

Legislative (1899). Department.

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G.O., No. 119

DATED 18.11.99

INDEXED.



[Despatch Abstract.]

Bill further to amend the Madras
Local Boards Act, 1884,

Coming to the Select Committee on the
—, propo. Lt. In depts. on the
subject of inserting in the Act
a provision for the removal of Chairmen
of Union Panchayats when found
incompetent or when they abuse
their powers.

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.

Government {1899} of Madras. LEGISLATIVE.

Recd.

Regd.

} 1899.

Enclosures

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G.O., No. 119, 18th November 1899.

NOVEMBER.

Bill further to amend the Madras Local Boards Act, 1884.

Communicating to the Select Committee on the — proceedings, Local and Municipal Department, on the subject of inserting in the Act a provision for the removal of Chairmen of Union Panchayats when found incompetent or when they abuse their powers.

GOVERNMENT OF MADRAS.

LEGISLATIVE DEPARTMENT.

Read—the following paper:—

G.O., Mis. No. 2308 L., dated 15th November 1899.

Read—the following letter from the President, District Board, Madura, to the Secretary to Government, Local and Municipal Department, dated 12th October 1899, R.C. No. 1037:—

The President of the Taluk Boards of Ramnad and Sivaganga solicits in his letter, C. No. 1154, dated 5th September 1899 (copy enclosed), instructions on the following points connected with the administration of Union Panchayats:—

(1) Whether Presidents of Taluk Boards can take upon themselves the powers vested in union chairmen under section 134 (3) of the Local Boards Act in regard to the punishment of union servants, especially of clerks?

(2) What procedure should be adopted to remove chairmen who are village headmen when they abuse their powers and are found to be utterly incompetent?

2. In regard to the first point, as the Act stands at present, the Presidents of Taluk Boards are powerless to punish union clerks. The draft Bill to amend Act V of 1884 gives to the Presidents of Taluk Boards power to transfer a clerk from one union to another under the same Taluk Board. The President of the Taluk Board reports that it is found to be very difficult to secure for the chairmanship in remote unions efficient and educated men, and therefore some of the unions have to be presided over by ill-educated and sometimes obstinate chairmen, and that under such union chairmen the union clerks are allowed to do just as they choose, and the affairs of the unions are mismanaged, and considers that, in cases like these, it is necessary for the efficient administration that the Taluk Board Presidents should be empowered to fine, suspend or dismiss bad union clerks subject to a right of appeal to the President, District Board, in all cases of suspension or dismissal.

3. In regard to the second point, under section 120 of the Act, every village headman is an *ex-officio* member of the Panchayat, and consequently when they are appointed chairmen, they do not vacate the office of chairman after the expiry of three years under section 124 (1) as other chairmen. Though not contemplated by the Act they grossly mismanage union affairs, act arbitrarily, and are refractory, the present Act makes no provision for relieving the unions of such chairmen unless the President of the Taluk Board brings pressure in his capacity of Divisional officer to bear upon them as village headmen—a course which is undesirable. In the draft Amendment Bill a clause is proposed to be added to such in 126 (3) to the effect that members and chairmen of unions may be removed “if they are likely to bring the Local Fund administration into contempt, &c.” It appears to me doubtful whether this clause will apply to chairmen who are *ex-officio* members of the Panchayat.

4. Possibly the Legislature has intended that the powers of the Presidents of Taluk Boards should be limited in the above points; but if it were otherwise, I would solicit their being considered by Government.

ENCLOSURE.

Copy of communication from the President of the Taluk Boards, Ramnad and Sivaganga, dated 5th September 1899, No. C. 1134.

