

12-8-11

[L. & M.]
5,000-5-4-100

Local & Munl. (1899) Department.

MISCELLANEOUS.

G.O., No. 1293 to

DATED 6-9-99

INDEXED.

[Despatch Abstract.]

District Municipalities Act stating
with reasons. that the view expressed by the Chairman
Munl Council, Bellary with regard to the
interpretation of Section 30 (b) of Act IV of
1884 as amended by Act III of 1887 is correct.

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. (1899) Department.

CURRENT



From

M. P. Rama Rao Esq. B.A.
Chairman, Municipal Council
Bellary.

resp
14 M.
Order No. 1293
6/9/99

The meaning expressed by the
Chairman in para. 3 of his letter is correct.

C.R. No. 1048

2. The question of amending
Sec 30(6) of the act so as to make its intention clear
will be considered at the next opportunity.

Dated 31st July 1899.
Received 19th August 99
Registered

V.R.
30/8/99

Enclosures *one*
Spare copies *and*

SUBJECT.

Section 30, clause 6 of Act
IV of 1884 as amended by Act
III of 1894 — Submitting for
the Orders of Court regarding the
doubt entertained by the Council
in the construction of
as to the correct interpretation of

Note.

The insertion of a comma after the
word 'behalf' would make matters all
right.

To The Chairman, Bellary
thru the Collector,
Bellary 11/9/99

2/30/99

BACK PAPERS.

G.O.	No.	Department.	Date.
1950	1950		

FURTHER PAPERS.

G.O.	No.	Department.	Date.

Proceedings of the Municipal Council, Bellary
at the meeting held on Tuesday the 18th July
1899 at 7.30 A.M.

Present (The present strength being 22.)

1. Mr. K. Runga Rao Garu. Vice Chairman
2. Revenue officer in charge of the Division
3. Mr. V. Sambudam Modaliar Aneghal
4. Mr. A. Muriak Garu.
5. Mr. C. Chengalroya Kaidu Garu.
6. Mr. S. Sanyal Esquire.
7. Hazarab A. Patcha Saib.
8. Mr. B. Sopalasany Kaidu Garu
9. Mr. Abdul Kareem Saib.
10. Mr. Mahomed Saib.
11. Mr. K. Greenivasabao Garu. B.A.
12. Mr. S. Krishnaiah Chetty Garu.
13. Mr. A. Ramasany Aikar Aneghal
14. Mr. L. Liddiah Garu.
- X
- X
- X
- X
- X

XIII Read petition dated 14th July 1899 from
Messrs. C. F. & Castilino and son requesting
the council to inspect his house in a
body and then consider whether permis-
sion to have the shutters opening
outwards

3
outwards for the windows in the lower
storey can be granted to him or not
and also charge sheet prepared by the
Sanitary Inspector of Bangalore dated
16th July 1899 against Messrs. Bastilino
and son for failing to remove the shutters
opening outwards as required by the
Council Resolution No. 14 dated 14th
July 1899. -

Resolution... Refer to Government
regarding the wording of clause 6 of
section 30 of the Act. -

(True Extract)

Municipal Councillors' Office }
Bellary. Dated 31st July 1899 }
for Chairman
me
31/7/99

1
2221/m/99

C.R. No. 1048

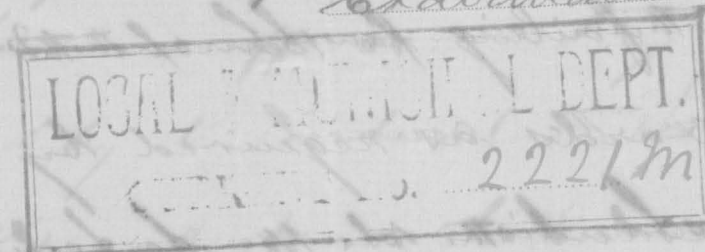
4
THE OFFICE OF THE MUNICIPAL COUNCIL,

Encl: 1

BELLARY, Dated the 31st July 1899.

From,

M. R. P. Rama Rao Esq. B.A.
Chairman MUNICIPAL COUNCIL,
BELLARY.



To

The Secretary,

TO GOVERNMENT LOCAL AND
MUNICIPAL DEPARTMENT,

Fort St. George,

MADRAS.

Through

SIR,

The Revenue officer in charge of
Division, Bellary

Submitted the
repealed Act
the
2/8/99

I have the honor to submit for
orders of Government the following difficulty
which this council has felt regarding
the construction of section 30, clause 6
of Act IV of 1884 as amended by Act III
of 1897 (The Madras District Municipi-
cipalities Act Amendment Act). -

2... Some of the councillors construe it
for want of a comma, after the word
"behalf," to mean that the special meeting
should be convened by the votes of
not

not less than one-half of the sanctioned number of councillors. This view is opposed to section 29, clause 2, according to which a special meeting can be convened when a requisition is made in writing by not less than one fourth of the Municipal Councillors on the Council...

3... I understand the clause to mean that to modify or cancel a resolution of the Municipal Council within three months of its passing it shall be done (1) in a special meeting and (2) by the votes of not less than one-half of the sanctioned number of Municipal Councillors. A special meeting can be called by the Chairman under para 1 and by the Chairman upon requisition under para 2 of section 29 and for this it is not necessary to have the votes of not less than half the sanctioned number of Councillors...

4... The resolution of the Council dated 18th July 1899, desiring this reference

reference is herewith submitted.

I have the honor to be

Sir

your most obedient servant

Be Seenters

for Chairman
me

31. VII. 99

Collector's Office
Reg. No. 1888
7-11-1899

Submitted to the Collector.
2. Reading Sec 30(6) by itself, the natural construction would appear to be that a special meeting should be convened by a resolution of the Council and such resolution should be supported by not less than one half of the sanctioned members of councillors. In the absence of any indication that the phrase commencing with the words "by a resolution" is to be carried backwards as far as the word 'except' the usual way of construing is to refer it to the nearest participle 'convened'. If the section had run thus, "except at a meeting specially convened for the purpose and except by a resolution &c" that would have proven the construction that at present seems most natural.

3. Referring however to the repeated Act, we find that in 30(5) which refers to this subject cannot possibly give room for a ambiguity. There the clause runs "except by a resolution &c" When the act was amended they seem to have simply added the words "at a meeting specially convened for the purpose" between "except" and the phrase "by a resolution &c" without making any further alteration. In so doing, an ambiguity was created. If after adding the new condition, they had thrown the section into the form in which it stands as in 31(3) of the Madras Local Board Act, there would have been no such difficulty. The section reads "except at meeting specially convened in that behalf and by a resolution of Sec

22/5/99

Local Board &c" There can be no doubt-
 that in amending Sec 30 (5) of the Municipalities
 Act, the intention of the Legislature was
 that the same conditions that apply to
 Local Boards should apply to Municipalities
 also, but, the wording of the amended
 Section was not also brought into conformity
 with the corresponding Section of the Local
 Boards Act and hence the present difficulty.

McLennan
4/8/01

Shad 21 of Collector.

Submitted for the orders
 of Government
 14.5.01
 Collector

When given for copying _____
 When copied _____
 When examined _____
 When signed 4/9 } 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.

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

N.B.-

- A = Copy in full.
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