Malabar. A.H.O.
Depd 1/8/98

2. The thanks of Government are due to Mr. H. Fernandez for his memorandum on the state of the municipal administration.

(From orders).

V.R.
17/2/98

H.T.
25 - 2 - 98

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(From orders).

V.R.
17/2/98

H.T.
25 2 98

he Collector of Malabar.

Depd 1/8/98

Maladministration – Tellicherry municipality.

[G./25]
250—7-4-97.

Circ. with Council's reply
K.T.
31.1.98

Please see linked file.
Vh
3/2/98

LOCAL AND MUNICIPAL DEPARTMENT.

C. No. 69 M

SUBJECT.

Mal-administration – Tellicherry municipality

H.M. & H.E. The Governor

FOR ORDERS.

C

In paragraph 3. of G.O. No. 2815. M, dated 16th December 1897, the Collector of Malabar was requested to call upon the Sub-Collector to explain why he delegated his powers as chairman of the Tellicherry municipality to his Head Clerk, who is a municipal councillor, when the affairs of the municipality were in great confusion; and in paragraph 4, the Collector was blamed for not having taken earlier and effective steps to set matters right and contenting himself with simply forwarding the papers to Government with brief endorsements.

2. The letter read above contains the explanations of these officers. The Collector states that the mal-administration of the Tellicherry municipality was brought to the

notice of Government by the Sub-Collector when submitting the budget for 1897-98, and the administration report for 1896-97, that notwithstanding the Sub Collector's remarks thereon and the fact that the budget was submitted more than six weeks after it was due and the administration report more than two months late, the Government remarked in its order on the latter that the administration was "fairly satisfactory," and that, as the Government did not allude to the Sub Collector's strictures at all, both he (collector) and the Sub Collector thought that this was intended as a rebuke and took it as a hint that the doings of non-official chairmen should not be too severely criticised. With reference to this, it has to be observed that in paragraph 30 of his letter submitting the Tellicherry municipal budget for 1897-98, the Sub Collector, who was then ex-officio chairman, ~~observed~~ stated that he had endeavoured to cut down expenditure in the budget, because he found the council was nearly bankrupt,

A

Reference to these, quoted below in the first two paras of the Collr's letter, is solicited

I myself do not think the G.O. w far enough in blaming the Coun but in considering its terms a rebuke to the Sub Collr., the Coll & Sub Collr. were certainly not justified H.T.

that they had for a long time neither paid their debts, nor collect their taxes and that there were arrears of bills, amounting to Rs 10,0 waiting payment, of which, Some Rs 2,000 referred to two or three year ago, ~~and~~ but at the same time, he expressed the hope that with due economy in the ensuing year, the fina of the council might become straig As these remarks did not disclos any serious defect in the administration of the municipality and a it was found on examination tha the only direction, in which there was noticeable laxity was the collection of the land tax, the Government did nothing more than ~~to~~ animadvert upon the bad collection of this tax — vide paragraph 2 of G.O. No 635 M, dated 20th March 1897. Agai in paragraph 2 of his endorsement dated 7th August 1897, on the administration report for 1896-97, the Sub Collector, remarked as follows:—

A

B

"I am unable to endorse the state"ment that distress and prosecution "for ~~the~~ collection of taxes are in"effectual. The fact is that much "laxity has been allowed to occu n the past in the issue of processes. When my predecessor took charge the Chairmanship on 16th January 897, on its vacation by the late incumbent, he found that old arrears of Rs 3.740-3-1 and current rrears of Rs 13.524-6-11 were outstanding, though there were only two and a half months left before the year terminated and that processes had not been issued for these amounts."

These observations could not be interpreted as anything more than a comment on the slackness of the collections and of the issue of processes for the purpose. While therefore remarking upon the indifferent state of the collections as noted in the margin, the Government drew the council's attention to the Sub Collector's remarks above referred to, and called on the Chairman to enforce the law on the subject rigorously and to take steps to adjust all the outstandings with nt delay. It will thus be seen that he Collector's statement that "the "Government did not allude to "the Sub Collector's strictures at all" not correct. Moreover the remark

	Percentage of collections to net demand	
	Current	arrears
Tax on arts	88.9 ✓	20.6 ✓
House tax	81.1 ✓	65.4 ✓
Land tax	75.8 ✓	85.4 ✓

B

of Government, in its review of the administration report, that the administration of the municipality was "fairly satisfactory" was fully justified, applying as it does, to the administration of the municipality in all its branches taken as a whole, as detailed in the report, and being qualified by the succeeding clause "but the "collection of taxes, the extension of "the private scavenging service "sanitation and the registration of vital statistics, de-"mand much closer attention before "the management of municipal "affairs can be regarded as efficient."