I have the honour to inform you that under the Sivaganga and Ramnad Taluk Boards, there are eighteen unions, and each union has got a large number of servants employed under it. The chairmen, however, are utterly incapable of exercising the powers vested in them under sub-sections (2) and (3) of section 134 of the Local Boards Act, and are often totally indifferent to the faults and negligence of the union clerks. The result is that for proper administration of union affairs the President has to interfere and pass orders for such punishment as he deems proper against those who are found at fault. This is a state of things inevitable under the present circumstances in which it is impossible to get a public-spirited and a capable chairman in the remote interiors of the two big zamindaris comprising this division without communications worth the name. With reference to this I have the honour to enquire if a President can, under the present Act, fine, suspend, dismiss or transfer union clerks, that is, take upon himself the power vested in the chairmen under sub-section (3) of section 124 of the Act. The President is the final authority in such matters—*vide* sub-section (4)—and in the public interest, and it is necessary that in cases where the chairmen shut their eyes against their clerks' faults and misconduct, the President should fine, dismiss, or suspend as the case may be. It may be said that the President, under these circumstances, should pass proceedings and direct the chairmen to pass the order, and this procedure will be more strictly in accordance with the present Act. But the chairmen may not agree with the President, and instances are not wanting in which the former has gone completely against the order of the latter. There are many refractory chairmen, and it is not a very easy matter to remove them when they show such tendencies.

2. In this connection I bring to your notice another anomaly under the present Act. A village munsif is an *ex-officio* member of the Panchayat. If he is appointed a chairman, under the present Act, I presume he continues to be chairman as long as he is village munsif; for the three years' limit laid down in section 124 (1) does not apply in his case, and inasmuch as he never ceases to be a member he never ceases to be a chairman. This is a most unsatisfactory state of things. The Act never contemplated that unions should be presided over by permanent chairmen; but it has come to this in unions where village munsifs are chairmen. There is no way to get over the difficulty; village munsifs-chairmen, therefore, are perfectly free to do as they like, and the Presidents have no control over them. They know they cannot be removed, and I fancy my predecessor, finding himself in this difficulty, compelled the Ilayangudi Chairman to resign by threatening dismissal from his village munsif's appointment. I therefore solicit your instructions as to what should be the procedure in cases where village munsifs-chairmen are found to be utterly incompetent and abuse their powers, and at the same time do not openly commit themselves to any acts which may make them liable to punishment in the hands of the revenue officer as village munsif. If it is necessary to remove such chairmen, the only course is to remove them as village munsifs first and that can only be done by the revenue officer.

The two points referred to above may, if necessary, be submitted for orders of Government and an authoritative opinion obtained, as was done in the subject of appointment of union servants—*vide* G.O., Mis. No. 2333 L., dated 1st December 1897.

Order—Mis. No. 2308 L., dated 15th November 1899.

The Government does not consider it desirable to transfer to the Presidents of Taluk Boards the power vested in the Chairmen of Union Panchayats under section 134 (3) of the Local Boards Act, in regard to the punishment of union servants.

2. The advisability of providing for the removal of the Chairmen of Union Panchayats who are village headmen when they abuse their powers or are found to

4 No. 119, LEGISLATIVE, 18TH NOVEMBER 1899.

be utterly incompetent will be communicated in the Legislative Department for the consideration of the Select Committee of the Legislative Council now sitting on the Bill further to amend the Local Boards Act.

(True Extract.)

(Signed) M. HAMMICK,
Ag. Secretary to Government.

To the President, District Board, Madura.
,, Legislative Department.

ORDER—No. 119, Legislative, dated 18th November 1899.

Communicated to the Select Committee on the Bill further to amend the Madras Local Boards Act, 1884.

(True Extract.)

M. HAMMICK,
Ag. Secretary to Government.

To the Select Committee on the Bill further to amend
the Madras Local Boards Act, 1884.

Legislative (1899) Department.

CURRENT No. 438

From
The Local Municipal Dept.

Order No. 119 d/18.11.99.

Communicated to the Select Committee
on the Bill further to amend the Madras Local
Boards Act, 1884.

No. 2308 (Mun)

Dated 15-11-99.

Received 316-11-99

Registered

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SUBJECT.

Union Panchayats.

Stating with remark, that
the Government does not consider
it desirable to transfer to the
President of Taluk Boards the
power vested in the Government
in regard to the punishment of
Union servants.

BACK PAPERS.

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189

DATED

CURRENT No.

438

ENCLOSURE TO O. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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