

Legislative (1895) Department.

ORDINARY PRINTED.

G.O., No 104

Dated 15th Oct. 1895

89

[Despatch Abstract.]

BILL TO AMEND ACT IV OF 1884 (THE MADRAS DISTRICT MUNICIPALITIES
ACT).

Communicating to the Legislative Council remarks made on the
-- by M.R.Ry., P.S. Ganapati Aiyar, Treasury Deputy Collector of Salem.

BACK PAPERS.

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

FURTHER PAPERS.

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

[G.
75.]

Legre Cno 258

NOTE FOR THE UNDER SECRETARY.

This may be treated as a
Legre petition; + printed & laid
on the table as a Legre paper.
As the bill is to come off soon
in the Council, spare copies received
with the current may be sent to the
Hon^{ble} members for perusal. It
is submitted that there is no necessity
for passing ^{formal} orders upon this current
as "Communicated to the Legre Council"

CRV
2/10

En 1048 15.10.95

Ref No. 1416
cc. P. P.

Salacca Collectors Office
Dated 3rd October 95

From CUR
M. R. K.

A. S. Ganapathi Aiyar A.M. A.S.
Treasury Deputy Collector
Salacca

To,

G. Stokes Esquire, J.C.S.
Collector of Salacca

Sir,

I have the honor to submit
30 printed copies of my "Remarks on
the Bill to amend the District Municipality
Act No. 10 of 1884," and to request that
you will be pleased to move the
Legislative Department of Govern-
ment to do me the honor of circulating
the copies to all the Honorable Members
of the Madras Legislative Council.

I have the honor to be
Sir

Yours most obedient servant
Thema puttanna
Deputy Collector

1732
Sub
From

The Treasury Dept
Salem

Leg. Legislative Dept
CURRENT NO. 18

CHIEF SECRETARY
-6 OCT. 1895
GOVERNMENT OF MADRAS

Despatched 4-10-95

To
The Secretary of
Salem

40
G. ST.

Endorsement No 1732
Sub 84/10/95

Forwarded to the Chief
Secretary to Govt. by the Leg.

Dated 3rd October 95

Chief Secretary
4/10/95

Salem -

Ref. No: 1416
cc. Leg.

The Chief Secretary
to Govt.
Legislative Dept
Secy to the Govt. Madras

Subject

Forwarding 30 printed
Copies of Remarks on the
Bill to amend the Dist.
Municipalities Act
for circulation among
the Honble members of the
Madras Legislative Council.

CR
Rev. dated 15-10-95 to 104.
P. Communicated to the
Legislative Council
14/10/95.

the office note attached;
this cannot be treated as a petition, as
being addressed to the Govt. in Council.

G. St.

Read the following paper from Mr. P. S. Ganapathi aiyar
dated 3rd October 1895.

REMARKS ON THE BILL TO AMEND THE DISTRICT MUNICIPALITIES ACT

No. IV of 1884.

The following remarks are respectfully submitted to the Honorable Members of the Legislative Council for consideration in dealing with the Bill to amend the District Municipalities Act IV of 1884, (Madras).

2. Madras Act IV of 1884 was passed with the two-fold object of ensuring efficiency of Municipal administration and of giving political education to the people. Now that more than a decade has passed, it is well to examine how far these objects have been attained.

3. The existing system may be briefly summed up as follows.—There is a Council of varying strength with a Chairman whom the law makes solely responsible for the executive administration of Municipal affairs. The Council is a body of men, some of whom are in most cases elected by the people, while the others are appointed by Government, the proportion of Government officials in any case being restricted to a maximum of one-fourth of the total number. As the Chairmen are solely responsible for the administration and Councillors have little or no share therein, they have no interest in the practical working of the system and have little knowledge of its details. The Chairmen also are either Government officers who have their own official work to do or non-official gentlemen, generally professional gentlemen, who have the work of the Chairman, particularly in the larger Municipalities, is as heavy as that of any Government executive officer and requires the whole time of a man. As, under the present system, Chairmen have other work and can devote but a portion of their time and even that not perhaps every day, it can hardly be expected that they will be able to attend to anything requiring any continuous thought or attention. Municipal Administration is therefore virtually in the hands of subordinates who, as they are insufficiently supervised, are masters of themselves. The consequence is that the Municipality does not get as much revenue as it ought to, taxation is not equally distributed, and people do not get an adequate return for their money. Also, except perhaps the Chairman, the Councillors, as a body, have had little or no scope for political education.