The inference of the Sub Collector and the Collector alluded to in the latter part of paragraph 3. of the Collectors' letter, does not therefore seem to be at all warranted. If, as the Collector now says, the Sub Collector was aware of the mal-administration of the municipali when the administration report was submitted, he should, if he desired that Government should take any active measures to remedy the state of affairs, have enquired into the matter thoroug nd submitted a full report. This e failed to do. Nor did he make any ttempt to examine the state of affairs when he took charge of the office as Ex-officio Chairman on the 2nd October 1897. On the other hand he simply delegated his powers to his Head Clerk who is a councillor, and, even after the submission of the Chairman delegate's memorandum in which the scandalous state of the administration was brought to light, he did nothing to set matters right, as one in his position might be expected to do, but simply forwarded the memorandum with a short endorsement to the Collector.

3. In reply to paragraph 4 of the G.O. under reference, the Collector states that he visited Tellicherry in November, when he saw the Chairman delegate and the opposition councillors, and heard what both had to say, that he advised them both to use more tact in their dealings with each other, that he told the opposition councillors not to allow any personal feel

d them from writing

7

with the other councillors to promote the welfare of the municipality and he submits that he could not well have done more than he did.

In the first place the Collector nowhere mentioned in his several endorsements to Government on the papers relating to the subject what steps he personally took or proposed to take in the matter. Secondly, from the state of affairs disclosed by the memorandum it should have been clear to him that it was the time for active measures and not for gentle admonition.

V.R.
7/1/98

I quite agree with the office note with the Sec. The Collr's letter is mere special pleading. It now appears that the Sub Collr. has been more or less in charge for a year. Yet he only wrote general remarks & took no decided steps to set things right. Even these general remarks were merely endorsements on more or less routine papers while the rules clearly called on him (& on the Collr.) to submit such a special and detailed report as the Chairman Delegate has now submitted (and for which he should be thanked), so that the true state of the case might be brought before Govt. in such a way as to enable it to take the action which was evidently needed. I consider that the strictures contained in the [illegible] G.O. are fully justified. I may add [illegible] the Malabar Sub Collectorate is not usually considered a particularly heavy one, so that I cannot accept the plea that the Sub Coll

The Strictures of Govt. have not been met; submitted that the Collr. may be politely told so.

As to the latter part of the G.O. under reply – viz. who is to blame for the disputes, & whether any Councillors have brought themselves into contempt, the Collr. considers that the eight Councillors who held the meeting of the 10th Nov. Flag M have done so. He however does not recommend any action; & this view may be had not the time to attend to the Muni: affairs of the town in which he lived.

The Collr. was never more mistaken than when he wrote in his D.O. of 15/12/97 of the Chmn Delegate's "Chief offence". The Chmn Delegate committed no offence at all. On the contrary he discharged an invidious duty in a manner which the Sub Collr. & Collr. might well have imitated — or, rather, should have undertaken. It should have been evident to the Collr., as it was to Govt., that the state of the Munity required a more powerful control than the Sub Collr's Head Clerk could reasonably have been expected to exercise & that this was the reason, and the sole reason, why the Sub Collr. was ordered to resume the discharge of the Chmn's duties.

Let H.E. see this & the linked file, urgent.

Yes
HS
7/2/98

I am obliged to agree with the Hon. Sir H. Bliss. The only thing I can say in mitigation of the Collector's shortcoming is that Govt. in G.O. 2410 M. 2nd Nov. 1897 described the administration of the Munici-palities as "fairly satisfactory". This might have tended to make the action of the Collector more limp than it might otherwise have been.

RSH
10.2.98

Yes
HS
A.S.H

Please draft
H.T.
11.2.98

accepted if Govt. punish the Council by reducing its number & elective powers.

H.T.
4.2.98

1K

Local & Munl. (1897) Department.

CURRENT No. 69 M

H.M.

~~To~~ Orders

From the Collector of Malabar

No. 7 M / 1898.

Dated 30th December 1897

Received

Registered

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SECRETARY TO GOVERNMENT
10 JAN. 1898
LOCAL & MUNICIPAL DEPARTMENT

SUBJECT.

Mal-Administration of the Tellicherry Municipality

Replying to G.O. No. 2815 Mis. dated 16th December 1897 re: the ______.

11/1

BACK PAPERS.

G.O.	No.	Department.	Date.
Go	2815	Lclm	16-12-97
-	2410	do	2-11-97
-	635	do	20-3-97

FURTHER PAPERS.

G.O.	No.	Department.	Date.

No 7 M
Dis 98.

Malabar Collector's Office
Calicut dated 30th December 97

LOCAL & MUNICIPAL DEPT.
CURRENT No. 69 M

From
G. W. Dance Esqr.
Collector of Malabar

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

Sir,

In reply to para 3 of G.O. No: 2815 M. Ms D/16.12.1897, I have the honor respectfully to remind the Government that the Maladministration of the Tellicherry Municipality was brought to the notice of Government by the Sub Collector when he submitted the Budget report for 97-98. "The Council", he said, "is nearly bankrupt. They have for a long time neither paid their debts nor collected their taxes and there are arrears of bills, some Rs 10,000, waiting payment of which some Rs 2,000 refer to two or three years ago".