4. It is submitted therefore that the Act should be amended so as to make the Municipal Council an institution, the primary object of which will be to supply the present material wants of the people as well as secure their future prosperity and which will also give them real political education.

5. To secure the primary object, Municipalities, at all events all the larger ones, should have Chairmen who will devote their whole time to the Municipal work. The work is multifarious and hard and is necessarily unpopular and there can be no doubt, unless it is desired to sacrifice the present pressing material wants of the people and their future progress, that it requires a man who will devote his whole time to it. The full-time Chairmen need not necessarily be paid men, although it is believed that for a long time to come we cannot find in this country men of sufficient intelligence, education and experience, who will be willing to give their whole time and energy to Municipal work without sufficient remuneration. It seems necessary therefore that Chairmen should also be paid.

6. It is also submitted that, where a Municipal Council is permitted to elect its own Chairman, it should not be compelled to restrict its choice to one of its own number. It is conceivable that the man best fitted for the office might not have cared to stand for election or might not have been elected by the people or appointed by Government. The Council should be allowed to elect any man it considers best fitted for the office, whether official or non-official, and he should, on being appointed Chairman, be considered an additional Councillor, irrespective of the limit of strength prescribed by the Act or by the rules made thereunder by the Government.

7. The Bill should also more clearly define what control Municipal Councils and Government should exercise over Chairmen. The Act does not define it clearly enough and Municipal Councils seldom exercise any now. It should be made quite clear that Municipal Chairmen may be removed by Government for inefficiency after considering their explanations.

8. For giving political education to the people, Municipal Councillors should be more largely associated with actual administration than is now done. This idea is recognized by the Bill in clauses IV and V of sec. 38 of the Act as proposed to be amended; but the provision therein contained is only an *enabling* one. It should be made imperative. It should also be clearly laid down what powers Municipal Councillors have to call for Municipal records.

9. Revenue Divisional officers being in their divisions what Collectors are in their districts, it will be more in consonance with the policy of the Act, if they are not *Ex-officio* Councillors and are required to help Municipal institutions from without, in the same manner as Collectors are under the present Act. This suggestion is however made only in pursuance of the policy of the Act and not because it is believed that either Collectors or Divisional officers will in these days be able to influence Municipal Councillors against their will.

10. The Act and the Bill enable Collectors to record for the consideration of Municipal Councils any observations which they may wish to address to the Councils. It is submitted that if the Councils do not adopt the suggestions so addressed to them, they should be required to explain their reasons and send them through Collectors to the Government. Divisional officers should also be given similar power and Municipal Councils should, if they do not adopt their suggestions, be required to explain their reasons to Government through the Divisional officers and Collectors.

11. The general principles having thus been stated, the following amendments to the Act as proposed to be amended are suggested:—

12. Section 9 might be omitted.

13. Section 10b.—The penalty should include the forfeiture of the right to vote or to be elected as a Councillor.

14. Section 14.—The words "from among their own number" should be omitted and the following sentence should be added to the section. "The Chairman so elected by the Council and approved by the Governor in Council shall, if he is not a Councillor, be an additional Councillor irrespective of the strength of the Council prescribed under sections 9 and 13."

15. Section 15.—The words "the Revenue Officer in charge of the division of the district wherein such Municipality is situated" should be omitted and the words "any Government officer resident in such Municipality whom the Governor in Council may appoint" might be substituted. The Divisional officer's own work or the Municipal work suffers under the present arrangement.

16. Section 19.—It should be made clear in the case of the Chairman that he may be removed by Government for inefficiency after giving him full opportunity for explanation.

17. Sections 29 (4).—The Council by a majority of votes should have the power to exclude the public or any particular individual from meetings of the Municipal Council. The presiding officer should not have this power.

18. Section 30.—In clause 3 after the word "employed" add the words "or whose professional adviser he is".

In clause 4 the words "with the previous sanction of the Chairman" may be omitted.

A clause should be added to this section requiring the Chairman to submit to Government with the minutes of proceedings any minute of dissent which any Councillor may record and forward to him within 24 hours after the date of the meeting at which the resolution dissented from was passed.

19. Section 32.—Add the following as clauses 1(a) and 1(b).—

"1(a).—The Municipal Council shall divide its duties among the Councillors in such manner as will ensure the association of as many of them as possible in the actual administration of Municipal affairs."

"1(b).—The Municipal Council shall also appoint Committees consisting wholly of a certain number of Municipal Councillors or partly of such Councillors and partly of other inhabitants of the Municipality for the superintendence and management of educational institutions, Hospitals, Dispensaries, Choultries or other institutions maintained by the Municipal Council."

20. Section 34, Clause (i).—After the words "The Collector of the District" add the words "or the Revenue Divisional officer in charge of the division of the District."

Clause 1(ii).—The last sentence should be omitted.

Clause 1(iv).—The following sentence should be added to this clause. "The Municipal Council shall, if it does not adopt the suggestions contained in the observations so recorded, record its reasons and forward them as early as possible through the Divisional officer and the Collector to Government."

21. Section 38, Clause (iv).—The words "as required by section 32," should be added to this clause.

Clause (v).—The following should be substituted for this clause. "the procedure of the Committees appointed under clause 1 (b), section 32."

22. Section 51.—It is to be hoped that the meaning of this section will be made clearer before the Bill is passed into law. It has been construed by Municipal Councils as authorising them to remit or reduce taxes on appeal in any manner they choose.

23. Section 63 clause 2.—As a separate water and drainage tax is intended to be imposed, the sudden enhancement of the maximum of house and land tax to 10 per cent. of the annual value will be an undoubted hardship. It may therefore be left at 7½ per cent. and the maximum of water and drainage tax may be fixed at 5 per cent. so that the total may amount to 12½ per cent. or 2 annas in the rupee of annual value, which will still be a high rate.

24. Section 72.—There should be an appeal to the Council against the Chairman's refusal to refund house-tax on vacant houses. It will be hard to drive house-owners to resort to civil suits.

25. Section 113.—It is not clear why Municipal Funds should be spent for the application of the Indian Contagious Diseases Act.

26. Section 251.—Government should expressly take power to order expenditure not provided in the Council's Budget.

27. Schedule 4.—Class ii should include Merchants, Sowcars and Money-lenders whose capital is a lakh or more and Lawyers, etc., whose income is 2000 Rupees or more.

In clause b, (2), insert "money-lenders."

In clause b, (4), insert "brokers in grain, cloths or other articles of merchandise".

In clause iii and succeeding clauses, the following should be added. (1) "Owners or keepers of livery stables or hackney carriages." (2) "Owners or managers of theatricals and circuses."

28. The general increase of taxation proposed in the Bill seems to be inexpedient and unnecessary, as the present taxation is sufficiently heavy. What is wanted is equalisation of taxation by better administration, which is sure to result in increased revenue.

Salem, 3rd October 1895,

P. S. GANAPATI AIYAR.

No. 104, LEGISLATIVE, 15TH OCTOBER 1895.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

READ—the following paper :—

From M.R.Ry. P. S. GANAPATI AIYAR Avergal, B.A., Treasury Deputy Collector, Salem, to the Collector of Salem, dated 3rd October 1895, Ref. on No. 1416.

I have the honour to submit thirty printed copies of my "Remarks on the Bill to amend the District Municipalities Act, No. IV of 1884," and to request that you will be pleased to move the Legislative Department of Government to do me the honour of circulating the copies to all the Honourable Members of the Madras Legislative Council.