Vide para 30 of the Chairman's letter in G.O. No 635 M A
20-3-97

2. Again, when submitting the last Administration report the Sub Collector said that "much laxity had been allowed to occur in the past in the issue of processes. When his predecessor took charge of the Chairmanship on the 16th January '97 on its vacation by the late incumbent, he found that old arrears of

Vide para 2 of the Sub Collr's Endt in G.O. 2410 M B page 12-
2-11-97

of Rs 3740. 3. 1 and current years arrears of Rs 13,524. 6. 11 were outstanding, though there were only two and a half months left before the year terminated and that processes had not been issued for these amounts".

3. Notwithstanding the Sub Collector's remarks in the Budget and Administration reports, and the fact that the former was submitted more than six weeks after it was due, and the latter more than two months, the Government observed in its order on the Administration report that the Administration had been "fairly satisfactory". The Government did not allude to the Sub Collector's strictures at all. The Sub Collector and I therefore both thought this was intended to be a rebuke. ! We took it as a hint that the doings of Non official chairmen should not be too severely criticized.

4. When therefore the office of Chairman became vacant, Mr. Murphy did not hesitate to delegate his powers, the more so as his own work does not leave him time to manage the affairs of the Municipality as well. Under the Municipal Act, Mr. Murphy should have nominated a Chairman Delegate for the approval of the Council. The Council has however the power of electing its Chairman. Mr. Murphy therefore out of courtesy allowed the Council to elect a Delegate. Mr. Fernandez,

the

the Sub Collector's Head clerk, was elected unanimously. As the Council is at present constituted it could not have chosen ~~an~~ a more able man for the post.

5. With reference to the order directing Mr. Murphy to take charge of the office of Chairman and not to leave the place until the report called for in para 1 of the G. O. under reply has been received, I beg to report that Mr. Murphy has taken charge of the office already in accordance with demi-official instructions previously received from Government. Prior to receipt of the order communicated, demiofficially directing Mr. Murphy not to avail himself of the Christmas holidays, he had already told me that he would not avail himself of the holidays, although I strongly advised him to do so.

6. In answer to para 4 of the G. O. under reply I beg to inform the Government that I visited Tellicherry last month, when I saw the Chairman Delegate and the opposition councillors and heard what both had to say. I advised them both to use more tact in their dealings with each other. I also told the opposition councillors not to allow any personal feelings to prevent them from uniting with the other councillors to promote the welfare of the Municipality. I respectfully submit

I

I could not well have done more than I did. I might indeed have ordered the Sub Collector to take charge of the office, but I thought it was my duty to support the Delegate. His only fault was that he had again brought to notice the maladministration of the Municipality. Two out of the five opposition Councillors were the Chairman Delegate's immediate predecessors in office. They considered that his remarks reflected discredit on them. Hence the disputes which arose. Had the Chairman Delegate been content to leave ill alone, as his predecessors had done, there would have been no disputes and he would not have been deprived of his office.

7. I consider that the councillors who held a meeting on the 10th November, although the Chairman had refused to call one, have brought themselves under Section 19.(1)(4) of the Municipal Act. But under the circumstances, I would not recommend that the provisions of that Section should be enforced, because they appear to have thought that Section 29(1) of the Act permitted the Council to call a meeting of its own motion.

I have the honor to be
Sir
Your most obdt. Servt

Collector

Local & Munl. (1897) Department.

D.O. No. 108

To lie over pending receipt of the report called for from the Council in G.O. No. 2815 M dated 16th December 1897.
4/1/98

17/12/97

From
The Collector of Malabar

Order

No.

Dated 15-12-1897
Received 17-12-1897
Registered 17-12-1897
Enclosures
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SUBJECT

Stating that he has asked Mr. Murphy to take charge of the office of the Chairman of the Tellicherry Municipality at once as directed.

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

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189

D. O. No 108

SECRETARY TO GOVERNMENT
17. DEC. 1897
LOCAL & MUNICIPAL DEPARTMENT

Camp, Tellicherry.
15th Dec. 1897.

My dear Tremenheere,

Your D.O. No. 35 dated 13th instt. I came in here this morning to look into the defalcation case against the Dt. Bd Asstt Engineer, Donaghue which is pending committal to the High Court. As I am staying with Murphy I asked him to explain why he appointed his Head Clerk to be Chairman Delegate. He says that the man was ~~unanimously~~ unanimously elected by the Council. I have pointed out to Murphy that the nomination of a Chairman Delegate rests with the Chairman, & that the Council has only the power to approve the nomination or otherwise. His allowing the Council to elect a Chairman Delegate was, I submit, merely a piece of courtesy. As the Council is at present allowed to elect its own Chairman he thought it might be allowed to elect the Delegate.

I have ordered Murphy to take charge of the ~~offic~~ office of Chairman at once, as ~~ordered~~ directed.

I wd however respectfully submit that the Chairman's Delegate's chief offence consists in his having shown up the maladministration of his predecessors. I do not approve of his being Delegate, & intended to have asked Murphy to prevent his stand-

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READ AGAIN G.O., No. , DATED

189

2.

ing for the office of Chairman if the Govt shd consider it expedient to continue to allow the Council to elect a Chairman. But I submit that he is nevertheless the best qualified for the post of all the existing Councillors.

Yours sincerely

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