ENCLOSURE.

REMARKS on the Bill to amend the District Municipalities Act No. IV of 1884.

The following remarks are respectfully submitted to the Honourable Members of the Legislative Council for consideration in dealing with the Bill to amend the District Municipalities Act IV of 1884 (Madras).

2. Madras Act IV of 1884 was passed with the two fold object of ensuring efficiency of municipal administration and of giving political education to the people. Now that more than a decade has passed, it is well to examine how far these objects have been attained.

3. The existing system may be briefly summed up as follows.—There is a council of varying strength with a Chairman whom the law makes solely responsible for the executive administration of municipal affairs. The council is a body of men, some of whom are in most cases elected by the people, while the others are appointed by Government, the proportion of Government officials in any case being restricted to a maximum of one-fourth of the total number. As the Chairmen are solely responsible for the administration and councillors have little or no share therein, they have no interest in the practical working of the system and have little knowledge of its details. The Chairmen also are either Government officers who have their own official work to do or non-official gentlemen, generally professional gentlemen, who have their own professional work to attend to. The work of the Chairman, particularly in the larger municipalities, is as heavy as that of any Government executive officer and requires the whole time of a man. As, under the present system, Chairmen have other work and can devote but a portion of their time and even that not perhaps every day, it can hardly be expected that they will be able to attend to anything requiring any continuous thought or attention. Municipal administration is therefore virtually in the hands of subordinates who, as they are insufficiently supervised, are masters of themselves. The consequence is that the municipality does not get as much revenue as it ought to, taxation is not equally distributed, and people do not get an adequate return for their money. Also, except perhaps the Chairman, the councillors, as a body, have had little or no scope for political education.

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Please revise,
Send off 80 Copies with
paper docket, + 60 copies
in 4.0 form of which 24 sub
in blank copies
25/10

1895
Sept 11
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25-8
O. No.

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27. Schedule A.—Class ii should include merchants, sowcars and money-lenders whose capital is a lakh or more and lawyers, etc., whose income is Rs. 2,000 or more.

In clause b (2), insert "money-lenders."

In clause b (4), insert "brokers in grain, cloths or other articles of merchandise."

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Endorsement No. 1732-Sub.

Forwarded to the Chief Secretary to Government, Legislative Department.

(Signed) G. STOKES,
SALEM,
4th October 1895.
Collector.

ORDER—No. 104, Legislative, dated 15th October 1895.

Communicated to the Legislative Council.

(True Extract.)

Ag. Under Secretary.

To the Honble members of the
Legislative Council

Govt. of {1895} Madras.
LEGISLATIVE.

Issued

Recd.

Encl.

G.O., No. 104, 15th October 1895.

OCTOBER.

**Bill to amend Act IV of 1884 (The
Madras District Municipalities Act).**

Communicating to the Legislative Council
remarks made on the — by M.R. Ry. P. S. Gana-
pati Aiyar, Treasury Deputy Collector of Salem.

READ AGAIN ORDER OF GOVERNMENT, DATED
18 No.

BACK PAPER, No.

ENCLOSURE

CURRENT No.

STATEMENT WITH DITTO.

ORDER, E.C., OF GOVERNMENT—A.

REMARKS KEPT OUT OF FILE FOR DEBATOR IN ORIGINAL
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18/10/95

ORDINARY PRINTED.

Legre DEPARTMENT.
G.O. DATED - 15. 10. 95
No 104

INDEXED.

First copy sent to Press. 18/10/95

Returned for signature

Despatched in print.

[Despatch Abstract.]

Bill to amend act of 1886
(the Madras Municipalities
act)

Coming to the Legislative
Council remarks made on the
— by Mr. P. S. Guaspati
A. J. W. Treasurer & Collector
of Salem.

Paper No

95

*re St. Michael's act W
amending bill*

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No.
139

DATED

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT.

STATEMENT WITH DUTY.

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